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VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County
Honorable Perry M. Buckner, Circuit Court Judge

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SC Court of Appeals
RESPONDENT,

THE STATE,

V.

ROHAIME JAMAR HOPKINS,

APPELLANT

APPELLATE CASE NO. 2017-001224

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (MAY 15-17, 2017)	1
OPENING STATEMENT BY MS. JONES	9
OPENING STATEMENT BY MR. LEE	14
TESTIMONY	
RUSTY WELLS	
Direct Examination by Ms. Jones	22
JUSTIN KESSELRING	
Direct Examination by Ms. Jones	26
Cross Examination by Mr. Lee	28
Redirect Examination by Ms. Jones	29
SHARDAJA SINGLETON	
Direct Examination by Ms. Jones	30
Cross Examination by Mr. Lee	33
STEPHON ASHBY	
Direct Examination by Ms. Jones	34
Cross Examination by Mr. Lee	37
MIKE DAVIS	
Direct Examination by Ms. Jones	41
ELVIN WRIGHT	
Direct Examination by Ms. Jones	46
Cross Examination by Mr. Lee	53
ROBIN SIMMONS	
Direct Examination by Ms. Jones	59
Cross Examination by Mr. Lee	84
Redirect Examination by Ms. Jones	92
RICHARD JOHNSON	
Direct Examination by Ms. Jones	93
Cross Examination by Mr. Lee	105

DAYTRON SIMMONS

Direct Examination by Ms. Jones	111
Cross Examination by Mr. Lee	117
Redirect Examination by Ms. Jones.....	118

ANTOINE DRAKE

Direct Examination by Ms. Jones	120
Cross Examination by Mr. Lee	136
Redirect Examination by Ms. Jones.....	171
Recross Examination by Mr. Lee.....	173

SHAQUANDULYNN CHANEYFIELD

Direct Examination by Ms. Jones	175
Cross Examination by Mr. Lee	180
Redirect Examination by Ms. Jones.....	181

JAVARE SHULER

Direct Examination by Ms. Jones	182
Cross Examination by Mr. Lee	187

LATANYA SINGLETON

Direct Examination by Ms. Jones	189
Cross Examination by Mr. Lee	198
Redirect Examination by Ms. Jones.....	200
Recross Examination by Mr. Lee.....	201

SHAUN HARLEY

Direct Examination by Ms. Jones	202
Cross Examination by Mr. Lee	207

ANGEL SIMMONS

Direct Examination by Ms. Jones	211
Cross Examination by Mr. Lee	217
Redirect Examination by Ms. Jones.....	221

RICHARD JOHNSON

Direct Examination by Ms. Jones	222
Cross Examination by Mr. Lee	239
Redirect Examination by Ms. Jones.....	272

MICHAEL TAYLOR

Direct Examination by Ms. Jones	282
Cross Examination by Mr. Lee	293

JANEIKA DUPONT

Direct Examination by Ms. Jones	302
Cross Examination by Mr. Lee	306
Redirect Examination by Ms. Jones.....	311
Recross Examination by Mr. Lee.....	312

JAKOBIE GRANT

Direct Examination by Ms. Jones	313

DAVID WILLIAMS

Direct Examination by Ms. Jones	317
Cross Examination by Mr. Lee	319

BYRON SINGLETON

Direct Examination by Ms. Jones	320
Cross Examination by Mr. Lee	330
Redirect Examination by Ms. Jones.....	341
Recross Examination by Mr. Lee.....	343

HALEY QUAM NELSON

Direct Examination by Ms. Jones	344
Cross Examination by Mr. Lee	357

KIMBERLY MEARS

Direct Examination by Ms. Jones	362
Cross Examination by Mr. Lee	366

DONNA MONEY

Direct Examination by Ms. Jones	369
Cross Examination by Mr. Lee	380

SUZANNE CROMER

Direct Examination by Ms. Jones	383
Cross Examination by Mr. Lee	395

KAREN MILBRODT

Direct Examination by Ms. Jones	398
Cross Examination by Mr. Lee	422
Redirect Examination by Ms. Jones.....	432

KAREN MILBRODT

Direct Examination by Ms. Jones	435
Cross Examination by Mr. Lee	443
Redirect Examination by Ms. Jones.....	447

SUSAN ERIN PRESNELL	
Direct Examination by Ms. Jones	448
Cross Examination by Mr. Lee	456
RENEWAL OF ALL PREVIOUS MOTIONS	458
MOTION FOR A DIRECTED VERDICT	458
CLOSING ARGUMENT BY MS. JONES	459
CLOSING ARGUMENT BY MR. LEE	477
CHARGE ON THE LAW	502
VERDICT	521
SENTENCING	522
STATE’S EXHIBITS #7 – #9 (CELL PHONE RECORDS)	523
STATE’S EXHIBIT #13 (STATEMENT)	528
INDICTMENT	529
CERTIFICATE OF COUNSEL	531

1 In the Court of General Sessions for the
2 State of South Carolina, County of Jasper

3

4 Case No.: 2015GS2700144

5 State of South Carolina,

6 Plaintiff(s),

7 vs. Transcript of Record

8 Rohaime Hopkins,

9 Defendant(s).

10

11

12

TRIAL TRANSCRIPT

13

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15

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May 15-17, 2017

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Ridgeland, South Carolina

18

19 BEFORE:

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The Honorable Perry M. Buckner

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JURY SELECTION

1 week.

2 Solicitor, please call your case.

3 MS. JONES: Thank you, Your Honor. May it please
4 the Court. State calls Rohaime Jamar Hopkins,
5 indictment 2015GI2700144 as a charge of murder.

6 THE COURT: Okay, ladies and gentlemen, the State
7 has called to trial the case of State of South Carolina
8 versus Rohaime Jamar Hopkins. Mr. Hopkins is seated in
9 the courtroom with his attorney, Mr. Lee. I'm going to
10 have them introduce themselves to you and where they're
11 from and who they work with. The defendant is charged
12 by this piece of paper which I hold in my hand. We
13 call this an indictment. The indictment is not
14 evidence of any of the allegations contained in the
15 indictment.

16 The defendant is charged with the offense of
17 murder. To this offense, the defendant has pled not
18 guilty. Because the defendant has pled not guilty,
19 that places the burden on the State of South Carolina
20 to prove each and every element of the offense beyond a
21 reasonable doubt. And if you are selected as a juror
22 in the trial of the case, it will be your duty to
23 determine whether or not the State has met that burden.

24 Now, ladies and gentlemen, I'll ask that the
25 lawyers that are going to be trying this case,

JURY SELECTION

1 introduce themselves, their case manager, and in the
2 case of the defendant introduce the defendant by
3 standing and facing you, so that you can see their face
4 when they introduce themselves and the people in their
5 office. They will identify for you who they are, who
6 they work with. They will also identify for you their
7 case manager or in the case of the defendant, the
8 defendant.

9 Beginning with counsel for the State of South
10 Carolina.

11 MS. JONES: Thank, Your Honor.

12 Good afternoon, my name is Mary Jones, and I am an
13 assistant solicitor here in Jasper County. Solicitor
14 is a fancy name for the prosecutor. Seated with me
15 throughout the duration of this trial is Brian Hollen.
16 He is also an assistant solicitor; he's predominantly
17 in Hampton and Allendale County. Also seated with us
18 throughout the trial is Special Agent, an officer with
19 the South Carolina Law Enforcement Division.

20 THE COURT: Counsel for the defendant.

21 MR. LEE: Thank, Your Honor.

22 My name is Scott Lee. I have a solo practice over
23 in Beaufort, not too far down to the road. This is my
24 client.

25 THE COURT: Please stand. Face my jury panel.

JURY SELECTION

1 Turn around so they can see you. Identify where he's
2 from, Mr. Lee.

3 MR. LEE: He is from Ridgeland.

4 THE COURT: This is the defendant, ladies and
5 gentlemen, Roham -- am I pronouncing that right?

6 MR. LEE: Rohaime.

7 THE COURT: Rohaime Hopkins of Ridgeland, South
8 Carolina who is represented by Mr. Scott Lee of the
9 Beaufort County Bar.

10 All right, ladies and gentlemen, my first
11 question. Has any member of my jury panel related by
12 blood, connected by marriage or a close personal friend
13 of the defendant, Rohaime Jamar Hopkins of Ridgeland,
14 South Carolina? If so, will you stand at this time.

15 Let the record reflect no one is standing.

16 You have met counsel for the State of South
17 Carolina. You have also met counsel for the defendant.
18 The State is represented by the assistant solicitors,
19 Mr. Hollen and Ms. Jones. I ask, ladies and gentlemen,
20 is any member of my jury panel related by blood,
21 connected by marriage or a close personal friend of any
22 of the attorneys for the State of South Carolina? If
23 so, please stand at this time.

24 Let the record reflect no one is standing.

25 Is any member of my jury panel ever been

JURY SELECTION

1 represented in the past by any attorney for the State
2 of South Carolina or currently represented by any
3 attorney for the State of South Carolina or any member
4 of the 14th Judicial Circuit Solicitor's office? If
5 so, please stand at this time.

6 Let the record reflect no one is standing.

7 You have also met counsel for the defendant,
8 Mr. Scott Lee. Mr. Lee's office is in Beaufort, South
9 Carolina. Mr. Lee represents the defendant,
10 Mr. Hopkins. Is any member of my jury panel related by
11 blood, connected by marriage or a close personal friend
12 of counsel for the defendant, Mr. Scott Lee? If so,
13 please stand at this time.

14 Let the record reflect no one is standing.

15 Is any member of my jury panel ever been
16 represented in the past by Mr. Lee or currently
17 represented by Mr. Lee? If so, please stand at this
18 time.

19 Let the record reflect no one is standing.

20 Now, ladies and gentlemen, I hold in my hand this
21 indictment. The indictment alleges that this occurred
22 in Jasper County on or about November the 12th, 2014.
23 It alleges that the defendant, Mr. Hopkins, committed
24 the offense of murder. That is with malice
25 aforethought, that Mr. Hopkins did kill and murder one

JURY SELECTION

1 Terrance Johnson, J-O-H-N-S-O-N, by means of shooting
2 him, and that Terrance Johnson did die in Jasper County
3 as a proximate result thereof on November the 12th,
4 2014.

5 I tell you about those allegations in the
6 indictment in order to ask you this: Is any member of
7 my jury panel heard about, read about or know anything
8 whatsoever about the facts which are alleged in this
9 case? If so, please stand at this time.

10 Let the record reflect no one is standing.

11 Margaret.

12 All right, ladies and gentlemen, I'm advised that
13 there are potential, I emphasize that word, potential
14 witnesses in this case. The list is long. I'm going
15 to read out the list. I'm going to identify if they're
16 present, like Mr. Johnson over there. I'm going to
17 have him stand up. He is on my list as a potential
18 witness, but some of them won't be here.

19 I'm going to identify not only who they are, I'm
20 going to identify where they're from or by whom they
21 are employed. When I finish going through -- and that
22 doesn't mean that they are all going to testify, but
23 they are potential witnesses in the trial of this case.
24 When I finish reading the list, I'm going to ask you
25 whether you're related by blood, connected by marriage

JURY SELECTION

1 Let the record reflect no one is standing.

2 Any member of my jury panel formerly a member of
3 the Jasper County grand jury which found the
4 indictments in this case? If so, please stand at this
5 time.

6 Let the record reflect no one is standing.

7 Any member of my jury panel ever been the victim
8 of a violent crime? If so, please stand at this time.

9 Name and juror number, please.

10 JUROR: Alla Mew.

11 THE CLERK: Juror number 120.

12 THE COURT: Counsel, this is 120, Mr. Mew.

13 Mr. Mew, you were the victim of a violent crime?

14 JUROR: I was per se the victim of a violent
15 crime.

16 THE COURT: I can't hear you. You've got to hold
17 the microphone up.

18 JUROR: I was per se the victim of a violent
19 crime.

20 THE COURT: All right, that one was 120. The fact
21 that you had that situation, would that in any way
22 affect your ability to give the State in this case or
23 the defendant in this case a fair and an impartial
24 trial?

25 JUROR: No, sir.

FURTHER JURY INSTRUCTIONS

1 MR. LEE: No, sir.

2 THE COURT: Ladies and gentlemen of the jury, we
3 will now begin the trial of this case.

4 Solicitor.

5 MS. JONES: Thank you, Your Honor. May it please
6 the Court.

7 THE COURT: Proceed.

8 OPENING STATEMENT BY THE STATE

9 MS. JONES: Love, happiness, a life. There's some
10 things in this world that are simply invaluable. You
11 cannot put a price tag on them. The Defendant, Rohaime
12 Hopkins, would disagree. Terrance Johnson's life had a
13 price tag, a 15,000-dollar price tag. Rohaime Hopkins
14 was going to get that money. So, on November 12th of
15 2014, he shot Terrance Johnson five times.

16 Now, on November 12th of 2014, unfortunately, it
17 started just as it would end, with a life lost. People
18 were gathered at an area called Simmons Hill. Over on
19 Knowles Island Road about maybe ten minutes from here
20 and it's an area that consists of maybe three or four
21 homes and they are all lived in by members of the
22 Simmons family. Now, the Simmonses had just lost their
23 grandmother, and so, people, friends, family were there
24 to pay their respects. Terrance Johnson was there and
25 the Defendant, Rohaime Hopkins, was also there.

OPENING STATEMENT BY THE STATE

1 Now, the Defendant is from a nearby area of town
2 called Roseland. It's rural. There's not a whole lot
3 over there and it's a couple of minutes, five minutes
4 or so away from Simmons Hill. Well, while at Simmons
5 Hill he kept asking to take -- for T.J., Terrance, to
6 take him to Roseland. He needs to go home. He needs
7 to go home. He needs to go home. Well, T.J. says
8 fine. He takes him to Roseland. Why does he have to
9 go to Roseland? Well, he changes his clothes. He
10 changes his clothes into all black clothing.

11 Well, they come back to Simmons Hill. Just the
12 two of them. At this point it's getting a little bit
13 later. Some people have already left for the night and
14 others are getting ready to leave. Well, the
15 Defendant, he needs to go back to Roseland, and there's
16 only one person he wants to take him and that's
17 Terrance Johnson. Not only does Terrance Johnson take
18 him, but the Defendant insists they go alone.

19 Now, T.J., he sold marijuana and he had some on
20 him that night. And the Defendant makes a phone call
21 to his friend, Latanya Singleton, which you might hear
22 referred to as Tutu. They go to Latanya's house.
23 Ironically, she lives in Roseland. And it's just T.J.
24 and it's just the Defendant. They're there a little
25 while. They're talking. The Defendant goes inside,

OPENING STATEMENT BY THE STATE

1 does something. They come back outside.

2 They get there in T.J.'s car. T.J. is driving.
3 Well, they're there for a little bit and they leave
4 together, just the two of them in T.J.'s car. Well,
5 about 20 minutes later, the Defendant comes back. This
6 time he's on foot. T.J. is not with him nor is T.J.'s
7 car anywhere around. T.J. ultimately dies in Roseland.
8 He is shot and killed outside and found outside of his
9 car in Roseland. Tutu lives about 500 yards from where
10 T.J. was found, an easy walk.

11 T.J. had phone records. At 9:02 he sends his last
12 text message. At 9:10 p.m. --

13 THE COURT: Speak up, Solicitor.

14 MS. JONES: At 9:10 p.m. he makes his last
15 outgoing phone call and at 9:37 the night of November
16 the 12th while on the phone with his fiancée, Angel
17 Simmons, they are disconnected. She calls him back
18 repeatedly, over and over and over. She calls T.J. He
19 doesn't answer. It rings and goes to voice mail.

20 That's because at 9:37 Rohaime Hopkins was shooting
21 T.J. They were together. They were alone. They were
22 at the Defendant's home area when he murders T.J.

23 In the meantime, some neighbors hear some
24 gunshots. They say it's between 9:00 and 10:00.
25 Consistent with phone records. They heard five to six

OPENING STATEMENT BY THE STATE

1 gunshots that night. T.J. was shot five times.

2 You are going to hear from a lot of people during
3 this trial. You're going to hear from Mr. Kesselring
4 and the neighbors. You're going to hear from the
5 police who respond. We have local Jasper County
6 Sheriff's Office as well as State Law Enforcement
7 Division. You're going to hear from the paramedic who
8 responded who knew when he got there, there was -- he
9 couldn't help T.J.

10 And you're going to hear from people who were at
11 Simmons Hill that day. Now a lot of those people,
12 they're not thrilled to be here. They don't want to
13 testify; they don't want to cooperate. But they are.
14 And they will be here. And they are going to tell you
15 what they saw that day and what they heard that day. I
16 ask that you listen to them, you pay attention to their
17 words, and pay attention to their demeanors on that
18 witness stand.

19 Finally, you're going to hear from a man named
20 Byron Singleton. Now, Byron Singleton is currently in
21 jail. He is charged with murder. He is going to be
22 here to testify. And what he's going to tell you is
23 that while in jail, he struck up a friendship with the
24 Defendant, Rohaime Hopkins. And during this friendship
25 Rohaime told him he did it. You are probably going to

OPENING STATEMENT BY THE STATE

1 say, he is in jail; why would I believe him? Listen to
2 what he tells you, the words, the information, and you
3 will know that he is telling the truth.

4 Rohaime Hopkins tells Byron he did it. He tells
5 him where he did it, in his home area, Roseland, and
6 he's going to tell you why he did it, the motive. And
7 that's the \$15,000 that I mentioned earlier.

8 You know, you see, a man by the name of Trey
9 Graves, who's currently serving a 28-year federal
10 prison sentence, called a hit out on Terrance Johnson.
11 Now the reasons why differ, but we know Trey Graves
12 called the hit. Terrance Johnson had to die. And
13 whoever signed that contract, whoever fulfilled that
14 hit would be paid handsomely. The Defendant accepted
15 this challenge and on November 12th he satisfied that
16 contract.

17 Now, just like Judge Buckner said, this is not
18 television. This is not Law and Order. This is not
19 CSI. You're not going to have that "aha!" moment from
20 the witness stand. It is tedious. It's going to be
21 long. And it's a puzzle. Because every witness that
22 gets on that witness stand, every word that they say,
23 every picture that you see, every exhibit that's
24 admitted is a piece to that puzzle. And at the end of
25 this trial, at the end of all of the testimony and all

OPENING STATEMENT BY THE STATE

1 of the evidence presented, you will have all of your
2 pieces to put that puzzle together. And that puzzle
3 shows one thing and that is that the Defendant is
4 guilty, because to him Terrance Johnson was worth more
5 dead than alive.

6 Thank you.

7 THE COURT: Mr. Lee.

8 MR. LEE: Thank you, Your Honor. May it please
9 the Court. Ms. Jones.

10 THE COURT: Proceed.

11 OPENING STATEMENT BY THE DEFENSE

12 MR. LEE: Good afternoon everybody.

13 When I was a kid I used to love to read. I would
14 read as many books as I could. And one of the books
15 that I really liked was about a detective named
16 Sherlock Holmes. You may have heard of him before.
17 And Sherlock Holmes would have these cases and he would
18 end up solving these cases.

19 And he had a sidekick named Watson who just
20 thought Holmes just hung over the moon. He thought he
21 was so smart. Says he was a great guy. So, the
22 sidekick Watson was always there and then at the end of
23 the story or the mystery, Sherlock Holmes would explain
24 to Watson, this is how I figured it out. And he also,
25 the author, by doing that would explain to the reader,

OPENING STATEMENT BY THE DEFENSE

1 this is how he figured it out.

2 So my favorite story of all times was Sherlock
3 Holmes was investigating a castle that had been broken
4 into, and he's talking to all of the people that lived
5 around there and all of the witnesses, and he kept
6 asking the people: There were two dogs here. Did
7 anybody hear the dogs bark? And I'm like, why is he --
8 why is he asking about the dogs? Why is he asking
9 about the dogs? So anyway, to a person, every person,
10 said, I didn't hear any dogs barking, the dogs that
11 lived there. So at the end of the story, they figured
12 out that the person that burglarized the castle knew
13 the dogs and the dogs knew him. That's why they didn't
14 bark.

15 And so at the end of the story the way that Holmes
16 relates that to the reader and to Watson, is, he says,
17 "My Dear Watson, most of the times in finding the truth
18 what's most important is not what you see or hear, but
19 what you don't see and you don't hear. What you don't
20 see and you don't hear. Nobody heard the dogs.

21 What does that have to do with this? Well, it's a
22 good way to look at a criminal case. Because the State
23 of South Carolina, in this case the Solicitor's Office,
24 before you as a jury can convict anybody, find them
25 guilty of anything, the State has to bring everything

OPENING STATEMENT BY THE DEFENSE

1 to you to prove a case beyond a reasonable doubt.
2 That's the standard that y'all have to look for and
3 critique and observe in a criminal case, proof beyond a
4 reasonable doubt.

5 So, what is proof beyond a reasonable doubt?

6 Well, a reasonable doubt has been defined as the type
7 of doubt that causes a reasonable person in making one
8 of life's important decisions to hesitate to act. To
9 hesitate to act. Proof beyond a reasonable doubt, I
10 think the Judge will define, is the type of proof from
11 the State that leaves you firmly convinced of a
12 defendant's guilt. Firmly convinced.

13 And you may say, gee, that sounds like -- kind of
14 like a pretty high standard. I mean you're telling me
15 that if we hesitate to act -- because if we hesitate to
16 act, that the proper verdict and the only verdict is
17 not guilty; and if we're not firmly convinced beyond a
18 reasonable doubt that it's a not guilty verdict? Well,
19 that's correct.

20 And the reason that the standard is so high is,
21 think about it, if someone is convicted, think of the
22 consequences that happen, in general. People get in
23 prison. People lose their reputation. They lose their
24 liberty, everything else. Fines, whatever the case may
25 be. So that's why the standard is so, so high of that

OPENING STATEMENT BY THE DEFENSE

1 proof beyond a reasonable doubt.

2 Well, gees, that still seems like a lot to ask of
3 the State. Well, think about it. The State has all of
4 the power. They have all of the resources. You are
5 going to hear about the incredible resources at their
6 disposal that they used in this case. The SLED agent
7 here -- there's multiple SLED agents. There's multiple
8 Jasper County people with EMS. There's the fire.
9 There's a SLED for forensics, DNA, fingerprint. They
10 can do it all up there. The State has all of that at
11 their disposal. Well, they should because that is what
12 is supposed to be done in a criminal case. Before you
13 can take away somebody's liberty and freedom and
14 everything else, you have got to prove it beyond a
15 reasonable doubt.

16 And that is where y'all come in. So the State,
17 their job is to present it to you and say, jury, here
18 we go. We have shown you beyond a reasonable doubt
19 through evidence that this guy is guilty. They will
20 not be able to do that. They absolutely will not be
21 able to do that in this case. And the main reason is
22 because of what you don't see and you don't hear. The
23 things that make you hesitate to act. The things that
24 do not leave you firmly convinced of Rohaime's guilt.
25 Most of the time in finding the truth what's most

OPENING STATEMENT BY THE DEFENSE

1 important is not what you see and hear, but what you
2 don't see and you don't hear.

3 Guess what, I don't care who -- what solicitor it
4 is. They aren't going to tell you everything. And so
5 you're going to have to hear a lot of the rest of the
6 story from our side, and that will primarily be through
7 cross examination of their witnesses. And when they
8 don't tell you something but they leave something out,
9 something that's very important because you have such a
10 duty on your hands sitting in judgment of Mr. Hopkins,
11 you have to ask yourself, why didn't the State want me
12 to know that? I have this tough job. Why didn't they
13 let me know that? That is important. That isn't fair.
14 And that's what's going to come from that side.

15 And you may want to ask yourself, is the State
16 telling me what they want me to know or what I need to
17 know, as a juror what I need to know. Because there's
18 all kind of things you're not going to hear until we
19 get up there and we are able to cross-examine some of
20 these officers. And in doing that, I will apologize in
21 advance, I -- I don't know any of y'all. I wished our
22 kids grew up together and we knew each other and we
23 could talk about this case, you know, through lunch or
24 something, but I'm going to apologize in advance
25 because I don't know you.

OPENING STATEMENT BY THE DEFENSE

1 There's -- there's some pretty shady people
2 involved in this case, and there's some really --
3 probably will be some bad language, not from -- not
4 from us but repeating things. And there's going to be
5 some not so nice situations. And, you know, we're in
6 court and we have got to keep it real, but I'm just
7 going to apologize in advance, and not knowing you,
8 some of this stuff is going to come out. I may have to
9 quote something to someone on the stand and use
10 language that I never would use in front of any of you
11 guys normally. So, that's going to be awkward.

12 I don't know how many witnesses they're planning
13 on calling or how long they plan on -- on trying this
14 case. But let me tell you, there are some witnesses
15 that I believe are a lot more important than others.
16 And the solicitor talked about her version of what
17 happened and how it fits her little puzzle fits right
18 in her mind.

19 And one of the people that she's referring to is
20 Latanya Singleton who is also known as Tutu. Her story
21 doesn't work without Tutu and Tutu being believable.
22 Well, you're going to hear about Tutu. You're going to
23 hear a lot about Tutu. And it's not going to be coming
24 from them; it's coming from us and from her on the
25 stand.

OPENING STATEMENT BY THE DEFENSE

1 There is a guy, Antoine Drake. You're going to
2 hear a lot about him, because he is a very important
3 part of this puzzle that she's talking about. And you
4 won't believe some of the things that you will hear
5 about Antoine Drake.

6 And Byron Singleton, the guy who -- that is going
7 to come in and, I guess, get some kind of a deal on his
8 murder case because he's going to say that my client
9 said something to him in Charleston.

10 And there is also a very important witness that I
11 want you to think about and we'll see what he says.
12 His name is Phil Simmons. I'm sure the solicitor isn't
13 going to hide anything from you. I'm sure the
14 solicitor will call him because he has some really
15 interesting things to say. And he's one of the few
16 people that -- that kind of don't seem to have a lot of
17 stuff surrounding him. But Phil Simmons will be
18 called.

19 And then, obviously, Officer Johnson as the lead
20 investigator, and you're going to hear from him. And
21 you can hear -- a lot of stuff you are not going to
22 hear from him, stuff that you need to know, that you
23 should know, that you are entitled to know, that you
24 have got to know. And what I think you will see at the
25 end of his testimony, after he's been cross-examined,

OPENING STATEMENT BY THE DEFENSE

1 it is -- it will probably remind you of the Bible verse
2 saying, to whom much is given, much is expected. We
3 give the police, law enforcement, prosecutors a lot of
4 power, a lot of resources, a lot of latitude, a lot of
5 breaks and we need to.

6 But with that comes an obligation to Rohaime
7 Hopkins, to anybody else, anybody else for them to do
8 what they are supposed to do, to cross their Ts, dot
9 their Is, look under the rocks, particularly in a case
10 this serious and to whom much is given, much is
11 expected.

12 It's easy to play Monday morning quarterback
13 sometimes; this is a lot different. I'm going to --
14 I'm going to ask him about things and I'm going to
15 expect things out of him. And if he gets mad at me, if
16 he gets upset about my cross examination, saying you
17 didn't do this or you didn't do that, don't -- don't --
18 don't blame Mr. Hopkins. Don't be mad at him. Blame
19 me, saying, hey, you went too far. But to whom much is
20 given, much is expected, particularly in a case like
21 this.

22 So, the nice little buttoned up version that
23 Ms. Jones gave in her opening isn't going to fly. She
24 ain't going to be able to prove it and there's going to
25 be evidence that completely blows that little picture

OPENING STATEMENT BY THE DEFENSE

1 out of the water. And you are going to hear about that
2 from us.

3 So, in closing and so they can start their --
4 their case, they get to go first. All I would ask --
5 they get to present all of their witnesses first. They
6 get to ask questions before we do. I would just ask
7 you, don't make up your mind. Don't say that sounds
8 pretty good, I will quit listening. Because, most of
9 the time in determining the truth it's not what you see
10 or hear, but what you don't see and what you don't
11 hear.

12 THE COURT: Call your first witness.

13 MS. JONES: The State calls Rusty Wells.

14 THE COURT: Counsel approach.

15 (Off-the-record discussion held.)

16 THE COURT: Please swear the witness, Madam Clerk.

17 Thereupon,

18 RUSTY WELLS

19 was called as a witness, having been first duly sworn, was
20 examined and testified as follows:

21 THE COURT: Have a seat. Make yourself
22 comfortable, pull that chair up and adjust the
23 microphone which is going to amplify your voice to your
24 height. You need to speak up so everybody -- see that
25 gentleman back there on the back row.

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 WITNESS: Yes, sir.

2 THE COURT: That's Mr. Lambert. He's been my
3 guinea pig today. But I want him to be able to hear,
4 so I need to make sure that you're speaking loud enough
5 that he can hear you. Would you begin by stating your
6 full name, spelling your last name for the court
7 reporter.

8 WITNESS: My name is Russell Wells, W-E-L-L-S.

9 THE COURT: Your witness, Counselor. Direct
10 examination.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES

14 Q. I see you're in a uniform. Where do you work?

15 A. Jasper County Emergency Services.

16 Q. And in what capacity do you work with Emergency
17 Services?

18 A. EMS director.

19 Q. What are some of your duties?

20 A. Firefighter, 911 communications emergency
21 management.

22 Q. You mentioned 911 communications.

23 A. Yes, ma'am.

24 Q. Were you asked to pull a 911 call for the case
25 we're here for today?

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 A. Yes, ma'am.

2 Q. And did you in fact do that?

3 A. Yes, ma'am.

4 Q. And did you review something prior to trial?

5 A. Yes, ma'am.

6 MS. JONES: Permission to approach, Your Honor?

7 THE COURT: You may.

8 BY MS. JONES:

9 Q. Mr. Wells, I'm showing you what's been marked as
10 State's Exhibit 1.

11 A. Okay.

12 Q. Can you identify that?

13 A. Yes, ma'am.

14 Q. And what is that?

15 A. That would be the 911 call.

16 Q. For?

17 A. The audio.

18 Q. Okay. And that was received on November 13, 2014?

19 A. Yes, ma'am.

20 Q. And is this a fair and accurate copy of that 911
21 call?

22 A. Yes, ma'am, it is.

23 Q. No alterations?

24 A. No, ma'am.

25 MS. JONES: Your Honor, at this time the State

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 moves State's 1 into evidence.

2 THE COURT: As to State's Exhibit 1, Mr. Lee.

3 MR. LEE: No objections.

4 THE COURT: Ladies and gentlemen of the jury,
5 State's Exhibit No. 1 will be admitted into evidence in
6 the trial of this case without objections. State's 1
7 is in evidence. You may now publish to the jury.

8 *(Whereupon, State's Exhibit No(s). 1 marked for*
9 *identification and received in evidence.)*

10 MS. JONES: Thank you, Your Honor.

11 (Playing CD of audio 911 call.)

12 MS. JONES: I have no further questions of this
13 witness, Your Honor.

14 THE COURT: Cross examination.

15 MR. LEE: No questions, Your Honor.

16 THE COURT: As to this witness, Solicitor.

17 MS. JONES: He may be excused.

18 THE COURT: Any objection, Mr. Lee?

19 MR. LEE: No, sir.

20 THE COURT: Mr. Wells, you may step down from the
21 witness stand. You are excused from the trial of this
22 case and may leave the courtroom.

23 Call your next witness.

24 MS. JONES: The State calls Justin Kesselring.

25 Thereupon,

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 JUSTIN KESSELRING

2 was called as a witness, having been first duly sworn, was
3 examined and testified as follows:

4 THE COURT: Have a seat, Mr. Kesselring. Pull
5 that chair up and adjust it, and adjust the microphone
6 to your height so it can amplify your voice. Speak up
7 so my entire jury and the people in here can hear you.
8 State your full name. Spell your last name for the
9 court reporter.

10 WITNESS: Justin Kesselring, K-E-S-S-E-L-R-I-N-G.

11 THE COURT: Your witness, Counselor. Direct
12 examination.

13 MS. JONES: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MS. JONES

16 Q. Mr. Kesselring, where do you live?

17 A. Knowles Island Road.

18 Q. And where is that in relation to Knowles
19 Island Road?

20 A. That is a good question. I guess right across the
21 street.

22 Q. Okay. Is that in Jasper County?

23 A. Yes.

24 Q. Okay. And what is that area like? Can you
25 describe that area?

DIRECT EXAMINATION OF JUSTIN KESSELRING BY MS. JONES

1 A. It is quiet. I mean, never had any troubles down
2 there. Been there for about six years.

3 Q. Is it pretty rural or is there a lot around in
4 that area?

5 A. It is pretty rural.

6 Q. Do you remember November 12, 2014?

7 A. Yes.

8 Q. And what do you remember about that night?

9 A. Just getting into the bed, heard some shots,
10 looked out a window. I didn't see anything. Just didn't
11 think much about it. And then we hear shots around there
12 all the time. People clinging around with guns. Didn't
13 think anything about it.

14 Q. Do you recall what time this was?

15 A. Probably at 9:00 or a little after 9:00.

16 Q. Do you know how many shots you heard?

17 A. I didn't count them. I mean it was multiple. It
18 was more than one.

19 Q. You said you looked out the window. Did you see a
20 car?

21 A. No.

22 Q. You didn't see headlights or anything?

23 A. No.

24 Q. Did you come across something the next morning?

25 A. Yes, as I was leaving to go to work, there was a

DIRECT EXAMINATION OF JUSTIN KESSELRING BY MS. JONES

1 car across the street and there was a body laying next to
2 it.

3 Q. Okay. What did you do when you discovered this?

4 A. Well, I had my daughter in the car; so, I went
5 around the block and took her to a friend's house and then
6 came back and called 911.

7 Q. Okay. And did you stay on scene until --

8 A. (Nods head.)

9 Q. -- the police got there?

10 A. Yes.

11 THE COURT: You have to say yes. Don't nod your
12 head.

13 WITNESS: Sorry about that.

14 THE COURT: That's all right.

15 MS. JONES: Mr. Kesselring, I don't have any more
16 questions for you. Thank you.

17 THE COURT: Cross examination.

18 CROSS EXAMINATION

19 BY MR. LEE

20 Q. Mr. Kesselring, did you hear large caliber as well
21 as small caliber shots, is that correct?

22 A. I believe so.

23 Q. And you put the time at about 9:00 p.m.?

24 A. 9:00 or maybe a little after. I don't know
25 exactly.

CROSS EXAMINATION OF JUSTIN KESSELRING BY MR. LEE

1 Q. But there was no vehicle there when you looked out
2 the window, correct?

3 A. I didn't see anything. It was pitch black. I
4 didn't remember it exactly.

5 Q. If a vehicle is coming out of that dirt road where
6 the car was ultimately found, doesn't it go almost straight
7 toward your house?

8 A. Yes.

9 Q. So, headlights from a car coming out of that road
10 would shine toward your house?

11 A. Yes.

12 MR. LEE: No further questions.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MS. JONES

16 Q. If the car was off you wouldn't see the lights,
17 would you?

18 A. No.

19 MS. JONES: No further questions.

20 THE COURT: Recross limited to redirect.

21 MR. LEE: No, sir, I'm done.

22 THE COURT: As to this witness, Solicitor.

23 MS. JONES: He may be excused.

24 THE COURT: Any objection?

25 MR. LEE: No objection.

REDIRECT EXAMINATION OF JUSTIN KESSELRING BY MS.
JONES

1 THE COURT: Mr. Kesselring, you may step down from
2 the witness stand and you're excused from the trial of
3 this case and may leave the courtroom.

4 WITNESS: Thank you.

5 THE COURT: Call your next witness.

6 MS. JONES: The State calls Shardaja Singleton.

7 Thereupon,

8 SHARDAJA SINGLETON

9 was called as a witness, having been first duly sworn, was
10 examined and testified as follows:

11 THE COURT: Okay. Pull that chair up to the
12 microphone. You have a meek voice. You have got to
13 speak up for me. That microphone will amplify your
14 voice, but I want everybody on this jury to be able to
15 hear you, okay. Now, pull the chair up, speak up for
16 me now, adjust that microphone down or up or out to
17 where you need it. State your full name and spell your
18 last name for the court reporter.

19 WITNESS: Shardaja Singleton, S-I-N-G-L-E-T-O-N.

20 THE COURT: Very good.

21 Your witness, Counsel. Direct examination.

22 MS. JONES: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q. Ms. Singleton, where do you live?

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS. JONES

- 1 A. Knowles Island Road.
- 2 Q. Okay. And that's in Roseland?
- 3 A. Yes, ma'am.
- 4 Q. Were you living there back on November 12th and
5 13th of 2014?
- 6 A. Yes, ma'am.
- 7 Q. Do you remember coming across something that --
8 the morning of the 13th?
- 9 A. Yes, ma'am.
- 10 Q. What did you come across that morning?
- 11 A. Coming across as far as?
- 12 Q. What did you see that morning that sticks out to
13 you?
- 14 A. (No response.)
- 15 Q. Did you miss the school bus that day?
- 16 A. Oh, yes, ma'am.
- 17 Q. Okay. And what happened when you missed the
18 school bus?
- 19 A. I saw a guy laying.
- 20 Q. Okay. Where was he laying?
- 21 A. In the dirt road.
- 22 Q. And where is this dirt road in relation to where
23 you live?
- 24 A. It was down the road.
- 25 Q. Okay. Is it walking distance?

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS.
JONES

1 A. Yes, ma'am.

2 Q. Okay. In fact, it's next door?

3 A. Yes, ma'am.

4 Q. There's no other homes in the middle, right?

5 A. No, ma'am.

6 Q. It's next door?

7 A. (Witness nods head.)

8 Q. Okay.

9 THE COURT: Don't nod your head now. Say yes or
10 no.

11 WITNESS: Okay, yes.

12 BY MS. JONES

13 Q. Tell me a little bit more about what you saw, a
14 man laying next to a car.

15 A. Yes, ma'am. He was just laying next to the car
16 and the passenger door was open.

17 Q. Right. What did you do when you see this man?

18 A. I called my granddaddy.

19 Q. Okay. Had -- was anybody else there?

20 A. Yes, ma'am.

21 Q. Do you know who else was there?

22 A. I don't know but I seen a guy.

23 Q. Okay. Can you describe this man?

24 A. He was -- he was short. I remember he was short.

25 He was a short guy.

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS.
JONES

1 Q. Was he calling 911 when you got there?

2 A. He had already called.

3 Q. Okay. So, this was a man who had already called
4 911?

5 A. Yes, ma'am.

6 Q. Nobody else was there?

7 A. No, ma'am.

8 Q. Do you remember the night before?

9 A. Yes, ma'am.

10 Q. What did you -- did you hear anything that night
11 before?

12 A. I heard gunshots.

13 Q. Do you know about what time you heard gunshots?

14 A. I believe around 9:00.

15 Q. All right. Do you know how many you heard?

16 A. At least around six.

17 Q. And any other time that night did you hear any
18 other gunshots?

19 A. No, ma'am.

20 MS. JONES: I have no further questions for this
21 witness, Your Honor.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. LEE:

25 Q. So, at 9:00, you heard six shots?

CROSS EXAMINATION OF SHARDAJA SINGLETON BY MR. LEE

1 A. Yes.

2 MR. LEE: That's all I have, Your Honor.

3 THE COURT: Redirect.

4 MS. JONES: None, Your Honor.

5 THE COURT: As to the witness.

6 MS. JONES: She may be excused.

7 THE COURT: Any objections?

8 MR. LEE: No objection.

9 THE COURT: Ms. Singleton, you may step down, and
10 you're excused from the trial of this case. You may
11 leave the courtroom.

12 Call your next witness.

13 MS. JONES: The State calls Sergeant Ashby.

14 Thereupon,

15 STEPHON ASHBY

16 was called as a witness, having been first duly sworn, was
17 examined and testified as follows:

18 THE COURT: All right. Pull the chair up, adjust
19 the microphone, and you can get a little closer, sorry.
20 You have to be able to talk into it so it'll amplify
21 your voice. Adjust the microphone to your height.
22 State your full name and spell your last name for the
23 court reporter.

24 WITNESS: My name is Stephon Ashby. Last name,
25 A-S-H-B-Y.

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 THE COURT: Your witness, counsel. Direct
2 examination.

3 MS. JONES: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. JONES:

6 Q. Sergeant Ashby, where are you employed?

7 A. Jasper County Sheriff's Department.

8 Q. And how long have you been employed with the
9 Sheriff's Department?

10 A. Sixteen years.

11 Q. Sixteen years. What are some of your duties?

12 A. Just overseeing the patrol division.

13 Q. And you're a sergeant?

14 A. I was. I'm back down to a corporal now.

15 Q. Okay. As overseeing, what do you -- what does a
16 day-to-day shift look like for you?

17 A. Just doing deputy paperwork and answering calls
18 and doing other things.

19 Q. Okay. And answering calls, did you respond to a
20 call on November 13th of 2014?

21 A. Yes, I did.

22 Q. And where did you respond?

23 A. To Knowles Island Road.

24 Q. Is that here in Jasper County?

25 A. Yes, it is.

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 Q. And why did you respond to Knowles Island Road?

2 A. We had a call from dispatcher approximately 7:00
3 in the morning in reference to a man that was found next to
4 a vehicle, unresponsive.

5 Q. Okay. Could you just pull the microphone down a
6 little bit. Thank you.

7 A. No problem.

8 Q. What time did you get to Knowles Island Road?

9 A. Roughly around about 7:15, between 7:00 and 7:30,
10 somewhere around there.

11 Q. And the dispatch call went out about 7:00?

12 A. Yes, 7:00.

13 Q. When you get there, what do you see?

14 A. I observe a green Toyota Camry facing right out
15 from the road right across from Knowles Island Road.
16 The passenger side of the vehicle was open. A black male
17 subject laying face down on the ground.

18 Q. Did anything stick out to you about this -- this
19 person lying down on the ground?

20 A. No.

21 Q. Did he appear to have gunshot wounds?

22 A. Not at the time. I couldn't see it.

23 Q. You couldn't see it?

24 A. No.

25 Q. Okay. When you see this scene, what do you do?

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 A. I secure the scene. I had other responding
2 deputies that were behind me within a few minutes. Secured
3 the scene for evidence and actually waiting on a supervisor
4 detective to respond.

5 Q. Securing the scene, is that keeping onlookers out?

6 A. Yes, ma'am.

7 Q. Did y'all put up tape around the perimeter?

8 A. Yes.

9 Q. Did the case remain with you or did it go to an
10 investigator?

11 A. It went to an investigator.

12 Q. Okay. So, after you secured the scene, did you do
13 anything else with this case?

14 A. No, just stayed and kept people out of the crime
15 scene.

16 MS. JONES: Okay. I have no further questions.

17 Thank you.

18 WITNESS: All right.

19 THE COURT: Cross examination.

20 CROSS EXAMINATION

21 BY MR. LEE:

22 Q. Do you remember what time that next morning you
23 got there on the 13th?

24 A. I think that it was in between 7:00 and 7:30.

25 Q. A.m.?

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 A. A.m.

2 Q. Okay. And one of your jobs was to keep people off
3 of the crime scene?

4 A. Yes, sir.

5 Q. Okay. Was anybody not -- not in law enforcement
6 at the crime scene when you got there?

7 A. EMS.

8 Q. Do you remember seeing a gentleman named Antoine
9 Drake at the crime scene?

10 A. I can't recall.

11 Q. You're familiar with Antoine Drake though, aren't
12 you?

13 A. Yes, sir.

14 Q. You know him?

15 A. Yes, sir.

16 Q. Do you remember seeing a Latanya Singleton, AKA
17 Tutu, at the crime scene that morning?

18 A. No, sir.

19 Q. You don't remember?

20 A. No, sir.

21 Q. Okay. Did you in fact have to keep some people
22 from going onto the crime scene?

23 A. Yes, sir.

24 Q. Some bystanders?

25 A. Yes, sir.

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 Q. Okay. So, if there were some people there that --
2 weren't law enforcement, it wouldn't surprise you, correct?

3 A. Yes.

4 Q. Okay.

5 THE COURT: Anything further?

6 MR. LEE: Beg the Court's indulgence.

7 No more questions at this time, Your Honor. I
8 would ask that he be kept under --

9 THE COURT: I can't hear you.

10 MR. LEE: I'm sorry.

11 THE COURT: Counsel, approach.

12 (Off-the-record discussion held.)

13 THE COURT: Redirect.

14 MS. JONES: I have no questions, Your Honor.

15 THE COURT: As to the witness, Solicitor.

16 MS. JONES: Per our discussion, he will remain
17 available.

18 THE COURT: Very well. All right. If you would,
19 please, Mr. Ashby, I'm going to ask you to step down.
20 You are not excused from the trial of this case. I'm
21 going to ask you -- the solicitor is going to talk to
22 you. I'm getting ready to give my jury a break and let
23 them stretch their legs. If you'll walk out of the
24 courtroom with the solicitor, she'll give you further
25 instructions about whether or not we will need you

available for Mr. Lee.

Is the State ready to proceed?

THE COURT: I'm not quite sure I understand that request. Please approach.

THE COURT: Defendant ready to proceed?

THE COURT: Bring us the jury.

THE COURT: All right. Madam foreperson, ladies gentlemen of the jury, we'll now continue with testimony in the trial of this case.

MS. JONES: Thank you, Your Honor.

Thereupon,

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 THE COURT: Come around. Have a seat on the
2 witness stand. Make yourself comfortable. Pull the
3 chair up and adjust the microphone which will amplify
4 your voice to your height. I need you to use that
5 microphone, so my jurors can hear you. Would you begin
6 by stating your full name and spelling your last name
7 for the court reporter.

8 WITNESS: Michael John Charles Davis. Last name
9 is D-A-V-I-S. Davis.

10 THE COURT: Mr. Davis, you've got to speak up a
11 little bit louder than that.

12 WITNESS: Sorry.

13 THE COURT: Your witness, counsel. Direct
14 examination.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q. Mr. Davis, where do you work?

19 A. Jasper County Fire and Rescue.

20 Q. Okay. And in what capacity do you work with Fire
21 and Rescue?

22 A. Firefighter paramedic.

23 Q. As a paramedic, what are some of your duties?

24 A. I provide advanced life support for the sick and
25 injured.

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 Q. Did you happen to receive some specialized
2 training and education to become a paramedic?

3 A. Yes, ma'am.

4 Q. Can you go into that a little bit?

5 A. Eighteen months of school for an EMT basic for a
6 year and paramedic school.

7 Q. And you said EMT basic first. What difference is
8 that from a paramedic?

9 A. They provide basic life support. And I provide
10 advanced life support in the pre-hospital setting.

11 Q. Okay. And did you respond -- do you solely work
12 in Jasper County?

13 A. Yes, ma'am.

14 Q. Okay. And did you respond on November 13, 2014,
15 to a call?

16 A. Yes, ma'am.

17 Q. And where did you respond?

18 A. Knowles Island Road.

19 Q. And what was the call in reference to?

20 A. I believe it went out as a full arrest.

21 Q. Okay. And I'm sorry, what does that mean?

22 A. Someone who's not breathing or has no pulse.

23 Q. And did you respond to that call?

24 A. Yes, ma'am.

25 Q. And when you get there, what do you see?

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 A. The man laying on the ground, kind of half under a
2 car.

3 Q. Okay. Is the car running?

4 A. I do not remember.

5 Q. Okay.

6 A. There was a -- there was an engine there first
7 with first responders on it so --

8 Q. Okay. Is that your report you have in front of
9 you?

10 A. Yes, ma'am.

11 Q. If you could reference that, do you have something
12 in there about the hood of the car?

13 A. Yes, ma'am. We did -- we checked the hood of the
14 car and it was cold to the touch.

15 Q. Okay. When you get there and you see this man
16 laying on the ground, what do you do?

17 A. Well, the first responders had said that he was
18 not breathing. Well, I'm the paramedic. I have to confirm
19 that. So he was pulseless and apneic, which he's not
20 breathing and he has no pulse. The way he was situated, it
21 would be difficult to get our cardiac monitor in there,
22 which we usually do put on to confirm that the heart is not
23 breathing. And if we recognize that it is a crime scene, I
24 didn't want to upset the scene any more than it already had
25 been.

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 Q. So you did not place the heart monitor?

2 A. No, ma'am.

3 Q. All right.

4 A. When we checked for his pulse, lividity had
5 already started to set in, which means that he had been down
6 for more than an hour.

7 Q. He had been deceased for more than an hour?

8 A. Yes, ma'am.

9 Q. Okay. So when you arrived the man was already
10 deceased?

11 A. Yes, ma'am.

12 Q. Did you learn the identity of this man?

13 A. Did I know?

14 Q. Did you learn it?

15 A. Yes, ma'am, I got it from Detective Morris after
16 the fact just for my report.

17 Q. Okay. And what does your report indicate who this
18 man is?

19 A. Terrance Johnson.

20 Q. Okay. After you -- you checked Mr. Johnson and
21 unfortunately you can't assist him, what do you do after
22 that?

23 A. I believe we'd already called for law enforcement
24 and for the coroner.

25 Q. Okay. And that -- did you do anything else after

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 that?

2 A. No, ma'am, just protected the scene.

3 MS. JONES: Okay, I have no further questions for
4 you. Thank you.

5 WITNESS: Thank you.

6 MR. LEE: No questions.

7 THE COURT: As to this witness, Solicitor.

8 MS. JONES: He may be excused.

9 THE COURT: Any objections?

10 MR. LEE: No objections.

11 THE COURT: Mr. Davis, you may step down from the
12 witness stand and you are excused from the trial of
13 this case. You may leave the courtroom.

14 Call your next witness.

15 MS. JONES: The State calls Detective Elvin
16 Wright.

17 THE COURT: Mr. Wright. Come forward and be sworn
18 by the Clerk of Court, please.

19 Thereupon,

20 ELVIN WRIGHT

21 was called as a witness, having been first duly sworn, was
22 examined and testified as follows:

23 THE COURT: Have a seat. Make yourself
24 comfortable. Pull that chair up and adjust it for your
25 comfort. Adjust the microphone to your height. The

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 microphone will amplify your voice. Please speak up
2 for the jury so they can hear you. State your full
3 name and spell your last name for the court reporter.

4 WITNESS: My full name is Elvin Wright,
5 W-R-I-G-H-T.

6 THE COURT: Your witness, counsel.

7 MS. JONES: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. JONES

10 Q. Detective Wright, where do you work?

11 A. Jasper County Sheriff's Office.

12 Q. In what department do you work for the Sheriff's
13 Office?

14 A. Criminal investigation.

15 Q. What are some of your duties as a criminal
16 investigator?

17 A. Investigate criminal activity and enforce county,
18 state and Federal laws.

19 Q. And how long have you been with the Sheriff's
20 Office?

21 A. Approximately seven years.

22 Q. Okay. Were you working in your capacity with the
23 Sheriff's Office back in November of 2014?

24 A. Yes, ma'am.

25 Q. And were you a detective back then as well?

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 A. Yes, ma'am.

2 Q. Okay. Did you have an opportunity to respond to a
3 call of a gunshot victim?

4 A. Yes, I did.

5 Q. Where did you respond?

6 A. I responded to Knowles Island Road. I believe the
7 address was approximately in the area of Knowles Island
8 Road.

9 Q. Okay. Is that here in Jasper County?

10 A. Yes, ma'am.

11 Q. Can you describe what Knowles Island Road
12 looks like?

13 A. Knowles Island is a paved road that leads to the
14 ocean, the river. It has various residents on that road as
15 well as several different turnoff, dirt roads, paved roads,
16 just kind of like a marsh area in certain areas of it.

17 Q. Okay. Prior to responding to Knowles Island, did
18 you do something else first before you learned about --
19 before you get to the scene?

20 A. Yes, ma'am, I do.

21 Q. What did you do?

22 A. Initially I received a call from my supervisor at
23 the time, which was Major Hipp. He advised me that we had a
24 shooting incident on Knowles Island Road. I was the
25 investigator that was going to handle calls that particular

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 morning; so, he instructed me to head towards the office so
2 that I could receive further instructions in reference to
3 completing a search warrant for the vehicle that was
4 involved.

5 Q. Right. And you did get the search warrant for the
6 car?

7 A. Yes, ma'am.

8 Q. Okay. When you get the search warrant, what do
9 you do with it?

10 A. Once I got the search warrant completed, I met
11 with the Judge and we went over the details of it, and then
12 I obtained the Judge's sitting and approval for the search
13 warrant. I then got back en route to the area of the
14 incident on Knowles Island Road. Once I get there, I turn
15 over that search warrant to SLED crime scene units.

16 Q. Okay. Why did you hand it over to SLED crime
17 scene?

18 A. This is the document that gives them access to
19 work the scene, to enter that vehicle.

20 Q. Okay. You gave it to the SLED crime scene because
21 SLED was taking over the investigation?

22 A. Yes, ma'am.

23 Q. Okay. So, SLED searched that car?

24 A. Yes, ma'am.

25 Q. Did they find any sort of gun evidence, anything

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 relating to a shooting?

2 A. During my time there, I learned that they did find
3 some shell casings inside of the vehicle as well as I
4 believe on the outside of the vehicle.

5 Q. Okay. After you hand over the search warrant,
6 what do you do?

7 A. We just kind of maintain the scene. And sooner or
8 later, I don't know how fast we did it, but myself and two
9 other SLED agents, we walked a dirt road where this vehicle
10 was -- had appeared to be coming out of before the incident.

11 Q. Okay. I'm going to stop you right there and I'm
12 going to show you some photographs.

13 MS. JONES: Permission to approach, Your Honor.

14 THE COURT: You may.

15 BY MS. JONES

16 Q. Detective Wright, I'm showing you what has been
17 marked as State's 2, 3, 4 and 5. Now, without showing those
18 to the jury, can you identify those?

19 A. Exhibit 2 is the head of the road at the
20 intersection of Knowles Island Road and the dirt road that
21 led to Knowles Island Road.

22 Exhibit 3 is the same area, but it shows the
23 vehicle as well as the deceased body covered up with the
24 door open on the vehicle.

25 Exhibit 4 is another angle of the vehicle,

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 the head of that road and the body and the door open on that
2 vehicle.

3 Exhibit 5 is a little bit farther down that
4 dirt road which is a reverse angle of what it appears. But
5 it's a little bit farther down. It's in the straightaway of
6 that same dirt road.

7 Q. Is it taken from behind the vehicle?

8 A. Yes.

9 Q. Okay. Do those pictures, State's 2, 3, 4 and 5,
10 fairly and accurately depict that -- the incident location?

11 A. Yes, ma'am.

12 Q. And do they appear to have been altered or changed
13 in any way?

14 A. No, ma'am, not that I can see.

15 MS. JONES: Okay. Your Honor, at this time the
16 State moves State's 2, 3, 4 and 5 into evidence.

17 THE COURT: As to two through five inconclusive.

18 MR. LEE: No objections.

19 THE COURT: Ladies and gentlemen, State's 2, 3, 4
20 and 5 will be admitted into evidence in the trial of
21 this case without objections. State's two through five
22 inclusive are admitted into evidence. You may now
23 publish to the jury.

24 MS. JONES: Thank you, Your Honor.

25 *(Whereupon, State's Exhibit No(s). 2-5 marked for*

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 *identification and received in evidence.)*

2 BY MS. JONES

3 Q. Detective Wright --

4 THE COURT: Report that the exhibits, for the
5 record, were given to counsel.

6 BY MS. JONES

7 Q. This is State's Exhibit 2, Detective Wright?

8 A. Yes, ma'am.

9 Q. What does this photograph show?

10 A. This is the intersection of Knowles Island Road
11 and the address -- the dirt road that leads to the address.
12 of Knowles Island Road.

13 Q. Okay. And as to State's 3, what does that picture
14 show?

15 A. This is just a little bit different area of the
16 same intersection of Knowles Island and the dirt road that
17 leads to along with the green Toyota with the door open
18 as well as deceased body.

19 Q. Is that a Camry?

20 A. Yes, it is a Toyota Camry, yes, ma'am.

21 Q. And you said there were shell casings inside the
22 car?

23 A. Yes, ma'am. During my time at the scene, I
24 learned that there were shell casings on the inside of the
25 car.

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 Q. Okay. And how about State's four. What does this
2 picture show?

3 A. Just a little bit different angle. Just a little
4 bit past the road that leads to at the same intersection
5 of Knowles Island and Knowles Island Road.

6 Q. Is this marsh? What is that over there on the
7 other side of that road? Nobody lives there?

8 A. I believe it might be marsh or some empty land.
9 But there are various areas on this road that has marsh
10 area.

11 Q. Okay. It's rural. There's not a lot back there?

12 A. Yes.

13 Q. Okay. And finally, State's 5, what does this
14 show?

15 A. This is behind where the vehicle sits -- this is
16 a -- this dirt road has a stretch of a straightaway before
17 it enters a curve and this is that area behind the vehicle,
18 between the curve and vehicle.

19 Q. Okay. So, the Toyota would have been right in
20 front of this?

21 A. Yes, ma'am.

22 Q. Okay.

23 MS. JONES: Detective Wright, I have no further
24 questions for you at this time.

25 THE COURT: Cross examination.

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 CROSS EXAMINATION

2 BY MR. LEE:

3 Q. I see you have documents in your hand. Is that
4 the report that you did related to this?

5 A. Yes, sir.

6 Q. Okay. So, you were -- you said you were an
7 investigator handling calls that morning, so, you were kind
8 of on --

9 A. Yes, I was appointed to handle calls at that
10 particular time.

11 Q. So, at least initially, this was kind of your --
12 your baby, your case, right?

13 A. Yes, as far as Jasper County investigating.

14 Q. And so as far as the things went on with Jasper
15 County, you're -- they kind of went through you and you were
16 kind of keeping everybody straight, right? Gathering all
17 the information? They were reporting to you as lead
18 investigator, right?

19 A. Yes, SLED was the lead investigator.

20 Q. Before SLED got there, though, you were kind of
21 running the show, right?

22 A. No, not on this scene.

23 Q. Okay.

24 A. When I got to the scene, SLED was already there.

25 Q. Okay. All right. And did you remove several

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 people off the crime scene?

2 A. No, I didn't.

3 Q. Okay. Was Deputy Walker there?

4 A. Yes, he was.

5 Q. Okay. Do you remember if he removed several
6 people out of the crime scene?

7 A. I have no knowledge of it.

8 Q. Can you look at your report on Page 6 and see if
9 it refreshes your recollection?

10 A. I can read what's on it, but that's not my report.

11 Q. Even though it says, "Log in ID, E. Wright" at the
12 top?

13 A. Log in ID means that is the person that went into
14 the computer system.

15 Q. All right. Are you familiar that a witness was
16 interviewed who claimed to have driven by the car the night
17 before?

18 A. No, sir.

19 Q. You're not?

20 A. No, sir.

21 Q. You are not familiar with a Bobby Swinton who says
22 he drove by the car at 10:30 that night and didn't see
23 anything suspicious about the vehicle?

24 A. No, sir.

25 Q. Okay.

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 A. And my report doesn't reflect that either.

2 Q. Okay. Let's make sure we're on the same page,
3 detective.

4 A. Yes, sir.

5 THE COURT: All right. Let's move along.

6 MR. LEE: No further questions, Your Honor.

7 Oh, I do have one more question, a couple more.

8 BY MR. LEE

9 Q. Do you know Antoine Drake?

10 A. Yes, I do.

11 Q. Did you have occasion to see him on December 9th,
12 2014, before he was going to have an interview with Special
13 Agent Johnson? Do you remember seeing him that day?

14 A. December the 9th, that was a long time ago. I
15 couldn't tell you that.

16 Q. While this investigation was going on, did you
17 ever see him?

18 A. I can't say that I have, or I didn't -- I didn't
19 have an interview with him. I can say that I can't really
20 know what took place from time to time.

21 Q. Sorry. Did you have any interaction with him
22 around this time and discussed with him that he had an
23 active Bench warrant for him?

24 A. No, sir.

25 Q. You never did?

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 A. No, sir.

2 Q. Okay.

3 A. Not to my knowledge.

4 Q. Okay. Does that mean you don't remember having
5 it? You said not to your knowledge?

6 A. I don't remember that. I have no idea on -- what
7 you're talking about at all.

8 MR. LEE: Okay. That's all I have, Your Honor.

9 THE COURT: Redirect.

10 MS. JONES: No, Your Honor.

11 THE COURT: As to the witness.

12 MS. JONES: He is excused but remain close by.

13 MR. LEE: I have no objection to him being
14 excused.

15 THE COURT: Very well. Mr. Wright. You may step
16 down and you are excused from the trial of this case.

17 Solicitor, are you in agreement with that?

18 MS. JONES: Yes, Your Honor.

19 THE COURT: You may leave the courtroom,
20 Mr. Wright.

21 Call your next witness.

22 MS. JONES: Your Honor, may we approach?

23 THE COURT: Counsel approach.

24 (Off-the-record discussion held.)

25 THE COURT: Madam foreperson, ladies and gentlemen

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 of the jury, I have a matter of law that I have to take
2 up. I'm going to ask you to please retire to your jury
3 room. Please do not discuss the case while I take up
4 the matter of law. I'll be back with you just as soon
5 as I possibly can.

6 Thank you.

7 (Jury exits the courtroom at p.m.)

8 THE COURT: Let the record reflect that Mr. Lee on
9 behalf of the Defendant filed a motion; mine is not
10 dated. But it's entitled motion to exclude testimony
11 alleging Defendant's possession of a handgun. It asks
12 the Court to instruct the solicitor and the solicitor's
13 staff and all of the State's witnesses not to allude
14 to, refer to, or in any way bring before the jury any
15 testimony or evidence that the Defendant allegedly was
16 in/possession of a handgun on or about the day of
17 Terrance Johnson's death or that the Defendant
18 allegedly always carried a handgun or any other
19 statement of this ilk by any other State's witness.

20 The motion is made on the grounds that any such
21 testimony or evidence is inadmissible because it is not
22 relevant, the probative value, if any, is substantially
23 outweighed by the danger of unfair prejudice, and it
24 amounts to improper character witness -- or evidence.

25 And the Defendant relies on Evidence Rules, 401,

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 402, 403, 404 and 405 of the South Carolina Rules of
2 Evidence in support of the motion along with State
3 versus Lyle, which, of course, dealt with prior
4 convictions and not necessarily testimony concerning
5 possession of a handgun; however, I'm reading what was
6 in the motion. I'm advised by the solicitor who did
7 exactly what I requested that she do, that she advised
8 Mr. Lee before calling any such witness which is the
9 subject of his motion. She says she only has one that
10 would be subject to this witness and that that witness
11 is Robin Simmons. In order for me to rule on the
12 motion, I will need to hear the testimony of Robin
13 Simmons in order to rule on the motion.

14 Solicitor, please call your next witness outside
15 the presence of the jury.

16 MS. JONES: The State calls Robin Simmons.

17 THE COURT: Robin Simmons.

18 Ms. Simmons, if you'll come around and be sworn by
19 the Clerk of Court, Margaret Bostick.

20 (Testimony of this witness is taken outside the
21 presence of the jury.)

22 Thereupon,

23 ROBIN SIMMONS

24 was called as a witness, having been first duly sworn, was
25 examined and testified as follows:

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Make yourself comfortable. Pull that
2 chair up. Now, Ms. Simmons, we need to be able to
3 hear, and that microphone will amplify your voice, so I
4 want you to pull it down to your right, get closer to
5 it and use it. It will cast your voice. State your
6 full name and spell your last name.

7 WITNESS: Robin Simmons, S-I-M-M-O-N-S.

8 THE COURT: Speak up for me.

9 Your witness, Counsel. Direct examination outside
10 the presence of the jury.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q. Ms. Simmons, where do you live?

15 A. Rice Shire Road, Ridgeland, South Carolina.

16 Q. Did you live there back in November of 2014?

17 A. Yes, ma'am.

18 Q. And is that area called something? Do you all
19 call that Simmons Hill?

20 A. Yes, Simmons Hill.

21 Q. Okay. And it's -- it's where your family lives?

22 A. Yes, ma'am.

23 Q. Okay. Do you remember November 12th of 2014?

24 A. Yes, ma'am.

25 Q. What do you remember about that day?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 A. We had a family gathering because my grandmama had
2 passed.

3 Q. And does that include having people over at
4 Simmons Hill?

5 A. Yes, ma'am.

6 Q. Do you remember if Terrance Johnson was there?

7 A. Yes, ma'am.

8 Q. Okay. Do you remember if a man named Rohaime
9 Hopkins was there?

10 A. Yes, ma'am.

11 Q. Do you know both of those people?

12 A. Yes, ma'am.

13 Q. Okay. What time were people gathering at Simmons
14 Hill that day?

15 A. It was basically all day, from morning to night.

16 Q. Okay. All day long into the night?

17 A. Yes.

18 Q. Okay. When was Rohaime Hopkins there?

19 A. I can't give a correct time. But as I can
20 remember around 7:00, 8:00, somewhere around that.

21 Q. Okay. And then do you know when he left for good?

22 THE COURT: Hold on a second. Is that p.m. or
23 a.m.?

24 WITNESS: P.m.

25 BY MS. JONES

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Do you know what time he left for good?

2 A. No, ma'am, I don't know what time he left for
3 good.

4 Q. After that, after 7:00 or 8:00?

5 A. He -- they left and they came back.

6 Q. Okay. When you say "they," who do you mean?

7 A. Him and Terrance Johnson.

8 Q. Okay. This was evening time? You're not --

9 A. Evening time.

10 Q. -- you're not sure of the time but it was evening?

11 A. Yes, ma'am.

12 Q. Okay. When they came -- when you saw the
13 Defendant that day or that evening, did you see something on
14 him?

15 A. Well, basically, I saw him. He was carrying some
16 sodas into the house and I did saw like a weapon on him.

17 Q. Okay, what kind of weapon?

18 A. I really can't say.

19 Q. Okay.

20 A. The only thing I know it was black. I can't say.

21 Q. Okay. Was it a knife or what -- what kind of
22 weapon? Do you know what --

23 A. It was I guess a pistol.

24 Q. Okay. And it was black?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Okay. Where was it?

2 A. He had it tucked in his pants.

3 Q. Okay. And this was the evening of the 12th?

4 A. Yes, ma'am.

5 Q. Okay. You don't know what time?

6 A. I could say probably around 8:00, something like
7 that.

8 Q. Okay. When you -- you said they left and came
9 back.

10 A. Yes.

11 Q. Did something change from the Defendant the first
12 time you saw him to the second time you saw him?

13 A. No, ma'am, they usually be together every day,
14 so --

15 Q. How about his appearance?

16 A. When they came back, meaning Terrance or Rohaime?

17 Q. Rohaime. That was a long time ago.

18 A. Yes, so --

19 Q. Would it help if you read your statement? You
20 gave a written statement, didn't you?

21 A. Yes.

22 Q. Okay. And you gave it back on November 17th of
23 2014?

24 A. Yes.

25 Q. To this agent, Special Agent Richard Johnson with

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 SLED?

2 A. Yes, I did.

3 Q. Okay. If I show you your written statement, would
4 that help refresh your memory?

5 A. It may.

6 MS. JONES: Permission to approach, Your Honor.

7 THE COURT: You may.

8 You have a copy, don't you, Mr. Lee?

9 MR. LEE: I do, Your Honor. Thank you.

10 BY MS. JONES

11 Q. Ms. Simmons, if you could just read that to
12 yourself.

13 A. Okay.

14 (Witness reading document.)

15 A. I'm finished.

16 Q. Okay.

17 MS. JONES: Permission to approach.

18 BY MS. JONES

19 Q. Does that help you refresh your memory?

20 A. Yes.

21 Q. Okay. So, when they leave and come back, has
22 Mr. Hopkins' appearance changed in any way?

23 A. Basically, his clothes.

24 Q. What did his clothing look like -- look like now?

25 A. He had on like a black shirt and Army fatigue

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 pants.

2 Q. Okay. But he changed out of that and you said he
3 changed into?

4 A. He had on like black jeans, a shirt.

5 Q. Black jeans and a black shirt?

6 A. Uh-huh.

7 Q. All black clothing?

8 A. Yes.

9 Q. Okay. Did you ever hear Mr. Hopkins ask anything
10 of the victim that night, of Mr. Johnson?

11 A. Well, I know I heard him. I asked him. Someone
12 had called him and said something about a play or something
13 like that. He just asked him to take him -- to take him to
14 a play.

15 Q. A play for what?

16 A. I don't know.

17 Q. Okay.

18 A. I don't know.

19 Q. Do you need to reread your statement, Ms. Simmons?

20 A. No. No.

21 Q. Do you remember giving this written statement to
22 Richard Johnson on November 17th, 2014, at your house?

23 A. Yes.

24 Q. Okay. And said he -- he asked for a play of weed?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

- 1 Q. Could that --
- 2 A. Yes.
- 3 Q. Is that what he said?
- 4 A. Yes.
- 5 Q. Okay.
- 6 A. Because Terrance had weed on him.
- 7 Q. Okay. To a girl named Tutu?
- 8 A. Yes.
- 9 Q. Is that what you remember?
- 10 A. Yes, I remember that.
- 11 Q. Okay. So, go over this one more time. You heard
- 12 Rohaime Hopkins ask Terrance Johnson to do what?
- 13 A. Take him to a play with Tutu for some weed.
- 14 Q. Okay. And do you see Rohaime Hopkins in the
- 15 courtroom today?
- 16 A. Yes, I do.
- 17 Q. Can you point him out, please?
- 18 A. Right there.
- 19 Q. And what is he wearing?
- 20 A. Blue dress shirt.
- 21 Q. Okay.
- 22 A. I think it's blue.
- 23 Q. Okay.
- 24 MS. JONES: May the record reflect the witness
- 25 identified the Defendant?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Proceed.

2 THE COURT:

3 MS. JONES: Ms. Simmons, I have no further
4 questions --

5 THE COURT: Okay.

6 MS. JONES: -- of you at this time.

7 THE COURT: Mr. Lee, I'm certainly going to give
8 you an opportunity to cross-examine this witness, but
9 for purposes of this motion, you've heard the testimony
10 the State wishes to elicit. Let me hear from you now
11 in light of that testimony. You will certainly have an
12 opportunity. But you will not have two bites at the
13 apple, Mr. Lee.

14 MR. LEE: I understand.

15 THE COURT: Let me hear from you.

16 MR. LEE: Judge, our position would be that she
17 did -- it's not clear as to when she saw --

18 THE COURT: She testified 8:00 on the date of this
19 incident. She said p.m., not a.m. She did say
20 approximately, Mr. Lee. She did not give us a precise
21 time but she gave us a p.m. At least that was my
22 recollection of her testimony.

23 Do you want to correct that?

24 MR. LEE: Well, I'm -- I'm trying to figure out
25 that in relation to when he changed clothes, because

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 she testified that he changed clothes and --

2 THE COURT: I'm referring to the testimony that
3 you sought to exclude concerning the Defendant's
4 alleged position of a handgun and not the changing of
5 the clothes but I'm willing to listen to you.

6 MR. LEE: The point that I was going to make was
7 that if he changed clothes and no longer had a handgun
8 on him, that should be very relevant information that
9 may lead to the exclusion if the -- if the gun --

10 THE COURT: That is a question that you'll have to
11 ask but I'm -- don't know that that question was
12 brought up. What the solicitor asked was, they left
13 and they came back and she said yes. And when they
14 came back was his appearance the same. At which time
15 she described to us, the difference in clothing from
16 the first time he was there when she had seen a gun and
17 the second time when he arrived. I'm not sure I follow
18 that argument but I'm willing to listen to it.

19 MR. LEE: Well, Judge, I guess the short and the
20 skinny on this is I believe that this is classic -- a
21 classic attempt to get Lyle evidence in, a prior bad
22 act, possession of the gun, number one.

23 Number two, I don't think that the connection is
24 tight enough here --

25 THE COURT: First of all, possession of a gun in

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 and of itself isn't a prior bad act as you can legally
2 possess a gun. However --

3 MR. LEE: Not -- sorry.

4 THE COURT: Go ahead.

5 MR. LEE: Well, I was going to say, not -- not in
6 public. You -- you're not allowed to possess a pistol
7 in your pants at somebody else's house unless you have
8 a concealed weapon permit.

9 THE COURT: That's exactly my point. The only
10 time that it might be permissible is if you were law
11 enforcement or if you had a permit. But go ahead.

12 MR. LEE: So, I would say that the act -- that act
13 in itself is an illegal act unless they can
14 demonstrate. So I think there's that. And I think it
15 is, again, is a prior bad act, number one; is improper
16 character evidence because it is going to let the jury
17 make that decision based upon something else that
18 happened earlier. I don't believe it's relevant and
19 certainly under 403, especially because it is such an
20 important piece of evidence, Your Honor, I think she's
21 the only one, the witness that's going to testify.

22 THE COURT: I was advised by the solicitor, right,
23 that this is the only witness you have in proximity to
24 the event that will testify concerning the Defendant's
25 possession of a gun?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 MS. JONES: Yes, Your Honor.

2 THE COURT: She has testified it was a pistol and
3 it was black.

4 MR. LEE: Yes, sir.

5 THE COURT: So, tell me why 403 prohibits it,
6 Mr. Lee?

7 MR. LEE: Because -- because it is so highly
8 prejudicial, Your Honor. The fact that someone earlier
9 had a gun, which has only been described today as --
10 quite frankly -- well, I'll back up as far as my
11 knowledge of this.

12 When I was speaking with Ms. Jones either last
13 Monday or Tuesday we were talking about the pretrial
14 motions that we were going to submit to Your Honor,
15 pursuant to -- to your request. And I was going
16 through mine and reading them to her before I sent
17 them, and I said, "I'm going to move to keep the
18 testimony out about the guns" and I wrote down -- here
19 it is. And I said, you know, as to two witnesses,
20 Shaquella Gardner and Brenda Byerson, Ms. Jones told me
21 Robin Simmons also said that there was -- he was in
22 possession of a gun. I didn't get chapter. I didn't
23 get verse. I didn't --

24 THE COURT: You had a statement from her.

25 MR. LEE: I did have a statement from her. But at

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 that point I didn't say where is it. I had a statement
2 from her and the SLED agent's report which there's no
3 mention of a gun.

4 THE COURT: But there is in the statement.

5 MR. LEE: No, sir, there's not. I mean, I'll --

6 THE COURT: No, I'll take your word for it --

7 MR. LEE: Yes, sir.

8 THE COURT: -- being an officer of this court.

9 MR. LEE: Yes, sir. So, the statement from
10 November 17, 2014, to Special Agent Johnson, there is
11 no mention of a gun.

12 THE COURT: When did you learn the testimony that
13 she was going to purport to say that there was a gun,
14 because we certainly discussed this in the pretrial
15 conference before we began this trial. And you were
16 aware that there was going to be testimony attempted to
17 be elicited concerning possession of a gun.

18 MR. LEE: But I had no idea where it was coming
19 from. Nothing I had discovery wise or anything else
20 says anything about a gun. My understanding --

21 THE COURT: But your motion that you drew -- that
22 she sent to me included Ms. Simmons, Shaquella Gardner
23 and Brenda Byerson.

24 MR. LEE: That is the line of Ms. Jones telling
25 me --

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: You are relying on the solicitor?

2 MR. LEE: I am, Your Honor. And so in an
3 abundance of caution to get it out, I said, I'm going
4 to put that in there. I'll figure out what they're
5 talking about later on. Well, I never have seen it
6 because it's not there.

7 THE COURT: Very well. Anything else?

8 MR. LEE: No, sir. But I would just point out the
9 significance of this --

10 THE COURT: I don't know where you got from your
11 motion, Mr. Lee, the quote that you put in your motion;
12 if you'll look at it with me, that the Defendant
13 allegedly, quote, always carries a handgun. Then you
14 put in parentheses Latanya Singleton; does that tell me
15 who you think's going to say that?

16 MR. LEE: Yes, ma'am, that's based on the
17 discovery.

18 THE COURT: That objection is sustained. There
19 will be no testimony in this trial from Latanya
20 Singleton about always carrying a handgun.

21 Now, give me a moment. Let me take a minute
22 before I rule on this.

23 Come on, Skyler. Okay, puppies. Come on. Y'all
24 get to be a judge for a minute.

25 (Whereupon, a brief recess was taken.)

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Do you wish to be heard on his motion?
2 I've listened carefully to Mr. Lee.

3 MS. JONES: I would, Your Honor.

4 THE COURT: All right. Let me hear from you.

5 MS. JONES: Thank you, Your Honor.

6 Briefly, I think that it squarely falls within 401
7 as relevant evidence. It shows the means by which this
8 murder occurred. It shows --

9 THE COURT: Why don't you characterize this
10 testimony for me. You heard me ask Mr. Lee a lot of
11 questions, because he wanted to draw the clothing into
12 this. And, of course, I fully understand that Mr. Lee
13 has got every right to cross-examine this witness,
14 which I know he will do. He tried to get me to answer
15 the question of whether or not a gun was still present
16 on the Defendant when -- because as I understood her
17 testimony, they left, came back and then left again.

18 WITNESS: No, sir.

19 THE COURT: Just one time?

20 WITNESS: They left -- well, they left two times
21 earlier and they came back. I never said I saw them
22 left the last time.

23 THE COURT: Okay. Characterize what you believe
24 this testimony shows insofar as the State is concerned.

25 MS. JONES: It shows that the Defendant had the

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 means to follow through with the murder. I would agree
2 that had this victim been --

3 THE COURT: And what do you think it shows in so
4 far as proximity to the event which is alleged in the
5 indictment?

6 MS. JONES: Ms. Simmons said she saw it about
7 8:00 p.m. and --

8 THE COURT: This was the day alleged in the
9 indictment which was November the 12th, 2014?

10 MS. JONES: Yes, Your Honor. And the State
11 alleges that the murder itself happened at 9:37 p.m.

12 THE COURT: But I haven't heard that testimony
13 yet.

14 MS. JONES: Not yet.

15 THE COURT: All I heard is that witnesses heard
16 gunshots at about 9:00 and that EMS came at around 9:00
17 to 9:30, I think. If I'm characterizing -- something
18 like that.

19 MS. JONES: They came the next morning, Your
20 Honor.

21 THE COURT: That was the next morning. I'm sorry.
22 You're right. Okay.

23 So, we heard gunshots around 9:00. Isn't that the
24 only testimony that's been elicited so far?

25 MS. JONES: So far, regarding the time and those

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 are the only gunshots heard that night.

2 THE COURT: I think you did ask the witness
3 whether or not they heard any other gunshots that night
4 and the answer was no. All right.

5 What else do you want to tell me? You think it's
6 relevant and Mr. Lee says he doesn't think it's
7 relevant. He thinks it's a prior bad act under Lyle,
8 and he believes under 403, that even if it's relevant,
9 if the probative value is substantially outweighed by
10 the danger of unfair prejudice, that it still should
11 not be admitted. What's your position?

12 MS. JONES: Your Honor, I don't believe it's a
13 prior bad act, first of all.

14 THE COURT: I think it could be inferred to be and
15 I think that the question there is whether or not it is
16 or it isn't. The question now is admissibility and not
17 the weight of it. Because all kinds of questions could
18 be asked to determine that, which hadn't been done
19 during this proffer, but go ahead and tell me what your
20 position is.

21 MS. JONES: Your Honor, I believe if the Court
22 finds it is a prior bad act, it goes to res gestae.
23 That this finalizes the complete story. The jury is
24 going to be left wondering the question whether or not
25 the Defendant had the means to follow through with this

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 murder and Ms. Simmons' testimony showed that he had.
2 That an hour or so, give or take before the murder, he
3 had a pistol on him and we have already heard testimony
4 that he was shot. He was a gunshot victim.

5 THE COURT: Anything else?

6 MS. JONES: Your Honor, I have a couple of cases
7 regarding res gestae. I'm sure you've seen them.

8 THE COURT: Could you bother to hand them to me?

9 MS. JONES: I certainly can.

10 THE COURT: How can I be able to look at them if
11 you don't give them to me?

12 MS. JONES: The first would be the State vs.
13 Wood --

14 THE COURT: Have you given Mr. Lee copies of them?

15 MS. JONES: I have copies right now for everybody.

16 THE COURT: All right. Solicitor, hand them up.
17 It should have already been done. Tell me what you
18 think these cases show.

19 MS. JONES: Well, Your Honor, all of these three
20 cases are cases where prior bad acts were held
21 admissible. State v. Wood gives a good definition of
22 the res gestae and why courts are inclined to let this
23 particular evidence in. And it tells the full story
24 for the witness and -- or for the jury, Your Honor, and
25 absent this -- absent this testimony, they are left

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 prejudice, clearly is evident, and it's just kind of
2 telling the jury, to say, well, he's a bad dude because
3 he had a gun. So close enough is close enough. We
4 know he had a gun and somebody got shot. But they
5 can't put anything together with what she claims she
6 saw, which just came up, and because it's such an
7 important part of the evidence. I would submit that
8 403 keeps it out.

9 THE COURT: Thank you very much. Thank you both
10 for being prepared and thank you for your arguments.

11 While I certainly agree with Mr. Lee that the
12 shotgun approach of always carrying a handgun is not
13 admissible nor would you put up anyone to testify. But
14 if you do, you and I will be dealing with each other,
15 Solicitor.

16 I disagree, Mr. Lee, with you this. I think this
17 evidence from this witness is relevant. The question
18 becomes whether the probative value, if any, is
19 substantially outweighed by the danger of unfair
20 prejudice. And although any evidence that comes in
21 that is not favorable can be described as prejudicial,
22 the question is whether or not this is unfair legal
23 prejudice. In this case I have a witness who says that
24 she was at -- I think she said a grandmother's wake; is
25 that right?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 WITNESS: Grandmama.

2 THE COURT: Grandmama?

3 WITNESS: Yes, sir.

4 THE COURT: And that both the Defendant and the
5 deceased were there. Although her first testimony was
6 7:00 to 8:00 p.m. She then said 8:00 p.m. I have
7 witnesses who have testified that they heard shots at
8 approximately 9:00 on November the 12th, 2014. I do
9 not believe that you have convinced me that I believe
10 the witness -- the evidence is relevant, and I do not
11 believe that it is substantially outweighed by the
12 danger of unfair prejudice. I don't believe it's
13 character evidence, and for that reason, I think it is
14 admissible and I would allow the testimony as to what
15 she saw.

16 Now, Mr. Lee, there are a number of questions
17 here, some of which you've raised to me as if I were a
18 witness in the trial of this case, which you will be
19 allowed to elicit from this witness when I bring the
20 jury back.

21 But you will be able, Solicitor, to elicit at
22 least what she saw on November the 12th, 2014, at
23 8:00 at her grandmother's wake. And that is my ruling.

24 Bring us the jury.

25 (Jury enters the courtroom at 5:06 p.m.)

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Margaret, this witness has not been
2 sworn in in the presence of the jury.

3 Madam foreman, ladies and gentlemen of the jury,
4 just so you know, I told you during a trial sometimes
5 we have matters of law -- the reason we had to stop is
6 entirely on me. I had to take up a matter of law and I
7 actually had to do a little research in order to rule
8 on a matter of law. That's going to happen during the
9 trial. I apologize for the delay, but it's necessary
10 in order that I can try to make sure that my rulings on
11 the law are correct to the best of my ability.

12 Solicitor, call your next witness in the presence
13 of the jury, please.

14 MS. JONES: Thank you, Your Honor.

15 The State calls Robin Simmons.

16 THE COURT: Madam clerk, please swear the witness.

17 If you will stand and raise your right hand and
18 put your left hand on the Bible.

19 Thereupon,

20 ROBIN SIMMONS

21 was called as a witness, having been first duly sworn, was
22 examined and testified as follows:

23 THE COURT: Please be seated. State your full
24 name. Use the microphone and spell your last name for
25 the court reporter.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 WITNESS: Robin Simmons, S-I-M-M-O-N-S.

2 THE COURT: Your witness, Counselor. Direct
3 examination. Consistent with my ruling.

4 MS. JONES: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q. Ms. Simmons, where do you live?

8 A. Rice Shire Road, Ridgeland, South Carolina.

9 Q. Right. And is that area called something?

10 A. Simmons Hill.

11 Q. Why is it called Simmons Hill?

12 A. Because we are all Simmons that live on it.

13 Q. Okay. It is all family that live there?

14 A. Yes.

15 Q. Did you know Terrance Johnson?

16 A. Yes, I did.

17 Q. How did you know him?

18 A. He was dating my sister.

19 Q. What is your sister's name?

20 A. Angel Simmons.

21 Q. Simmons Hill, is that -- is that a gathering place
22 for people?

23 A. Yes.

24 Q. Okay. And do you remember November 12th of 2014?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. And what do you remember about that day?

2 A. That our family was around because my grandmother
3 had passed.

4 Q. Where was everybody?

5 A. To my mother's house.

6 Q. Is that at Simmons Hill?

7 A. Simmons Hill.

8 Q. That's actually near where you live?

9 A. Yes, ma'am.

10 Q. Okay. Do you remember seeing Terrance Johnson
11 that day?

12 A. Yes, ma'am.

13 Q. And do you remember seeing a man named Rohaime
14 Hopkins that day?

15 A. Yes, ma'am.

16 Q. How do you know Rohaime?

17 A. Rohaime is a family member.

18 Q. How long have you known him?

19 A. All of my life.

20 Q. Do you -- and did you see Mr. Hopkins there that
21 day?

22 A. Yes, ma'am.

23 Q. Do you see something on Mr. Hopkins?

24 A. Yes, ma'am.

25 Q. What is that?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 A. I saw a gun.

2 MR. LEE: Just for the record I'm going to note my
3 objection to -- to that testimony.

4 THE COURT: Your objection is noted as
5 contemporaneous with the record, subject to my ruling.

6 MR. LEE: Thank you.

7 THE COURT: Proceed, Solicitor.

8 MS. JONES: Thank you, Your Honor.

9 MS. JONES:

10 BY MS. JONES

11 Q. Ms. Simmons, where was this gun?

12 A. His pants.

13 Q. Okay. You motioned to your side?

14 A. Yes, down in his pants, I guess, tucked in the
15 pants.

16 Q. Okay. What color was it, do you remember?

17 A. Black.

18 Q. Okay. And did you see how big it was?

19 A. No, ma'am.

20 Q. Okay. Do Mr. -- Mr. Johnson, Terrance Johnson and
21 Rohaime Hopkins, do they stay at Simmons Hill all day?

22 A. Well, I saw them left a couple of times, but they
23 came back.

24 Q. They came back?

25 A. Yes, ma'am.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. When they came back, had Mr. -- had the
2 Defendant's appearance changed in any way?

3 A. He had changed clothes.

4 Q. What was he wearing now?

5 A. I believe it was a black T shirt and black jogging
6 pants.

7 Q. Okay. Was he wearing anything else?

8 A. No, ma'am.

9 Q. Okay. If I showed you -- you wrote a statement
10 back in 2014, didn't you?

11 A. Yes, ma'am.

12 MS. JONES: Permission to approach the witness,
13 Your Honor?

14 THE COURT: You may.

15 BY MS. JONES

16 Q. If you saw your statement, would it help refresh
17 your memory a little bit?

18 A. Yes.

19 Q. If you would read that to yourself.

20 THE COURT: Step back, Solicitor.

21 MS. JONES: Permission to approach, Your Honor.

22 THE COURT: You may.

23 BY MS. JONES

24 Q. Does that help you remember a little better?

25 A. Yes, ma'am.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Okay. What else was Mr. Hopkins wearing when he
2 changed his clothes?

3 A. Black shoes and a black hat.

4 Q. While at Simmons Hill, do you hear the Defendant
5 ask Terrance Johnson to do anything?

6 A. He asked him to take him -- take him to make a
7 play. So he can make a play.

8 Q. What does that mean?

9 A. Meaning, I guess, just a little hustling, selling
10 some weed.

11 Q. Okay. Did he say -- did he ask where to take him?

12 A. He called the name of the person and he said
13 Roseland.

14 Q. Okay. And this is what the Defendant said?

15 A. Yes.

16 Q. Okay. So, wanted to go to Roseland?

17 A. For Terrance Johnson to make a play.

18 Q. Okay. From who?

19 A. From who or to who?

20 Q. Who were they going to see in Roseland?

21 A. I believe her name was Latanya or Tutu.

22 Q. Tutu?

23 A. Yes.

24 Q. And about what time do you think this was?

25 A. Around 8:00. That's all that I can remember.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. All right. Did you ever see either of them again
2 that night?

3 A. No, I never saw them left. But no, no, ma'am.

4 MS. JONES: Ms. Simmons, I have no further
5 questions for you. Thank you.

6 WITNESS: Thank you.

7 THE COURT: Just a moment, Counselor.

8 (Pause.)

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MR. LEE:

12 Q. Hello, Ms. Simmons.

13 A. Hello.

14 Q. Terrance Johnson and Rohaime were -- were thick
15 weren't they? They were tight with each other?

16 A. Yes. Yes, every day.

17 Q. Every day together?

18 A. Yes, sir.

19 Q. So, they were BFFs, as my young girl -- my young
20 daughter likes to say, right?

21 A. (Nods in the affirmative).

22 Q. They were -- they were buddies?

23 A. Yes, sir.

24 Q. Together every day?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. Now, this -- and you see -- you said -- and you
2 said that -- that Mr. Hopkins put on some jogging pants.
3 You're talking about just like the elastic-waisted ones; is
4 that what you're talking about when you say jogging pants,
5 the elastic jogging pants?

6 A. Yes, sir.

7 Q. Okay. They had like an elastic waist and then big
8 pockets or pockets on the side?

9 A. Yes, sir.

10 Q. And your testimony is that he had a gun tucked
11 into his waistband?

12 A. Prior before he changed clothes.

13 Q. Oh, okay.

14 A. He had on the Army fatigue pants then.

15 Q. Okay. And you say that he had a gun on him in his
16 Army fatigue pants?

17 A. Yes, sir.

18 Q. Okay. Do you -- do you remember giving a
19 statement to Special Agent Johnson on November 17th
20 regarding this matter?

21 A. Yes, sir.

22 Q. Okay. And did Agent Johnson tell you that, hey,
23 write down everything that -- that you can remember that is
24 important about that night and -- and asked you to do a
25 written statement?

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 A. Yes, sir.

2 Q. And did you in fact do that?

3 A. Yes, sir.

4 Q. And you wrote down everything that was important
5 and everything that you remembered and everything that had
6 to do with this case?

7 A. Everything that I could remember.

8 Q. Okay. Now that was on November 17th, right?

9 A. Yes, sir.

10 Q. So it was five days after the shooting?

11 A. Yes, sir.

12 Q. Okay. Now, have you given any other interviews or
13 statements to Special Agent Johnson since this November 17,
14 2014 statement?

15 A. No, sir.

16 Q. No, sir. Okay. Have you given any other
17 interviews or statements to anybody else?

18 A. I spoke with the solicitors.

19 Q. You did?

20 A. Yes, sir.

21 Q. And when did you speak to the solicitor?

22 A. About two weeks ago.

23 Q. About two weeks ago getting ready for this case?

24 A. Yes, sir.

25 Q. Okay. In between November 17th and when you

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 talked to the solicitor two weeks ago, did you talk to
2 anybody else, law enforcement, solicitor, anybody about this
3 case?

4 A. No, sir, not as I could recall.

5 Q. Okay. All right. Now, this statement five days
6 afterwards, the 17th of November, that's what the solicitor
7 handed you earlier to refresh your recollection about the
8 black shoes, right?

9 A. Yes, sir.

10 Q. Okay. And so you've had a chance to look at this?

11 A. Yes, sir.

12 Q. Okay. And you say this -- that this thing
13 includes all of the important information that you knew on
14 November 17th, 2014?

15 A. That I can remember.

16 Q. Okay. Would you agree that nowhere in this
17 statement is there anything saying anything about a gun;
18 would you agree with that?

19 A. Yes, sir, I can agree.

20 Q. And you don't need to read it again to refresh
21 your recollection, that nothing is in there about it,
22 correct?

23 A. I don't need to read it again.

24 Q. Because it's not in there?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. And you never told Agent Johnson about a gun, did
2 you?

3 A. I did mention it to him.

4 Q. You did?

5 A. Yes, sir.

6 Q. So his -- his notes from your interview on the
7 17th should reflect that you told him about a gun?

8 A. My notes?

9 Q. His notes?

10 A. Yes, sir.

11 Q. Okay. All right. And he was right there when you
12 wrote this statement?

13 A. Yes, sir.

14 Q. Okay. And it looks like you signed it right
15 there, the first time, Robin Simmons, at the top. Okay.
16 And then down here it looks like you signed it again?

17 A. Yes, sir.

18 Q. Okay. Was that because Agent Johnson told you to
19 include something else in there?

20 A. No, sir, that's what I remember.

21 Q. Well, I understand that's what you remember. But
22 I'm asking, why did you sign it twice?

23 A. Because I remember and I wrote something else
24 under it.

25 Q. Okay. Did -- did -- do you remember, was that

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 prompted by Agent Johnson saying, "Hey, make sure if there's
2 anything else, you need to put it -- put it now"?

3 A. No, sir.

4 Q. You just remembered it?

5 A. Uh-huh. (Indicating affirmatively.)

6 Q. Okay. And so, did you not remember the thing
7 about the gun five days after when you wrote this?

8 A. I guess I didn't.

9 Q. You guess, okay. But then two weeks ago would be
10 the first of May. And this happened -- so, two and a half
11 years later, you all of a sudden remembered about this gun;
12 is that right?

13 A. Yes, sir, because I played it back in my head from
14 that day.

15 Q. Okay. And that was because you were going to meet
16 with the solicitor?

17 A. No, sir.

18 Q. Okay. You just played it back, okay.

19 Now, when you say Mr. Hopkins was wearing
20 black elastic pants, did he have a gun on him right then?

21 A. I didn't see a gun then.

22 Q. You didn't see a gun?

23 A. No.

24 Q. And if he had a gun in the waistband of his pants,
25 it might pull the pants down, right, considering all things?

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Is that right?

2 A. Yes, sir.

3 Q. Okay. Were his pants pulled down as if he had a
4 gun in his -- in his waistband?

5 A. Well, he was sagging.

6 Q. He was sagging.

7 A. Uh-huh. (Indicating affirmatively.)

8 Q. Well, that would make it -- that would make it
9 even -- even more likely for the pants to be pulled all the
10 way down if he doesn't have them up around his waist, right?

11 MS. JONES: Your Honor, objection.

12 THE COURT: Just a moment.

13 MS. JONES: Objection.

14 THE COURT: Objection?

15 Counsel approach.

16 (Off-the-record discussion held.)

17 THE COURT: Rephrase the question consistent with
18 my ruling, Counsel.

19 MR. LEE: Yes, sir.

20 BY MR. LEE

21 Q. You said that at the time this happened that
22 Mr. Terrance Johnson was dating your sister, Angel?

23 A. Yes, sir.

24 Q. Angel Simmons?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. Okay. Do you know whether Angel Simmons was ever
2 seen or going out with a guy named Antoine Drake?

3 A. No, sir, not as I know of.

4 Q. You don't know?

5 A. No, but he used to be around the house every day.

6 Q. Antoine Drake?

7 A. Yes.

8 Q. Okay. Are you familiar with an altercation
9 between Terrance Johnson and Antoine Drake that involved
10 your sister, Angel Simmons, over at Michael Taylor's house
11 and a knife was involved?

12 A. I heard about it.

13 THE COURT: Hold on.

14 MS. JONES: Objection.

15 THE COURT: Counsel approach.

16 (Off-the-record discussion held.)

17 THE COURT: Move along. The objection's
18 sustained. Rephrase the question.

19 BY MR. LEE

20 Q. Your sister, Angel, was dating Terrance Johnson
21 around this time?

22 A. Yes, sir.

23 Q. Okay. Did you ever in the two and a half years
24 since this statement was made, did you ever contact anyone,
25 yourself or the law enforcement, stating that you wished to

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 change or add to that statement?

2 A. No, sir.

3 MR. LEE: That's all I have, Your Honor.

4 THE COURT: Redirect? .

5 REDIRECT EXAMINATION

6 BY MS. JONES:

7 Q. Ms. Simmons, you didn't touch Mr. Hopkins' gun
8 when he was wearing his clothes, the second outfit he
9 changed into?

10 THE COURT: Just a moment. Speak up for me now so
11 the witness and I can hear you.

12 Rephrase it.

13 BY MS. JONES

14 Q. The second time Mr. Hopkins changed, you didn't
15 search him for a gun, did you?

16 A. No, ma'am.

17 MS. JONES: I have no questions, Your Honor.

18 THE COURT: Recross limited to redirect.

19 MR. LEE: No questions.

20 THE COURT: As to the witness.

21 MS. JONES: She may be excused.

22 THE COURT: Mr. Lee, any objection to this witness
23 being excused?

24 MR. LEE: No, sir.

25 THE COURT: Ms. Simmons, you may step down from

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 sworn, was examined and testified as follows:

2 THE COURT: Good morning, Richard.

3 THE WITNESS: Good morning, Judge.

4 THE COURT: You know what to do. Make yourself
5 comfortable. State your full name and spell your last.

6 THE WITNESS: Richard Johnson, J-O-H-N-S-O-N.

7 THE COURT: Your witness, Counsel.

8 MS. JONES: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MS. JONES:

11 Q Agent Johnson, where do you work?

12 A South Carolina Law Enforcement Division, commonly
13 known as SLED.

14 Q And in what capacity do you work with SLED?

15 A I'm a special agent, responsible for conducting
16 investigation on almost every type of crime except drugs.

17 Q Were you the agent assigned to the case against
18 Rohaime Hopkins?

19 A Yes, ma'am.

20 Q And during that investigation did you have an
21 opportunity to speak with Mr. Hopkins?

22 A Yes, I did.

23 Q When was the -- how many times did you speak with
24 Mr. Hopkins?

25 A Twice.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And what was the date of the first time you spoke
2 with him?

3 A The first one was December 8th, 2014.

4 Q Okay. And what was the date of the second time?

5 A February 5th of 2015.

6 Q Okay. When you were speaking with him during both
7 of these interviews, is he in custody?

8 A Yes, ma'am.

9 Q Not on this charge, on unrelated charges?

10 A That's correct, unrelated charge.

11 Q At any time did he appear to be under the
12 influence of drugs or alcohol?

13 A No, ma'am.

14 Q Did he appear to have any mental or physical
15 defect that would affect his ability to understand?

16 A No, ma'am.

17 Q Did he -- can you describe the surroundings during
18 both of the interviews?

19 A The first interview on December 8th was at the
20 Chatham County Detention Center in Savannah, Georgia. It
21 was an interview room, one way in, one way out. Mr. Hopkins
22 was positioned close by the door. There was nothing
23 obstructing his ability to walk out of the door, but he
24 couldn't leave the facility. But he certainly could have
25 left the interview room.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Okay. And how about in February?

2 A In February, we were in an office space in which
3 still there was nothing obstructing between the entry door
4 and Mr. Hopkins. He could have left out of the interview
5 room, but not the facility.

6 Q At any time was he denied access to food, water,
7 or the bathroom?

8 A No, ma'am.

9 Q How long were these interviews?

10 A I think the first one may have been about 30
11 minutes, and the second one was a little bit longer, if I'm
12 not mistaken. I don't have the exact time, length of all --
13 both the interviews, but I'm certain the first one was about
14 30 minutes long.

15 Q Was the second one less than an hour or more than
16 an hour?

17 A Probably less than an hour.

18 Q All right. And during both of these interviews,
19 he was subjected to your interrogation?

20 A Yes, ma'am.

21 Q Did you -- during both of these interviews, did
22 you go to request to speak with Mr. Hopkins, or did he
23 request you to come speak with him?

24 A The first one, I went to him after learning that
25 he was in custody in Savannah, Georgia.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And --

2 A And on the second one, through information through
3 other officers, Major Donald Hipp, which information came
4 from, I think it was ATF Agent Schubert, or something to
5 that effect, said that he had information he wanted to talk
6 with us.

7 Q And when you spoke with Mr. Hopkins the second
8 time, did he confirm that he, in fact, wanted to speak with
9 you?

10 A That's correct.

11 Q When you're speaking with him, did you advise him
12 why you were speaking with him?

13 A Yes, ma'am.

14 Q Okay. And what was that reason?

15 A Well, it was because of this -- the investigation
16 for the day, just wanted to see if he had any information
17 pertaining to it.

18 On the second interview, I initially started
19 out by wanting just to let him know, asking, did you not
20 call us and ask, you know, if we wanted to talk with you or
21 not.

22 Q Okay.

23 MS. JONES: Permission to approach, Your Honor?

24 THE COURT: Yes.

25 BY MS. JONES:

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Agent Johnson, I'm going to show you what has been
2 marked as Court's 2 and Court's 4. Can you identify those?

3 A Yes, ma'am. These are Miranda rights forms that
4 were used each time that I met with Mr. Hopkins.

5 Q Okay. And does Mr. Hopkins indicate on those
6 forms that he understands his rights?

7 A Yes, ma'am, he did.

8 Q How does he do so?

9 A On each line, as I read the rights, he placed his
10 initials by each line, acknowledged that he understood
11 those. And at the bottom, where it's entitled, "Waiver of
12 Rights," he signed his name, acknowledging that he was
13 willing to freely waive his rights to an attorney.

14 Q And are those fair and accurate copies of the
15 Miranda forms that you had Mr. Hopkins fill out?

16 A Yes, ma'am.

17 Q Did they appear to be altered in any way?

18 A No, ma'am.

19 Q And is that your signature on the witness line as
20 witness to the interrogation?

21 A Yes, ma'am.

22 MS. JONES: Your Honor, at this time, we move
23 Court's 2 and 4 into --

24 THE COURT: Please identify what -- by date,
25 what's two and what's four, for the record, please,

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Agent Johnson.

2 THE WITNESS: Yes, ma'am.

3 Exhibit Court 2 is for the Miranda rights for the
4 date of December 8th, 2014. My start time was
5 2:30 p.m. And Exhibit Court 4 is Miranda rights dated
6 February 5th, 2015. And my start time was 12:33 p.m.

7 THE COURT: As to Court's 2 and 4, for purposes of
8 this hearing, Mr. Lee?

9 MR. LEE: No objection.

10 THE COURT: All right. Have they been marked?

11 MS. JONES: Yes, Your Honor.

12 THE COURT: Court's Exhibits 2 and 4 will be
13 admitted for purposes of this hearing, without
14 objection.

15 You may proceed, Solicitor.

16 MS. JONES: Thank you, Your Honor.

17 *(Whereupon, Court's Exhibit No(s). 2 & 4 marked*
18 *for identification and received in evidence.)*

19 BY MS. JONES:

20 Q Agent Johnson, what does that December 8th form
21 read?

22 A December 8th form reads, "Before we ask a
23 question, you must understand your rights. You have the
24 right to remain silent. Anything you say can be used in
25 court as evidence against you. You are entitled to talk to

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 a lawyer now and have him present now or at any time during
2 questioning. If you cannot afford an attorney, one will be
3 appointed for you without cost. If you decide to answer
4 questions now without a lawyer present, you will still have
5 the right to stop answering at any time. You also have the
6 right to stop answering at any time until you talk to a
7 lawyer. Do you understand these rights? Do you wish to
8 talk to us at this time?"

9 The Waiver of Rights reads, "I have read the
10 statement of my rights and I understand what my rights are.
11 I am willing to talk now without a lawyer present. I
12 understand and know what I am doing. No promises or threats
13 have been made to me, and no pressure or coercion of any
14 kind has been used against me."

15 Q And Mr. Hopkins initialed next to each of those
16 indicating he understood?

17 A Yes, ma'am.

18 Q And did he sign indicating he wished to waive his
19 rights?

20 A Yes, ma'am.

21 Q While going through these rights, did he appear to
22 understand what each right meant?

23 A Yes, ma'am.

24 Q Did his answers appear rational when he's speaking
25 with you?

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 A Yes, ma'am.

2 Q And the rights form, Court's 4, the rights form
3 for February 5th, is it identical to the December 8th one?

4 A Yes, ma'am.

5 Q And does he initial and indicate on that form that
6 he does wish to speak with you as well?

7 A Yes, ma'am, that's correct.

8 Q And he waived having his attorney present?

9 A That's correct.

10 Q Okay. And again on February 5th, does he appear
11 to understand what you're asking him?

12 A Yes, ma'am.

13 Q And he gives rational responses to your questions?

14 A Yes, ma'am.

15 Q At any point in any of those interviews, does he
16 appear to have any difficulty in answering or understanding
17 your questions?

18 A No, ma'am.

19 Q Did he ever ask for an attorney?

20 A No, ma'am.

21 Q What did he say in -- on the December 8th
22 interview?

23 A On December 8th, he told us -- he said that he was
24 at Ms. Simmons -- at the house of the Simmons' to pay
25 respect for the death of the family member. Himself and

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 others were out in the yard. At some point, or actually
2 right about 6:00 p.m., Terrance Johnson came and took him to
3 Roseland community to get some clothes. I think he said,
4 may have took them about 20 minutes or so just to go to
5 Roseland and get back. But when they came back, it would
6 have been around 6:30, 7:00 p.m., where Terrance Johnson
7 dropped him off at Janeika Taylor's house. And that was the
8 last time he saw Terrance Johnson.

9 Q Okay. Was this statement recorded?

10 A It was audio recorded.

11 Q Did he also memorialize it to a writing?

12 A Say that again?

13 Q Did he also give you a written statement that day?

14 A Yes, ma'am.

15 MS. JONES: Permission to approach?

16 THE COURT: Yes.

17 BY MS. JONES:

18 Q Agent Johnson, I'm showing you what has been
19 marked Court's Exhibit 3. Can you please identify that?

20 A It's a SLED voluntary statement form that was
21 provided to Mr. Hopkins so that he can write his own
22 information in his own writing.

23 Q And is that a copy of the statement he filled out
24 on December 8th?

25 A Yes, ma'am.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Does he sign that statement?

2 A Yes, he does.

3 Q Do you sign it as a witness?

4 A Yes, ma'am.

5 Q And is that a fair and accurate copy of the
6 statement he wrote that afternoon?

7 A Yes, ma'am.

8 MS. JONES: Your Honor, at this time, State moves
9 Court's 3 into evidence.

10 THE COURT: As to Court's 3, Mr. Lee.

11 MR. LEE: For the purpose of this hearing, no
12 objection. For the purposes of this hearing, I have no
13 objection to the introduction.

14 THE COURT: We're only in this hearing at this
15 point, Mr. Lee.

16 As to Court's 3 for purposes of this hearing?

17 MR. LEE: No objection.

18 THE COURT: Court's Exhibit No. 3 will be admitted
19 into evidence for purposes of this Jackson Denno
20 hearing without objection.

21 It's now in evidence. Proceed, Solicitor.

22 *(Whereupon, Court's Exhibit No(s). 3 marked for*
23 *identification and received in evidence.)*

24 MS. JONES: Thank you, Your Honor.

25 BY MS. JONES:

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And Agent Johnson, what does that statement say?

2 A It says, "Around 4:00 p.m., on the day of Ms.
3 Simmons' death, we were located in the yard with family
4 members. T.J. arrived, we talked in the yard. T.J. is
5 Terrance Johnson. He took me to get some clothes and took
6 me back to Janeika DuPont house and dropped me off. I did
7 not talk back with him or seen him any more that night.
8 T.J. took me to get clothes from Roseland around 6:00 p.m.,
9 and that took about 20 minutes. Then he dropped me off at
10 Janeika DuPont house when we was finished, which was around
11 6:30 to 7:00 p.m. And Janeika drop me off around 11:30 to
12 11:45 in Baytree apartment. I did not go back to the
13 Simmons Hill anymore that day."

14 Q Okay. Thank you.

15 Moving on to the February 5th interview, what
16 did he say during that interview?

17 A Now, he provided a little bit more information.

18 But it says, "A couple days before Johnson
19 was killed, Johnson and Drake pulled knives on each other.
20 They had a falling out over Latanya Singleton. They were at
21 Michael Taylor's house at Riceshire Road in Ridgeland,
22 South Carolina. And during the altercation, Drake almost
23 stabbed Michael Taylor in the face with his knife. Drake
24 called his brother to the area to kill Johnson. Johnson's
25 biological father, who is currently incarcerated, supposedly

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 placed a hit on Drake for calling his brother to kill
2 Johnson. Drake had to get out of town and needed money. He
3 had heard that Trey from Garnet, South Carolina, and who is
4 one of the biggest drug dealer that side of Jasper County,
5 placed a hit on Johnson for being a snitch. The hit was
6 supposed to be for \$15,000, and Drake accepted the job. On
7 November 13th, 2014, Drake killed Johnson around 6:00 a.m.
8 Drake killed Johnson by himself in Roseland. No one was
9 with Drake when he killed Johnson."

10 Q And that concludes the information he gave you
11 that day?

12 THE COURT: Solicitor, I can't hear you.

13 MS. JONES: I'm sorry.

14 BY MS. JONES:

15 Q That concludes the information he gave you that
16 day?

17 A He provided additional hearsay information, but I
18 guess I can't go any further with it.

19 Q Okay. At any point, did you ask him about his
20 phone number?

21 A At one of the interviews, I asked which phone --
22 what was his actual number? And I gave him a number, and he
23 said that that was his older number, he no longer had that
24 number.

25 Q What was this number you asked him about?

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 A It was the number. I have to look through
2 this to get that actual number. Wait a second.

3 Q Could it have been -9329?

4 A Yes, ma'am.

5 Q Okay. And that was the number he indicated an old
6 -- that was his old number.

7 A That was his old number.

8 Q At any time during these statements, or to the
9 best of your recollection, was his statements, both on the
10 8th of December and February 5th, freely and voluntarily
11 given?

12 A Yes, ma'am.

13 MS. JONES: I have no further questions.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION

16 BY MR. LEE:

17 Q Mr. Hopkins cooperated with you both times you
18 spoke to him?

19 A Yes, sir.

20 Q You didn't force him to say anything?

21 A No, sir.

22 Q And as a matter of fact, on February 5th, meaning
23 he actually called you saying I want to talk to you, right?

24 A Not directly. That was through other law
25 enforcement he got the message to me, yes.

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 Q So he got a message to you that he wanted to talk
2 to you.

3 A Yes, he did.

4 Q Even though he didn't have to?

5 A That's correct.

6 Q And the information that he provided about the
7 T.J. and Drake pulling the knives on each other, did you
8 follow up with that information?

9 A Yes, sir.

10 Q Okay. Did you follow up with the statement that
11 Drake had to get out of town and needed money?

12 A Yes, sir.

13 Q Okay. Because those obviously could be two pretty
14 important pieces of information, right?

15 A That's correct.

16 Q And you took it seriously and you looked into it?

17 A Yes, sir.

18 Q Okay.

19 MR. LEE: That's all I have, Your Honor.

20 THE COURT: Redirect.

21 MS. JONES: None, Your Honor.

22 THE COURT: Anything further from the State for
23 purposes of this hearing?

24 MS. JONES: No, Your Honor.

25 THE COURT: Does the Defendant wish to present any

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 evidence for purposes of this hearing?

2 Richard, you can step down.

3 MR. LEE: No, Your Honor. No, sir.

4 THE COURT: Very well.

5 Solicitor, I understand you seek to introduce this
6 statement to Mr. Lee? I don't need to hear from you,
7 Solicitor. Be seated.

8 Mr. Lee, is there any objection?

9 MR. LEE: I, of course, would object to the
10 introduction of the actual statement as hearsay. The
11 substance of it, I think she is allowed to get into.

12 THE COURT: Well, of course, that's a matter for
13 who, Mr. Lee?

14 MR. LEE: Your Honor.

15 THE COURT: No, I don't think necessarily. It's a
16 matter of whether or not it's admissible for me. But
17 the accuracy of it, of course, is the credibility, Mr.
18 Lee, and that's a matter for the jury.

19 MR. LEE: Yes, sir.

20 THE COURT: Let the record reflect the Court has
21 carefully considered all the evidence which has been
22 offered by the State. The Defendant, having chosen not
23 to present any evidence for purposes of this Jackson
24 Denno hearing, the Court is convinced by a
25 preponderance of the evidence, and I so find that

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 before the alleged statement was obtained from the
2 Defendant, the Defendant was fully advised of his
3 rights under the Fifth and Sixth Amendment to the
4 Constitution of the United States, and that the
5 Defendant was advised of the constitutional safeguards
6 required by Miranda versus Arizona.

7 The Defendant was advised prior to any
8 interrogation. He had the right to remain silent, and
9 he was advised prior to any interrogation. And if
10 waived his right to remain silent and made a statement,
11 that such statement could and would be used against him
12 in a court of law. And the Defendant was advised prior
13 to any interrogation that he had the right to employ a
14 selected attorney of his own choice, and that, if he did
15 not have the money, funds, or resources to afford an
16 attorney, that the Court would appoint and provide an
17 attorney for him if he so desired, without cost or
18 expense to him, and he had the right to have his
19 attorney present with him at all times during the
20 interview or interrogation, and the Defendant was
21 advised prior to any interrogation that he had the
22 right to consult with his attorney before interrogation
23 and he was advised prior to any interrogation that he
24 had the right to interrupt and terminate the
25 interrogation at any time, and the further right to

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 stop answering questions at any time during the
2 interrogation. And he was advised prior to any
3 interrogation, that if during the interrogation, he
4 desired an attorney, the interrogation would cease
5 until an attorney was provided for him, and he would be
6 given an opportunity to consult with his attorney prior
7 to the interrogation.

8 It is this Court's finding by the greater weight
9 and preponderance of the evidence that the Defendant
10 knowingly and intelligently waived his rights under the
11 Fifth and Sixth Amendments of the Constitution of the
12 United States and the constitutional safeguards
13 required by Miranda versus Arizona; that the alleged
14 statement obtained from the Defendant was freely and
15 voluntarily given without duress, without coercion,
16 without undue influence, without reward, without
17 promise or hope of reward, without promise of leniency,
18 without threat of injury, and without compulsion or
19 inducement of any kind; and that such alleged statement
20 was the voluntary product of the free and unconstrained
21 will of the Defendant.

22 This Court makes all of those foregoing findings
23 and conclusions by a preponderance of the evidence, and
24 I, therefore, find that the statement is admissible
25 into evidence.

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 All right. You are going to have to recall
2 Richard when you decide to do it. We've now taken --
3 you told me ten minutes, you took 30. We're behind
4 schedule. Let's move along. Bring me the jury.

5 (Jury enters the courtroom at 9:34 a.m.)

6 THE COURT: Good morning.

7 JURORS: Good morning.

8 THE COURT: There you are, Madam Foreperson. Good
9 morning, ladies and gentlemen. Thank you for your
10 patience. I had a matter of law. We got here about
11 8:30, started working, and the matter of law took -- I
12 know you sat in that -- I know the clerk told you to be
13 here at 9:00 o'clock, and I did, and we were all here.
14 Because I checked on you before 9 o'clock. I knew you
15 were all here.

16 But a matter came up that required that I listen
17 to some matters in order to rule on a matter of law.
18 So the time you waited is entirely on me.

19 I had planned today around not having to start and
20 stop any more than is absolutely necessary, ladies and
21 gentlemen. I'm going to be mindful of your time. We
22 will now continue with the testimony in the trial of
23 this case.

24 Call your next witness, Solicitor.

25 MS. JONES: Thank you, Your Honor. The State

COMMENTS BY THE COURT

1 calls Daytron Simmons.

2 THE COURT: Daytron Simmons.

3 Thereupon,

4 DAYTRON SIMMONS

5 was called as a witness, having been first duly sworn,

6 was examined and testified as follows:

7 THE COURT: Have a seat. Make yourself at home.

8 Pull your chair up and adjust the microphone to your

9 height. That microphone is going to amplify your

10 voice. Speak up so everybody on this jury can hear

11 you. Begin by stating your full name and spelling your

12 last name for the court reporter.

13 THE WITNESS: Daytron Simmons, S-I-M-M-O-N-S.

14 THE COURT: Your witness, Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Mr. Simmons, where do you live?

19 A Spring Hill.

20 Q Okay. What is your address?

21 A Riceshire Road.

22 Q Is that also known as Simmons Hill?

23 A Yes, ma'am.

24 Q And did you live there back in November of 2014?

25 A Yes, ma'am.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Do you remember the day of November 12th, 2014?

2 A Yes, ma'am.

3 Q And what do you remember about that day?

4 A We had a set-up for my mom -- grandmom that had
5 passed. That's it.

6 Q Okay. And what does that mean?

7 A How do you mean?

8 Q I mean, did people come over to Simmons Hill that
9 day?

10 A Yes, ma'am. Yes, ma'am.

11 Q Okay. Do you remember if a man named Terrance
12 Johnson was there?

13 A Yes, ma'am.

14 Q What did you call Terrance Johnson? Did you know
15 him as "T.J."?

16 A Yes, ma'am.

17 Q Thank you. Was also a man named Rohaime Hopkins
18 there?

19 A Yes, ma'am.

20 Q Okay. Do you know Rohaime Hopkins?

21 A Yes, ma'am.

22 Q And how long have you known him?

23 A Probably about -- I don't remember. I can't
24 remember.

25 Q A couple years, or longer than that?

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

- 1 A Probably about a year.
- 2 Q Okay. Back in 2014, it was about a year?
- 3 A Yes, ma'am.
- 4 Q Okay. Did you remember seeing him that day?
- 5 A Yes, ma'am.
- 6 Q And did you ever see them together?
- 7 A Yes, ma'am.
- 8 Q Okay. Did you stay at Simmons Hill that whole
- 9 night?
- 10 A No, ma'am.
- 11 Q When you left Simmons Hill, were the victims --
- 12 were Mr. Johnson and Rohaime Hopkins still there?
- 13 A No, ma'am.
- 14 Q Where were they?
- 15 A They were gone.
- 16 Q How did they leave?
- 17 A In T.J.'s car.
- 18 Q Did they leave together?
- 19 A Yes, ma'am.
- 20 Q Was anybody else with them?
- 21 A No, ma'am.
- 22 Q Who was driving?
- 23 A T.J.
- 24 Q What kind of car did T.J. drive?
- 25 A It's a -- it's a Camry.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Okay. A Toyota Camry.

2 Do you know about what time this was?

3 A No, ma'am.

4 Q Do you remember speaking with Agent Johnson right
5 here on March 24th of 2015?

6 A I don't recall.

7 Q Okay. Do you remember something that you -- that
8 you witnessed that happened a couple weeks before the
9 murder?

10 A I don't recall.

11 Q Okay. Do you have problems with your memory?

12 A Yes, ma'am.

13 Q What is the -- what are your problems with your
14 memory?

15 A I got shot in my eye in '06.

16 Q Okay. Is that the injury I see right now?

17 A Yes, ma'am.

18 Q Okay. You were shot?

19 A (Indicates.)

20 THE COURT: You have to say "yes" or "no." Don't
21 shake your head.

22 THE WITNESS: Yes, ma'am.

23 BY MS. JONES:

24 Q How does that affect your memory?

25 A Short term memory.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Okay. You can remember things for a short time,
2 but then a long time you can't remember them?

3 A Yes, ma'am.

4 Q So are you telling me right now, you don't
5 remember speaking with Agent Johnson on March 24th of 2014?

6 A I don't recall.

7 Q At Riceshire Road in Ridgeland.

8 A Yes, ma'am.

9 Q Around the afternoon time?

10 A Yes, ma'am.

11 Q Did it happen, or you don't remember?

12 A I don't remember.

13 Q Okay. Do you remember telling him that you were
14 at Michael Taylor's house with the Defendant, Rohaime
15 Hopkins, yourself and Antoine Drake, about two weeks before
16 the murder?

17 A No, ma'am.

18 Q Do you remember telling him that Hopkins, the
19 Defendant, said -- told you he was waiting on "them boys,"
20 meaning Trey Graves, to sign the contract?

21 A No, ma'am.

22 Q Do you remember telling him that Mr. Hopkins said
23 this while looking -- said this to you while looking at
24 Terrance Johnson?

25 A No, ma'am.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Do you remember telling him that Trey Graves had a
2 hit on Terrance Johnson because Terrance Johnson was
3 snitching?

4 A No, ma'am.

5 Q You don't remember saying any of that?

6 A No, ma'am.

7 Q And you say today that it is because you have long
8 term memory loss because of your gunshot wound?

9 A Yes, ma'am.

10 Q Okay. But you do remember that they left together
11 on November 12th?

12 A Yes, ma'am.

13 Q You just don't remember saying that to Richard
14 Johnson?

15 A Yes, ma'am.

16 Q Do you remember that happening?

17 A I can't recall.

18 Q You just don't remember?

19 A No, ma'am.

20 Q Okay.

21 MS. JONES: Beg the Court's indulgence.

22 Mr. Simmons, I have no further questions.

23 THE COURT: Cross examination.

24 CROSS EXAMINATION

25 BY MR. LEE:

CROSS EXAMINATION OF DAYTRON SIMMONS BY LEE

- 1 Q When did you get shot in the eye?
- 2 A 2006.
- 3 Q Before all this?
- 4 A Yes.
- 5 Q And the thing we're talking about happened
- 6 November 12th, 2014. Your statement that she's asking about
- 7 was in March of 2014, right? Five months later; does that
- 8 sound right?
- 9 A I don't recall.
- 10 Q Do you recall going to the -- to Club Pluto the
- 11 night of the shooting with Antoine Drake and Javare Shuler?
- 12 A I don't recall.
- 13 Q You don't recall?
- 14 A No.
- 15 Q Did you write a statement for the officer?
- 16 A I don't recall.
- 17 Q You don't recall?
- 18 A I can't read, so how am I going to write a
- 19 statement?
- 20 Q So then you can't read or write, can you?
- 21 A No.
- 22 Q So any statement would have been written by Agent
- 23 Johnson and then read to you and you signed; but you
- 24 wouldn't have done it yourself, right?
- 25 A Yes, sir.

CROSS EXAMINATION OF DAYTRON SIMMONS BY LEE

1 Q Now, Rohaime Hopkins and T.J. were buddies, right?

2 A Yes, sir.

3 Q And they hung out pretty much everyday?

4 A Yes, sir.

5 Q And so they would be considered friends, right?

6 A Yes, sir.

7 Q And are you buddies with Antoine Drake, aka
8 Hollywood?

9 A Yes, sir.

10 Q Okay. How about Tutu?

11 A No, I don't know her.

12 Q But you knew Hollywood?

13 A Yes.

14 THE COURT: You have to say "yes" or "no."

15 THE WITNESS: Yes, sir.

16 MR. LEE: That's all I have, Your Honor.

17 THE COURT: Redirect.

18 MS. JONES: Briefly, Your Honor.

19 THE COURT: Speak up.

20 REDIRECT EXAMINATION

21 BY MS. JONES:

22 Q Mr. Simmons, do you see the man you know as
23 Rohaime Hopkins who left with the victim that day in the
24 courtroom?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES

1 Q And where is he?

2 A Sitting right there (indicating).

3 Q Can you describe what he has on?

4 A A blue-colored shirt.

5 MS. JONES: May the record reflect the witness
6 identified the Defendant.

7 THE COURT: Proceed.

8 MS. JONES: No further questions.

9 THE COURT: Recross limited to redirect.

10 MR. LEE: No further questions.

11 THE COURT: As to this witness, Solicitor?

12 MS. JONES: He may be excused.

13 THE COURT: Any objection, Mr. Lee?

14 MR. LEE: No, sir.

15 THE COURT: Mr. Simmons, you may step down from
16 the witness stand. You're excused from the trial of
17 this case. You may leave the courtroom.

18 Call your next witness.

19 MS. JONES: The State calls Antoine Drake.

20 Thereupon,

21 ANTOINE DRAKE

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE COURT: Step up. Watch your step there. Have
25 a seat, Mr. Drake. And you're going to need to slide

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 up a little bit, I want you to get to the microphone.
2 You adjust the microphone to your height, Mr. Drake. I
3 need you to speak into that microphone. It's to
4 amplify your voice, and I want everybody on this jury
5 to be able to hear you. Start by stating your full
6 name, spelling your last name for the court reporter.

7 THE WITNESS: First name is Antoine; middle name,
8 is Durrell, Drake, D-R-A-K-E.

9 THE COURT: You don't have to get right on top of
10 it, but get close to it and speak up.

11 Your witness, Counsel, direct examination.

12 MS. JONES: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Good morning, Mr. Drake.

16 A Good morning.

17 Q Can't help but notice what you're wearing. Where
18 are you staying these days?

19 A Right now?

20 Q Right now.

21 A Beaufort County jail.

22 Q Okay. And you're arrested on something?

23 A Yes, ma'am.

24 Q What are you in jail on?

25 A Criminal domestic violence.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

- 1 Q Okay. And who is the alleged victim in that case?
- 2 A Latanya Singleton.
- 3 Q Does she have a nickname?
- 4 A Yeah.
- 5 Q Okay. What's her nickname?
- 6 A Tutu.
- 7 Q How do you know Tutu?
- 8 A My kid's mother.
- 9 Q How many kids do you have with her?
- 10 A One now, but one on the way.
- 11 Q She's pregnant right now with your child?
- 12 A Yeah.
- 13 Q Were y'all living together?
- 14 A Something like that, yeah.
- 15 Q And has she spoken to you since you've been in
- 16 jail?
- 17 A Yeah.
- 18 Q How?
- 19 A Visit, on the phone.
- 20 Q Okay. She has come in and talked to you?
- 21 A Yeah.
- 22 Q Okay. Has myself or anybody else from the
- 23 Solicitor's office promised you anything with this pending
- 24 charge you have right now?
- 25 A No, ma'am.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Okay. We're not helping you at all with what you
2 have going on right now, are we?

3 A No, ma'am.

4 Q In fact, you're still in jail on it? It's still
5 pending?

6 A Yes, ma'am.

7 Q Did you know a man named Terrance Johnson?

8 A Yes, ma'am.

9 Q And how did you know him?

10 A He was a friend of mines, and I met him through --
11 I met him really through Angel and Daytron and them, other
12 friends.

13 Q Okay. Did you call him T.J.?

14 A I called him T.J.

15 Q Okay. How long had you known T.J.?

16 A I probably only know T.J. for probably like, two
17 months, three months tops.

18 Q Y'all were friends?

19 A Yeah, we were friends.

20 Q Do you know a man named Rohaime Hopkins?

21 A Yes.

22 Q And how did you know Rohaime?

23 A I know Rohaime since I was a kid, since I was
24 younger.

25 Q Did y'all grow up together? Go to school?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

- 1 A No, ma'am. No, we didn't grow up together.
- 2 Q But you just known him forever?
- 3 A Yeah.
- 4 Q Are y'all family?
- 5 A No, ma'am.
- 6 Q Y'all just friends?
- 7 A Yes, ma'am.
- 8 Q Okay. Do you remember -- you know why we're here
- 9 today.
- 10 A Yes, ma'am.
- 11 Q Okay. Do you remember being with T.J. and the
- 12 Defendant the night before T.J. was killed?
- 13 A Yes, ma'am.
- 14 Q Can you tell me about that?
- 15 A We was on the way going on -- we was on the way
- 16 going to Hardeeville. We was on going to see somebody to
- 17 pick up something.
- 18 Q What were y'all going to pick up?
- 19 A Drugs.
- 20 Q What kind of drugs?
- 21 A Coke, marijuana.
- 22 Q Okay. Coke, is that cocaine?
- 23 A Yeah.
- 24 Q And you've actually been convicted in 2015 of
- 25 possession of cocaine, haven't you?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yes, ma'am.

2 Q Okay. So you were going with them to get some
3 cocaine?

4 A Yeah.

5 Q Okay. And what happens?

6 Who's driving y'all? I'm sorry to interrupt
7 you. Who's driving y'all?

8 A T.J. was driving, Angel was in the front seat, and
9 me and Mr. Hopkins was in the back seat.

10 Q Okay. And whose car were y'all in?

11 A T.J.

12 Q And tell me about this trip to Hardeeville.

13 A We was just going to Hardeeville and basically,
14 T.J. was tripping over gas. He wanted gas money. I paid
15 him the gas money, him and Roh had some had some words --
16 him and Mr. Hopkins had words over gas money. But Hopkins
17 gave him gas money. And we was in the back seat, we was
18 going to Hardeeville. Mr. Hopkins repeatedly said that he
19 wanted to kill T.J.

20 Q Okay. You're sitting next to Mr. Hopkins at this
21 point?

22 A I'm sitting across, over.

23 Q In the car, are you sitting next to him?

24 A Yes.

25 Q Okay. And what does he say?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A He just say, "I'm going to kill him, I'm going to
2 kill him."

3 Q Talking about who?

4 A T.J.

5 Q Does he say it just one time?

6 A Nah.

7 Q How many times did he say it?

8 A He said it repeatedly, like over and over.

9 Q Okay. But he doesn't kill him that night?

10 A Nah.

11 Q Okay. So what happens the next day?

12 A My friend grandmother died, she died. She had
13 died, and we was all up there at the sitting up. And --

14 Q And where is this y'all are at?

15 A We was at -- we was on the Simmons Hill. Spring
16 Hill. We was up there.

17 Q Okay. Who is there with you?

18 A It was like the whole Simmons Hill family, all of
19 them.

20 Q Was T.J. there?

21 A Yeah, he was there.

22 Q How about the Defendant?

23 A Yeah. Yeah, he was there.

24 Q Do you see T.J. and the Defendant talking to each
25 other that day and night?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yeah, they was talking.

2 Q Tell me about that.

3 A We were just -- at the time, we were just talking,
4 and T.J. came through. He had some coke. So T.J. opened
5 the door and --

6 Q Opened the door to what?

7 A To his car.

8 Q Okay.

9 A To his car. Me and T.J. was talking, and I sit
10 like in between his driver's door. And he had gave me a --
11 he had gave me a line of coke. So Rohaime came and, like,
12 he got to go home, he got to go do something, he got to get
13 some clothes or whatever. He wanted to take him to his
14 mother house. So I basically asked Mr. Hopkins, you know,
15 can I go?

16 He was like, no, he had to go take care of
17 some business, he'll be right back. But he was going to
18 bring us some coke and weed back.

19 Q So he left saying he had to go take care of some
20 business?

21 A Yeah.

22 Q And he asked T.J. to take him?

23 A Um-hmm.

24 Q And he wouldn't let you go?

25 A Nah, he didn't let me go.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Okay. After they leave, what do you do?

2 A I stayed up there at Simmons Hill for a while.

3 But then I got my cousin to come -- my cousin came up there

4 and then he took me -- he took me to Wagon Branch, to a

5 friend of mine's house, Quan.

6 Q How far away is Wagon Branch from Simmons Hill?

7 A It's a long ways.

8 Q Ten minutes? 15 minutes?

9 A Probably you doing like the speed limit, probably
10 like ten, 15 minutes, yeah.

11 Q Why didn't you drive yourself over there?

12 A I didn't have a car.

13 Q Okay. And -- whose house did you go to?

14 A Quan.

15 Q What's her real name?

16 A Quan Chaneyfield.

17 Q And who is she? Was she your girlfriend at the
18 time?

19 A At the time, she my girlfriend.

20 Q Okay. But not anymore?

21 A Not anymore.

22 Q How late do you stay at her house?

23 A Honestly, I ended up staying until around, like, I
24 want to say 12.

25 Q In the morning? Midnight?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Probably something like that.

2 Q And how did you leave her house?

3 A My friend came and picked me up, Javare.

4 Q Javare, what's his last name?

5 A Javare Shuler.

6 Q And was he driving?

7 A No, he wasn't even driving.

8 Q Who was driving to pick you up?

9 A Brittany Patterson.

10 Q Okay. And her and Javare come together, to Quan's
11 house?

12 A Yes.

13 Q And you -- what time do you think this was?

14 A I want to say around about -- I want to say around
15 about 12, 12:30, something like 12, 12:30.

16 Q Okay. So they pick you up from Wagon Branch?

17 A Yeah.

18 Q And take you where?

19 A We went to, that evening, to Pluto for a while. I
20 actually, I sat out in the parking lot for a second. And
21 then I went back onto Simmons Hill.

22 Q Okay.

23 A So what is Pluto?

24 Q Pluto, that's a strip club. It's a club? A strip
25 club?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

- 1 A Well, a club.
- 2 Q A club? And where is that?
- 3 A It's on, like, 17. It's on 17 going out towards
- 4 Ridgeland toward Hardeeville.
- 5 Q Okay. But still in Ridgeland?
- 6 A Still in Ridgeland.
- 7 Q And who is at the club with you?
- 8 A It be Brittany and Javare, because I never got
- 9 out. I never went in.
- 10 Q Okay. You stayed in Brittany's car?
- 11 A Yeah.
- 12 Q And then from there, where do you go?
- 13 A I go to Simmons Hill.
- 14 Q And how do you get to Simmons Hill?
- 15 A Brittany and Javare.
- 16 Q Okay. And whose house do you go into at Simmons
- 17 Hill?
- 18 A Latran and Durrell (phonetic) Simmons.
- 19 Q Okay. They live together?
- 20 A Yeah, they live together.
- 21 Q And what do you do when you get back to this
- 22 house?
- 23 A When I get back to that house, me and Durrell just
- 24 laid down and went to sleep.
- 25 Q What time was this?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A It's probably like one-something in the morning,
2 something like that.

3 Q Okay. Could it have been later than that?

4 A Probably could have, but I'm not too sure. It was
5 pretty late.

6 Q Okay. And you had been doing cocaine, drinking,
7 at the club, at your girlfriend's house, at Simmons Hill,
8 all day and night?

9 A Yeah.

10 Q So you don't really know about your times, do you?

11 A No.

12 Q It was late though?

13 A It was late.

14 Q Now, we mentioned drinking, doing cocaine, smoking
15 weed -- you still remember that day?

16 A Yeah.

17 Q How? You were under the influence of at least
18 three things.

19 A You don't -- you don't got -- you don't do a lot
20 of it.

21 Q So you still remember what people said?

22 A Yeah.

23 Q What they wore? Who you were with?

24 A Yeah.

25 Q Do you eventually learn that T.J. has been found?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yes, the next morning.

2 Q Okay. About what time; do you know?

3 A Well, Angel and her son came to wake me up. It
4 was like, maybe like 9:30, 10 o'clock.

5 Q Okay. And what do you do when you find out that
6 T.J. has been killed?

7 A We actually -- I got up. We got up. Because I
8 didn't believe it at first. We got up, and me, Angel, and
9 her son, we went down there, Knowles Island. He was down
10 there.

11 Q How far away was Knowles Island from Simmons Hill?

12 A About five minutes, seven, eight minutes.

13 Q Is that walking or driving?

14 A That's driving. It's longer walking.

15 Q Seven- to eight-minute drive?

16 A Yeah.

17 Q Knowles Island, is that in the Roseland area?

18 A That's in Roseland area.

19 Q And y'all go and y'all see that T.J. has been
20 killed?

21 A Um-hmm. (Indicating affirmatively.)

22 Q And what do you do the rest of the day?

23 A Really nothing. Just -- we just -- where I've
24 been, like, I was just thinking, like, what happened, stuff
25 like that. What really did happen.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Do you remember being at Phil Simmons' house later
2 that day?

3 A Yeah, I was at Phil Simmons' house.

4 Q And is he also in Simmons Hill?

5 A Yes.

6 Q Tell me about that. Someone named A.J. came to
7 you.

8 A Oh, yeah. They came to me because they tried to
9 sell me a gun.

10 Q Who is "they"?

11 A Oh, it was just A.J.

12 Q Who is A.J.?

13 A His last name is Singleton, A.J. Singleton.

14 Q Okay. And is he a friend? Who is he?

15 A He wasn't really my friend. He's just like -- the
16 Simmons Hill got a lot of people that comes up there, and he
17 was really just like an associate that I know him.

18 Q Okay. Do people often try to sell guns at Simmons
19 Hill?

20 A Yeah.

21 Q Yes?

22 A Yeah.

23 Q So A.J. came and tried to sell you a gun?

24 A He always sells guns, yeah.

25 Q He always sells gun?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

- 1 A Yeah.
- 2 Q What kind of gun was it?
- 3 A I didn't even know.
- 4 Q Was it a shotgun? Was it a rifle? Was it a
5 handgun?
- 6 A It was, like, a handgun.
- 7 Q What color was it?
- 8 A It was black.
- 9 Q Did you touch it?
- 10 A Yeah.
- 11 Q Why?
- 12 A Because I wanted to look at the gun.
- 13 Q Why?
- 14 A It was a lot of stuff going on and I figured I
15 probably would need to get a gun.
- 16 Q Did you buy the gun?
- 17 A No, ma'am.
- 18 Q Why not?
- 19 A Because I just didn't feel like that gun was
20 right.
- 21 Q Okay. So when it clicked that that wasn't right,
22 what did you do?
- 23 A I gave him back the gun and wiped my fingerprints
24 off of it.
- 25 Q Antoine, you're in jail right now, you've been to

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 jail before, why do I believe what you're telling me?

2 A Because it's the truth. I have no reason to lie.

3 Q When did you -- did you tell the police all this?

4 A Did I tell the police all this?

5 Q Um-hmm. (Indicating affirmatively.)

6 A Yes.

7 Q And who did you tell at the police?

8 A Who did I tell --

9 MR. LEE: I'm going to object to --

10 THE COURT: Counsel approach.

11 (Off-the-record discussion held.)

12 THE COURT: Objection withdrawn. Proceed.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Okay. Mr. Drake, you said you told -- you talked
16 to the police. Who did you talk to?

17 A Mr. Richard Johnson.

18 Q And where did you talk to him?

19 A On -- I think it was Darby -- Darby Road -- Darby?
20 Darby?

21 Q Could it have been Driggers?

22 A Driggers. Driggers, Driggers, Driggers, Driggers.
23 Driggers Lane.

24 Q What's on Driggers Lane?

25 A Like a bunch of woods and houses and in the woods.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 that.

2 Q Do you live over there?

3 A Nah.

4 Q Did Mr. Johnson request you talk to him here?

5 A No.

6 Q Why did you talk to him on this road with woods
7 and houses?

8 A Because I didn't want anyone to see me talking to
9 him.

10 Q Okay. And why is that?

11 A Because I just didn't. I didn't want anyone to
12 see me, --

13 Q Talking to the police.

14 A Yeah.

15 MS. JONES: Beg the Court's indulgence.

16 BY MS. JONES:

17 Q Mr. Drake, a couple more questions. Do you see
18 the man in the courtroom who told you, who you overheard
19 say, "I'ma kill him," while speaking about Terrance Johnson?

20 A Yes.

21 Q Okay. And the man that insisted that Terrance
22 take him to Roseland?

23 A Yes.

24 Q And the man that wouldn't let you go with them?

25 A Yes.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Is this all the same man?

2 A Yes.

3 Q Okay. Can you point him out, please?

4 A (Pointing.)

5 Q All right. What's he wearing?

6 A A blue shirt.

7 Q I'm sorry?

8 A A blue shirt.

9 Q Okay. Are you okay, Mr. Drake?

10 A (Nods in the affirmative.)

11 MS. JONES: May the record reflect the witness did
12 identify the Defendant.

13 THE COURT: Proceed.

14 MS. JONES: And I have no further questions for
15 you, Mr. Drake.

16 THE COURT: Cross examination.

17 MR. LEE: Yes, sir.

18 CROSS EXAMINATION

19 BY MR. LEE:

20 Q The first question that the Solicitor asked you
21 after you put your hand on the Bible and went under oath is
22 what your name was, right?

23 A Yes.

24 Q And what was your response?

25 A Antoine Drake.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. Do you need to change that?

2 A No, sir.

3 Q Do you need to amend it? Do you need to do
4 anything with that name?

5 A No, sir.

6 Q Do you ever use any other names?

7 A Yes, sir.

8 Q You have? You've used the name "Antoine DuPont;"
9 have you not?

10 A Antoine DuPont?

11 Q Yes, sir.

12 A Not -- not that I can recall.

13 Q You can't recall?

14 Okay. Can I refresh your recollection? Do
15 you remember getting arrested on April 24th, 2014 by Officer
16 Rodriguez with the Ridgeland Police Department?

17 A Oh, yeah.

18 Q Yeah. And that's when you got the cocaine charge,
19 right?

20 A Yes, sir.

21 Q Okay. And he asked you what your name was, and
22 you told him, "Antoine DuPont," right?

23 A Yes, sir.

24 Q And he charged you with providing false
25 information to the police, didn't he?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes, sir.

2 Q Okay. Does that refresh your recollection?

3 A Yes, sir.

4 Q That was a lie.

5 A Yes, sir.

6 Q And you were trying to fool or scam the officer
7 into thinking you were somebody else?

8 A Yes, sir.

9 Q Okay. And the reason[^] that you were doing that is
10 because you were wanted, right?

11 A Nah. I had cocaine in my car. I wasn't wanted at
12 the time.

13 Q Oh, okay. Now, are you a scammer?

14 A Yeah.

15 Q You're a scam artist?

16 A Yeah.

17 Q Have you ever described yourself as a scam artist?

18 A Yes.

19 Q Did you describe yourself to Agent Johnson as a
20 scam artist?

21 A Yes.

22 Q Did you all have a good little laugh about it in
23 his car that day on Driggers Road, when you're trying not to
24 let anybody see you?

25 A Yes.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Y'all had a good little laugh?

2 And you had a -- and that was on

3 December 9th.

4 A Yeah.

5 Q You had a good little laugh with Agent Johnson
6 about you trying to scam Trey Graves, right?

7 A Yes.

8 Q Okay. And Trey Graves is the guy that you say had
9 a hit out on Terrance Johnson?

10 A Yes.

11 Q Right? Okay. And then, lucky for you, I guess,
12 the week after Terrance Johnson was killed, you happen to
13 run into Trey Graves at Club Pluto, right?

14 A Yes.

15 Q Okay. Now, that's the strip club you were talking
16 about, right?

17 A Yes, sir.

18 Q Now, did you go inside that time, or just hang out
19 in the parking lot like you did the other time?

20 A I went inside.

21 Q You went inside. And Trey Graves was there.

22 A Yes.

23 Q Okay. And you went up to Trey Graves --

24 A Yes.

25 Q -- and you said, "Hey, man, I killed Terrance

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Johnson," right?

2 A No, I didn't say it like that.

3 Q Okay. Well, tell us how you -- you tried to get
4 the money from the hit saying that you did it, right?

5 A No, it wasn't like that.

6 Q It wasn't like that. Okay. And this was less
7 than a week after T.J.'s death, you told him that you wanted
8 to collect the money.

9 A Yeah, something like that.

10 Q Something like that. And the money you're talking
11 about is the hit money for killing Terrance Johnson, right?

12 A Yes.

13 Q Okay. And you scammed, or tried to scam, Graves?

14 A Yes.

15 Q Okay. And you asked him where the money was,
16 "because I done put the work in," right?

17 A Yes.

18 Q And "the work in" is killing Johnson, right?

19 A Yes.

20 Q Okay. And there were people around that probably
21 heard you say that?

22 A Yes.

23 Q And actually it kind of worked, though, didn't it,
24 scamming Graves?

25 A Nah, I didn't get anything.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q You didn't get anything. Didn't you get a bottle
2 of *[]from him?

3 A He actually bought everybody a bottle of [].

4 Q So he brought you one?

5 A Nah, he just told me somebody did.

6 Q Did he give you some strippers?

7 A No.

8 Q He didn't? He didn't buy you a lap dance or
9 anything?

10 A No.

11 Q He bought you a drink, right?

12 A Yeah.

13 Q So it worked, but just not as good as you wanted?

14 A It ain't what -- I just really wanted to see what
15 really happened.

16 Q You wanted to see what would really happen?

17 A Yeah. Like, I wanted to see, like -- like, was it
18 true that Rohaime really did it? So that's the approach
19 that I took to him.

20 Q So you were, like, investigating the case?

21 A You could say that.

22 Q Okay. Because T.J. was your friend?

23 A Yes.

24 Q Okay. We'll get back to that in just a minute.

25 And the Solicitor asked, you have that 2015

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 conviction for cocaine, right?

2 A Um-hmm. (Indicating affirmatively.)

3 THE COURT: You have to say, "yes" or "no," Mr.

4 Drake.

5 THE WITNESS: Yes, sir.

6 BY MR. LEE:

7 Q Okay. And you were arrested on April 14th, 2014
8 for that, right?

9 A Yes.

10 Q And that was the same day that you gave the wrong
11 name to the police officer, right?

12 A Yes.

13 Q Okay. And you talked about doing cocaine on
14 November 12th, the night that T.J. was killed, right?

15 A Yes.

16 Q Okay. So is it safe to say that cocaine is a
17 popular pass-time of yours? You like the cocaine?

18 A Something like -- nah, I didn't really like it, it
19 was just my drug of choice.

20 Q Did you just like the smell of it?

21 A No.

22 Q You didn't like the drug? It wasn't your drug of
23 choice?

24 A Yeah, it was.

25 Q It was? Okay.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yeah.

2 Q And sometimes you scam people to try to get
3 cocaine, right?

4 A Yeah.

5 Q Because at this time, you didn't have a job,
6 right?

7 A No.

8 Q You had one at Wendy's, but you lost the job?

9 A Yeah.

10 Q You didn't have a car?

11 A Nah.

12 Q You didn't really have any money? And the only
13 way you could make money was out scamming --

14 THE COURT: Hold on, Counsel. One at a time. Ask
15 him a question, don't shake your head. Say "yes" or
16 "no" so the court reporter to take it down.

17 Ask a question, Counsel, one at a time.

18 BY MR. LEE:

19 Q On November 12th --

20 A Yes, sir.

21 Q -- you did not have a job?

22 A Yes, sir.

23 Q On November 12th, you didn't have a car?

24 A Yes, sir.

25 Q That's correct?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A That's correct.

2 Q On November 12th, you didn't have any money to
3 speak of?

4 A No, sir.

5 Q The only way that you were supporting yourself was
6 through scamming people; is that safe to say?

7 A Yes, sir.

8 Q And you were pretty good at it, weren't you?

9 A Sometimes.

10 Q That's all you were surviving on, right?

11 A Yes.

12 Q Okay. And you were high on cocaine on
13 November 12th, right?

14 A Um-hmm, yes, sir.

15 Q And you wanted some cocaine so bad that you
16 actually couldn't wait, so you did it on the side door of
17 Mr. Johnson's car?

18 A Nah. He -- he just opened the door for me because
19 the back side of his car handle was broke. So you couldn't
20 get into it like that. So he just opened the door and just
21 told me to sit right there and do it.

22 Q Okay. But you did it on his car?

23 A Yeah. Like in, like, the door jamb of the
24 driver's door.

25 Q Okay. Is that a regular place to do cocaine? Is

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 that typical to do that?

2 A You can do it anywhere.

3 Q Anywhere. Because when you get it, you're going
4 to do it, right?

5 A Yeah.

6 Q All right. Let's just talk a little bit about
7 your situation. We already have on November 12th, 2014. No
8 car?

9 A Um-hmm. (Indicating affirmatively.)

10 Q No job?

11 A Yes, sir.

12 Q No money?

13 A Yes, sir.

14 Q And you're on the run?

15 A Yes, sir.

16 Q And you told Agent Johnson you were on the run
17 when you talked to him December 9th; did you not?

18 A Yes.

19 Q Okay. And on the run, the reason you were on the
20 run is because your April 2014 cocaine charge had been
21 called to trial in October, correct?

22 A Yes.

23 Q And you weren't there, correct?

24 A Yes.

25 Q You missed your trial?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes.

2 Q That was October 13th, 2014?

3 A Yes. }

4 Q Approximately a month before Mr. Johnson was
5 killed?

6 A Um-hmm. (Indicating affirmatively.)

7 THE COURT: You have to say "yes" or "no," Mr.
8 Drake.

9 THE WITNESS: Yes, sir.

10 BY MR. LEE:

11 Q And you found out that you were convicted in your
12 absence, correct?

13 A Yes, sir.

14 Q Okay. So you also found out that when that
15 happens, the judge goes ahead and does a sentence for you,
16 but it's called a sealed sentence, correct?

17 A Yes, sir.

18 Q Okay. So that means you don't know what your
19 sentence is, right?

20 A Yes, sir.

21 Q It's in some sealed envelope, right?

22 A Yes.

23 Q Okay. And you also were aware that you had a
24 bench warrant for your arrest for missing court, right?

25 A Yes, sir.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q All right. So you were on the run?

2 A Yes, sir.

3 Q And that's a phrase that you used with Agent
4 Johnson; is it not?

5 A Yes, sir.

6 Q And when you talked to him on December 9th, 2014,
7 you were on the run?

8 A Yes, sir.

9 Q And isn't it true that earlier that day, before
10 you talked to him in his car, you had actually seen
11 Detective Elvin Wright earlier; do you remember that?

12 A Yes, sir.

13 Q And he knew that you had a warrant, right?

14 MS. JONES: Objection, speculation.

15 THE COURT: Sustain. He can't testify to what
16 someone else knew. Rephrase your question. Cross
17 examination.

18 BY MR. LEE:

19 Q Detective Elvin Wright is with Jasper County
20 Sheriff's Office; is that correct?

21 A Yes.

22 Q Okay. Did Detective Wright run you in on the
23 bench warrant?

24 A I can't recall.

25 Q Well, did he take you to jail that morning before

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 you talked to Johnson?

2 A No.

3 Q Okay. So it's safe to say that Wright did not
4 arrest you on a bench warrant prior to you talking to
5 Johnson, right?

6 A No.

7 Q Is that correct?

8 A Yes.

9 Q As a matter of fact, you and Johnson somewhat
10 joked about the fact that you were on the run and had an
11 active warrant, right? It was forced into the conversation?

12 A It wasn't joking.

13 Q It wasn't?

14 A He just -- just explained to me that he really,
15 you know -- he was trying to get his job done.

16 Q But he explained to you that he knew you had an
17 active warrant, right?

18 A Yes.

19 Q At the end of the conversation, after you spoke
20 with him, after you drove around the corner so nobody would
21 see you, and had a discussion about that warrant, did you go
22 to jail right after that on the warrant?

23 A No, because the officer that was already on that
24 case, that was already on that case, I already talked to
25 that officer, and they was just waiting for me to turn

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

- 1 myself in.
- 2 Q Oh, okay.
- 3 A Yes.
- 4 Q Okay. And when did you turn yourself in?
- 5 A I didn't. I got caught at the club.
- 6 Q You got caught at Club Pluto?
- 7 A Yeah.
- 8 Q With a gun?
- 9 A With a gun.
- 10 Q Went to jail.
- 11 A Yes.
- 12 Q December 27th of 2014?
- 13 A Um-hmm. (Indicating affirmatively.)
- 14 THE COURT: You have to say "yes" or "no." No.
- 15 "um-hmm."
- 16 THE WITNESS: Yes, sir.
- 17 BY MR. LEE:
- 18 Q Before you had a chance to turn yourself in?
- 19 A Yes, sir.
- 20 Q Same caliber gun that was used to shoot Terrance
- 21 Johnson?
- 22 A No, sir.
- 23 MS. JONES: Objection.
- 24 THE COURT: Counsel approach.
- 25 (Off-the-record discussion held.)

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 THE COURT: Objection sustained.

2 BY MR. LEE:

3 Q That was December 27th, 2014?

4 A Yes.

5 Q At Club Pluto?

6 A Yes.

7 THE COURT: What's your question, Counsel? Ask a
8 complete question, not just a date, so the record's
9 clear. Ask to the date.

10 BY MR. LEE:

11 Q The date that we're talking about, at Club Pluto,
12 that I just asked you about, when you were arrested, was
13 December 27th, 2014; is that correct?

14 A Um-hmm, yes. Yes.

15 Q And that is approximately six weeks after Terrance
16 Johnson was shot?

17 A Yes, sir.

18 Q Now, let's go back to -- okay.

19 Now, let's go back to your cocaine charge.

20 When you got arrested on the 27th, they served you with that
21 bench warrant, right?

22 A Yes, sir.

23 Q For the cocaine charge, right?

24 A (Nods head in the affirmative.)

25 Q Okay. And then when you -- after you went into

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 jail, you then provided information on another case; is that
2 correct?

3 A Yes, sir.

4 Q Okay. Something that happened on October 1st,
5 2014?

6 A Yes, sir.

7 Q But you -- and you actually were at the scene when
8 that happened, right?

9 A Yes, sir.

10 Q But you didn't talk to the police until December
11 29th of 2014?

12 A Yes.

13 Q After you got arrested?

14 A Yes, sir.

15 Q And for providing that help on that case, the
16 Solicitor's office, or the jail, agreed to move you to
17 Orangeburg Detention Center, right?

18 A Nah, I got in a fight. That's why I got moved to
19 Orangeburg County.

20 Q Okay. But you were in Orangeburg County shortly
21 after that?

22 A Yes.

23 Q Okay. And then you're sitting in jail, you have a
24 bond on a gun charge you haven't paid, correct?

25 A Um-hmm, yes.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q You have this unsealed sentence that needs to be
2 shown to you, correct?

3 A Yes, sir.

4 Q So on February 15th of 2015, you go to court for
5 the unsealing of your sentence on the cocaine conviction,
6 right?

7 A Yes, sir.

8 Q Okay. And at court, did you learn that the
9 original sentence on that, on the day you were convicted,
10 was three years in prison?

11 A Yes, sir.

12 Q You did. All right.

13 But you didn't get three years in prison, did
14 you?

15 A No, sir.

16 Q And the reason you didn't get three years in
17 prison is because the Solicitor's office told the judge you
18 were helping them on a case, and they wanted you to get
19 probation?

20 A Yes, sir.

21 Q And you got probation?

22 A Yes, sir.

23 Q Okay. And also, you couldn't make the
24 2,000-dollar bond on the gun charge, they agreed to have the
25 judge amend that to a zero bond, correct?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes, sir.

2 Q Okay. So you got out of jail that day?

3 A Yes, sir.

4 Q Okay. So is it safe to say you have a pretty good
5 relationship with the Solicitor's office?

6 A I don't think so.

7 Q You don't think so?

8 A (Shakes head in the negative.)

9 Q Okay. Now, let's talk about that.

10 You say that you're just here, you haven't
11 been promised anything, you don't have any expectations or
12 anything like that. You're just here, right?

13 A Yes, sir.

14 Q Are you here doing your civic duty?

15 A Yes, sir.

16 Q All right. Let's talk about civic duty. What
17 other civic duties do you do, Mr. Drake, or Mr. DuPont,
18 whichever one you want to go by. What other civic duties do
19 you want do on a regular basis?

20 A What other civic duties?

21 Q Yeah. I mean, do you do any volunteer work?

22 A For my grandmother, my grandfather, yes, sir.

23 Q You do. Okay.

24 Do you do Meals on Wheels for anybody? Do
25 you donate your time at the Salvation Army doing volunteer

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 work?

2 MS. JONES: Objection, Your Honor.

3 THE COURT: Counsel approach.

4 (Off-the-record discussion held.)

5 THE COURT: Objection overruled.

6 Hold on.

7 (Further off-the-record discussion held.)

8 THE COURT: Objection's overruled. Proceed with
9 cross examination.

10 BY MR. LEE:

11 Q Mr. Drake, I want to talk to you about the morning
12 after Terrance Johnson was killed. Okay? The next morning.

13 A Yes, sir.

14 Q You went to the scene where the car was and where
15 his body is, right?

16 A Yes, sir.

17 Q You and Tuto went?

18 A Nah. No, sir.

19 Q Tuto didn't go?

20 A No.

21 Q Just you?

22 A It was me and Angel and Tameika DuPont went. I
23 think her name Tameika Dupont, and one of Angel's sons.

24 Q You say Tuto wasn't there?

25 A She didn't go with me to --

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. But she was there, right? At the scene?

2 A Yeah.

3 Q Okay. And then later on, you went over to Phil

4 Simmons' house, right?

5 A Yes.

6 Q Okay. And according to you, Anthony Singleton was

7 there?

8 A Yes.

9 Q And he was -- he was trying to sell you a gun?

10 A Yes, sir.

11 Q Okay. And that gun was a short style black .9

12 millimeter with two magazines; was it not?

13 A I can't remember what kind of gun it was.

14 Q Okay. And then you say that you actually handled

15 the gun, and then you wiped your fingerprints off of it?

16 A Yes, sir.

17 Q Did anybody see you wipe your fingerprints off of

18 it?

19 A Phil Simmons was there.

20 Q Yeah, okay.

21 A Yeah.

22 Q And he saw you wipe your fingerprints off that

23 gun?

24 A Pretty sure he did, sir.

25 Q But you didn't want to buy that gun?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A No, sir.

2 Q Okay. Whatever happened to that gun?

3 A I gave it back to A.J. Never seen it again.

4 Q All right. A couple things.

5 Your testimony earlier was that you were
6 coked up, weeded up, drinking, and couldn't remember some
7 things, right?

8 A I don't think so, no. I was using drugs, but I
9 can remember stuff.

10 Q You can. You remember some things and not other
11 things, right?

12 A I mean, mostly all things.

13 Q Mostly all things. But time is kind of fuzzy,
14 right?

15 A Yes, sir.

16 Q All right. Your testimony was you were friends
17 with T.J.

18 A Yeah.

19 Q You were friends with T.J. Well, let's talk about
20 what -- about the definition of a friend.

21 A couple weeks before the shooting, during
22 that time, you were dating a few women, right?

23 A Yes, sir.

24 Q Tuto, who you got a young kid with, right?

25 A Yes, sir.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q And now is pregnant by you again?

2 A Yes, sir.

3 Q And y'all lived together in Port Royal, right?

4 A Yes, sir.

5 Q Okay. And then Angel Simmons was dating T.J.,
6 right?

7 A Yes, sir.

8 Q Okay. And I think he might have even been engaged
9 to her; is that right?

10 A Yes, sir.

11 Q Now, a couple weeks before this shooting, do you
12 remember an incident that happened in Michael Taylor's yard?

13 A Yes, sir.

14 Q Between you and T.J.?

15 A Yes, sir.

16 Q Okay. Y'all had an altercation, right?

17 A No, we just had words.

18 Q You had words. But the words were about -- was
19 about girls? Women?

20 A No.

21 Q No. It wasn't because you were messing around
22 with Angel, and he was messing around with Tutu?

23 A Nah. Me and Angel never did, we never messed
24 around. Mr. Hopkins and T.J. was messing with Angel, not
25 me.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. But you had an altercation with
2 Mr. Johnson?

3 A I won't call it an altercation, I just call it a
4 disagreement.

5 Q A disagreement?

6 A Yes.

7 Q Okay. Well, did the disagreement involve a knife?

8 A No.

9 Q It didn't?

10 A I ain't had a knife.

11 Q Michael Taylor was injured with the knife; was he
12 not?

13 A Michael Taylor?

14 Q Mike-Mike?

15 A Mike-Mike?

16 Q Mike-Mike.

17 A I can't remember.

18 Q You don't remember. Okay.

19 A No.

20 Q You don't remember sitting there holding a bag of
21 cocaine, smacking him on the hand and saying, "dare me to
22 keep that." You remember saying that?

23 A No, sir.

24 Q You don't. And shortly after that, there was an
25 incident where someone had a knife, and you got into an

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 altercation. You don't remember that?

2 A Me and T.J. didn't get into an altercation, we
3 just had some difference of words because --

4 Q Isn't it true that T.J. had a knife, threw it
5 down, then you picked it up and Michael Taylor and was
6 trying to break up the fight, and he gets cut on the face.
7 Do you remember that? Not with the blade, the handle of the
8 knife.

9 A No, sir.

10 Q You don't remember that.

11 Were you coked up that day and can't remember
12 certain things?

13 A No, sir.

14 Q But you had an altercation.

15 A Just -- it was just words.

16 Q And who else was there, Mike-Mike?

17 A Mike-Mike was there, yes.

18 Q And Angel?

19 A Yeah.

20 Q Anybody else?

21 A Mr. Hopkins was there.

22 Q All right. Now, you also said that you're friends
23 with Rohaime Hopkins, right?

24 A Yeah.

25 Q Okay. Let's talk about your relationship with

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Rohaime Hopkins.

2 You've never liked Rohaime, have you?

3 A I used to live by Rohaime one time. We was just
4 like -- he was like -- I mean, I watched him grow up in the
5 neighborhood, but I didn't have any problems with him.

6 Q Didn't have any problems with him?

7 A Not at this point, no.

8 Q Okay. Did you and Rohaime get along?

9 A Yeah, at times.

10 Q Okay. All right. Were you ever asked by Agent
11 Johnson a question, "You and Rohaime don't get along"?

12 A I can't remember that.

13 Q Okay. Do you remember what your response was to
14 that?

15 A No, sir.

16 MR. LEE: Your Honor, may we approach?

17 (Off-the-record discussion was held.)

18 THE COURT: Let's proceed.

19 BY MR. LEE:

20 Q Mr. Johnson, do you remember being asked by Agent
21 Johnson that you and Rohaime don't get along?

22 A That's what I said?

23 Q No, he asked you that.

24 A I can't remember.

25 Q You can't remember. Do you remember your

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 response?

2 A No, sir.

3 Q Something about, "can't stand him"?

4 A I don't think so.

5 Q You don't think so? Okay.

6 THE COURT: Let the record reflect that the
7 Solicitor has advised me in a bench conference, she has
8 no objection to the Defendant introducing evidence
9 during the State's case; is that correct, Solicitor?

10 MS. JONES: It is, Your Honor. If we may
11 approach, I do have one question about this. My
12 apology.

13 THE COURT: Come on. I'm tired of this traffic.

14 (Off-the-record discussion held.)

15 THE COURT: Ladies and gentlemen of the jury, I'm
16 going to ask that you step to your jury room while I
17 take up a matter of law. Please do not discuss the
18 case.

19 (Jury exits the courtroom at *10:31 a.m.)

20 THE COURT: Mr. Drake, we're going to take a
21 break. Solicitor's got to listen to a -- Counsel, be
22 seated. Be seated.

23 This idea that y'all going to run up and down like
24 this and keep interrupting this trial is going to stop.
25 I'm going to start ruling from the bench, instead of

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 y'all rushing up and want to approach on every
2 objection, unless I request it. And I don't
3 necessarily need any argument. And I don't intend to
4 ask for any more.

5 During this break, if you need to use the
6 restroom, you can. You can't talk to anybody about
7 your testimony. You understand? You're in the middle
8 of your cross examination.

9 The Solicitor has requested she'd be allowed to
10 hear a tape that she has no objection to the Defendant
11 introducing evidence during the State's case. She
12 thinks she's heard it, but she's not sure. That's the
13 reason for the break, and this will be the only break
14 we take this morning. Ten minutes. Move along.

15 (The Court was in recess from *10:33 a.m. to
16 *10:58 a.m.)

17 THE COURT: Let's come to order, please. Take
18 your seats.

19 Please be seated. All right. Let the record
20 reflect that I took a break so that the Solicitor could
21 listen to an audio, right, Mr. Lee?

22 MR. LEE: That's correct, Your Honor.

23 THE COURT: Audio tape of an alleged conversation
24 in which this witness and another -- this was Agent
25 Johnson?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 MS. JONES: Yes, Your Honor.

2 THE COURT: Agent Johnson had, without objection
3 by the State, which Mr. Lee intends to mark with the
4 court reporter and introduce as Defendant's Exhibit No.
5 1, which has now been reviewed by the Solicitor.

6 Has it been marked?

7 MR. LEE: It's actually in there, Your Honor.

8 THE COURT: You got a disc in there?

9 MR. LEE: Yes, sir.

10 THE COURT: You pull it out and give it to Mona.

11 MR. LEE: Can I use one of the copies I have?

12 THE COURT: Absolutely, as long as the Solicitor
13 is satisfied it's a copy.

14 MS. JONES: I'm satisfied.

15 THE COURT: Let her mark it and then you can put
16 it back in. But it's staying with us. Because I want
17 the appellate court to be able to hear it.

18 MR. LEE: Absolutely.

19 Judge, this has -- this thing actually has five
20 clips. I'm playing two of them. So, if I need to --

21 THE COURT: Hang on a second.

22 Solicitor, stop talking. Listen. Mr. Lee is
23 advising me that the proposed Defendant's Exhibit No. 1
24 has five clips. He only intends to play two of them.

25 Once again, here we go, State versus Jackson.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 MS. JONES: He can't admit all of them if he's not
2 going to --

3 MR. LEE: I'm just saying --

4 THE COURT: How long is this tape?

5 MR. LEE: One is --

6 THE COURT: Richard, how long is it?

7 MR. JOHNSON: Depending on which interview it is.

8 MR. LEE: One's 11 seconds, and one is two
9 seconds.

10 THE COURT: That you're playing.

11 MR. LEE: Yes, sir.

12 THE COURT: How long are the five clips?

13 MR. LEE: Forty seconds, 11 seconds, 30 seconds,
14 and two seconds, and there's -- one hour and four
15 minutes --

16 THE COURT: All right. I'll allow you to do that
17 on enter that on redirect if you so desire. But he
18 gets to publish what you're doing without your
19 objection in his case what he wants.

20 You understand, Solicitor?

21 MS. JONES: I understand, Your Honor.

22 *(Whereupon, Defendant's Exhibit No(s). 1 marked*
23 *for identification and received in evidence.)*

24 THE COURT: All right. Give it to Mona.

25 Defendant's No. 1 will be admitted into evidence

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 without objection, which is a disc of conversations
2 between this witness, Mr. Drake, and Special Agent
3 Richard Johnson. It has five clips, two of which will
4 be published as Defendant's Exhibit No. 1. You'll have
5 to identify for the record which clips you're going to
6 publish.

7 MR. LEE: Yes, sir.

8 THE COURT: Can you do that?

9 MR. LEE: I can. Clip No. 3 is 11 seconds, and
10 Clip No. 5 is just two seconds.

11 THE COURT: All right. Three and five. And the
12 Solicitor will be allowed on redirect, under State
13 versus Jackson -- and let me pull that case. I gave it
14 to one of y'all.

15 The Solicitor in chambers provided me with State
16 versus Jackson, and the cite on the case, Mona, is 217
17 SE.2d 794. In that case, the court said, "when part of
18 a conversation is put into evidence, an adverse party
19 is entitled to prove the remainder of the conversation,
20 so long as it is relevant, particularly when it
21 explains or gives new meaning to the part initially
22 recited. All statements made in a conversation in
23 relation to the same subject or matter or to be
24 supposed to have been intended to explain or qualify
25 each other, and, therefore, the Plaintiff's principals

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 of justice require that if one of the statements is to
2 be used against the party, all of the other statements,
3 tending to explain it or to qualify this use should be
4 shown and considered in connection with it."

5 I might add, just for the record, that that is a
6 direct quote from the Jackson case on -- I don't have
7 the page number with the copy that I have, but I've
8 given you the cite.

9 All right. Solicitor, you understand my ruling
10 now? Because I'm ready to bring the jury. We've
11 already taken 35 minutes.

12 MS. JONES: Yes, Your Honor, I understand.

13 THE COURT: Please be seated. Bring me the jury.

14 (Jury enters the court room at 11:02 a.m.)

15 THE COURT: All right. Madam Foreperson, ladies
16 and gentlemen of the jury, sometimes during a trial, I
17 not only have to rule on matters of law, but I have to
18 listen to proposed exhibits and I have to have the
19 equipment in the courtroom in order to listen to an
20 exhibit. That's what's occurred during this break.

21 This witness is under oath and is still subject to
22 cross examination.

23 During the break, counsel for the Defendant has
24 requested that the Defendant be allowed to introduce an
25 exhibit, which has been marked as Defendant's Exhibit

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 No. 1, without objection. In Defendant's Exhibit No.
2 1, it requires the equipment in the courtroom.
3 Normally, we let you take exhibits in the jury room,
4 but this is a disc, and obviously you don't have that
5 equipment in your jury room.

6 Therefore, Defendant's Exhibit No. 1, in part,
7 will be published to you during this cross examination
8 as the Defendant's exhibit. The remaining part of
9 Defendant's Exhibit No. 1 may also be published later
10 on in this trial. I don't know whether it will or it
11 will not.

12 However, I wanted you to know that that's the
13 reason we had to take this time and break, in order to
14 straighten this matter out and to utilize the
15 equipment.

16 Since it will be in part used in evidence, should
17 you want to ever listen it to, it will require that you
18 come back into the courtroom so that I can see you have
19 the equipment that I had to utilize during the break in
20 order to listen to it.

21 You may proceed, Counsel.

22 MR. LEE: Thank Your Honor.

23 BY MR. LEE:

24 Q Before the break, we were talking about your
25 relationship with Rohaime Hopkins, right?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes.

2 Q And I asked you about Agent Johnson asking you
3 about that, correct?

4 A Yes, sir.

5 Q Okay. I'm going to play something for you to
6 refresh your recollection regarding your response to Agent
7 Johnson.

8 (Audio played.)

9 THE COURT: Can you turn that up?

10 MR. LEE: I was just trying to, Your Honor. I
11 think it's on max that I have.

12 Your Honor, that is as loud as my computer could
13 play it. I can -- could you hear that?

14 THE COURT: You have to say "yes" or "no."

15 THE WITNESS: Yes, sir.

16 MR. LEE: I'll be glad to play it again, Your
17 Honor, if the jury would like it.

18 THE COURT: The witness has indicated that he
19 could hear what you played on your computer, Counsel.
20 Proceed.

21 BY MR. LEE:

22 Q And that's your friend Rohaime you're talking
23 about?

24 A Yes, sir.

25 Q Okay. I'll play you another clip to refresh your

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 recollection.

2 (Audio played.)

3 BY MR. LEE:

4 Q "I just want Rohaime gone." Do you remember
5 saying that?

6 A Nah, I don't remember saying that.

7 Q You don't? Is that your voice?

8 A Yeah, it sounds like me.

9 Q Okay. It sounds like you?

10 A Yeah.

11 Q Okay. And the other one, you heard that one?

12 A Yes, sir.

13 Q Saying, "I can't stand that motherfucker."

14 A Yes, sir.

15 Q And you said twice you were going to kill him?

16 A Yes, sir.

17 Q You would kill him yourself?

18 A Yes, sir.

19 Q And that's from your interview with Johnson?

20 A Yes, sir.

21 Q The Solicitor, when they first brought you in,
22 commented on your clothes and said you'd been arrested in
23 Port Royal for domestic violence with Tutu, right?

24 A Yes.

25 Q Okay. Now, Tutu wasn't there when you got

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 arrested, was she?

2 A No, sir.

3 Q You were there with the kids, correct?

4 A Yes, sir.

5 Q And isn't it true that the Port Royal police found
6 a .9 millimeter High Point underneath your mattress?

7 A I don't know.

8 Q You don't know?

9 A I don't know.

10 Q Doesn't Tutu own a .9 millimeter High Point that
11 she keeps at the house?

12 A Sir?

13 Q Doesn't Tuto own a .9 millimeter High Point that
14 she keeps at the apartment?

15 A Yeah.

16 Q Okay. Didn't you tell the police something about
17 that gun during your statement on the domestic violence?

18 A What, she pulled it on me?

19 Q Yeah.

20 A Yeah.

21 Q That gun, that .9 millimeter High Point, right?

22 A Yeah, pulled that one.

23 Q And that was April of 2017, it was in your
24 apartment, right?

25 A That's not -- yeah.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay.

2 THE COURT: Exhibit to the court reporter.

3 MR. LEE: I'm handing Defendant's Exhibit No. 1 to
4 the court reporter.

5 That's all the questions I have for Mr. Drake.

6 THE COURT: Redirect.

7 MS. JONES: Briefly, Your Honor. Thank you.

8 REDIRECT EXAMINATION

9 BY MS. JONES:

10 Q Antoine, you're a scam artist?

11 A Yes.

12 Q You try to scam people for money?

13 A Yes.

14 Q You don't work?

15 A No.

16 Q You just try to take what's not yours from other
17 people?

18 A No.

19 Q You try to take other people's money.

20 A That's if they give it to me.

21 Q Okay. So you don't forcibly take it, you -- they
22 give it to you?

23 A Yes.

24 Q You trick them into doing this?

25 A Yes.

REDIRECT EXAMINATION OF ANTOINE DRAKE BY JONES

1 Q And that's what you were doing with Trey Graves at
2 Club Pluto, weren't you?

3 A Yes.

4 Q You went up to him and you said, "I put in the
5 work."

6 A Yes.

7 Q Okay. What did you mean with that statement?

8 A I put in the work.

9 Q I don't know what that means.

10 A Like, I did the job.

11 Q Okay. What job are we talking about?

12 A T.J.

13 Q And you're having this conversation with Trey
14 Graves?

15 A Yes.

16 Q He responds to you?

17 A Yes, ma'am, he did.

18 Q Does he pay you the money?

19 A No, ma'am.

20 Q Okay. He doesn't pay you \$15,000?

21 A No, ma'am.

22 Q Because he says he's already paid somebody else?

23 A Yes, ma'am.

24 Q He actually says, "Hopkins told me he did it
25 alone."

REDIRECT EXAMINATION OF ANTOINE DRAKE BY JONES

1 A Yes, ma'am.

2 Q And he's already been paid?

3 A Yes, ma'am.

4 Q So that's why you only got a free drink, isn't it?

5 A Yes, ma'am..

6 Q Because you didn't do it?

7 A No, ma'am.

8 Q Rohaime Hopkins did it, and Trey told you that?

9 A Yes, ma'am.

10 Q Trey Graves, the man that put the 15,000-dollar
11 hit, is serving a 28-year prison sentence for being a big
12 bad drug dealer, told you Rohaime Hopkins did it alone?

13 A Yes, ma'am.

14 MS. JONES: No questions. No further questions.

15 THE COURT: Recross limited to redirect.

16 RE-CROSS EXAMINATION

17 BY MR. LEE:

18 Q After talking to Trey Graves at Club Pluto, isn't
19 it true that you left town and went to Philadelphia?

20 A After talking to Trey Graves?

21 Q Yeah.

22 A No, sir.

23 Q Sometime after. Hadn't you been in Philadelphia
24 before you talked to Johnson? You left town, didn't you?

25 A After talking to Trey Graves?

RE CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Well, sometime after, not as a result of.

2 A I didn't go to Philadelphia until after my cousin
3 trial.

4 Q After your cousin's trial. You went to
5 Philadelphia before you talked to Johnson on December 9th,
6 didn't you?

7 A Nah, I never went to Philadelphia then.

8 Q You didn't?

9 A No.

10 Q But you were trying to get out of town, weren't
11 you?

12 A Well, I was trying to get out of town?

13 Q Yeah. This time, about all this time?

14 A Not that I can recall.

15 Q Not you. Okay. Are you scamming this jury?

16 A No.

17 MR. LEE: No further questions.

18 THE COURT: As to this witness.

19 MS. JONES: He may be excused, Your Honor.

20 THE COURT: Any objection?

21 MR. LEE: No objection.

22 THE COURT: Mr. Drake, you may step down. You're
23 excused from the trial of this case.

24 Call your next witness.

25 MS. JONES: State calls Shaquandulynn Chaneyfield.

RECROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Thereupon,

2 SHAQUANDULYNN CHANEYFIELD

3 was called as a witness, having been first duly sworn,

4 was examined and testified as follows:

5 THE COURT: Have a seat. Adjust that chair and
6 adjust the microphone to your height. This is going to
7 amplify and make your voice louder. Speak into the
8 microphone. You don't have to get right on top of it,
9 speak up like I'm doing so my jurors at the end of the
10 row can hear you. Begin by stating your full name and
11 spelling your last name for the court reporter.

12 THE WITNESS: Shaquandulynn Taylor Chaneyfield.
13 C-H-A-N-E-Y-F-I-E-L-D.

14 THE COURT: Your witness, Counsel.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Ms. Chaneyfield, where do you live?

19 A Dogwood Street, Ridgeland, South Carolina.

20 Q Okay. And is that in an area called Wagon Branch?

21 A Yes, ma'am.

22 Q Who do you live there with?

23 A My mother and father.

24 Q And is that where you lived back in November --

25 November 12th of 2014?

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

- 1 A Yes, ma'am.
- 2 Q And dodo you know a man by the name of Antoine
- 3 Drake?
- 4 A Yes, ma'am.
- 5 Q Who is he?
- 6 A At the time, he was a friend.
- 7 Q Was he ever more than just a friend?
- 8 A A long time ago, yes.
- 9 Q Do you remember speaking with him the night of
- 10 November 12th?
- 11 A Yes, ma'am, he was at my house.
- 12 Q Okay. What time did he come over to your house?
- 13 A I can't remember the time he came over, but it was
- 14 late. Because he left around 11.
- 15 Q Okay. Do you remember writing a statement when
- 16 you were interviewed by this agent, Richard Johnson?
- 17 A Yes, ma'am.
- 18 Q And you wrote that statement at your house on
- 19 Dogwood Street?
- 20 A Yes, ma'am.
- 21 Q And you wrote it back on March 12th of 2015?
- 22 A Yes, ma'am.
- 23 Q So just a couple months after November?
- 24 A Yes, ma'am.
- 25 Q Okay.

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 MR. LEE: I don't understand the purposes for her
2 standing up.

3 THE COURT: I don't either, yet.

4 MS. JONES: I'm going to refresh her recollection
5 about the time.

6 THE COURT: Would you like to approach the
7 witness?

8 MS. JONES: Yes, Your Honor.

9 THE COURT: Is there any objection?

10 MR. LEE: No, sir.

11 THE COURT: Please be seated.

12 You may approach.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Ms. Chaneyfield, I'm going to show you her
16 statement. If you could read that, so that would refresh
17 your memory.

18 A Okay. "Antoine --

19 Q I'm sorry. If you could read it to yourself.

20 A Okay. (Witness complies.)

21 Q Okay. Does that help you remember better?

22 A Yes, ma'am.

23 Q Thank you. I'll take that from you.

24 Do you remember about what time he left?

25 A It was about 11.

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 Q Okay. Could it have been 12? Your statement says
2 12.

3 A It could. To be honest, it was so long ago, I
4 really don't remember. But it did say around 12.

5 Q Okay. And so -- and in March 2015, you would have
6 better remembered November than you do today?

7 A Yes, ma'am. Yes, ma'am.

8 Q Okay. So he -- so your statement says midnight?

9 A It says 12.

10 Q Okay. How does he leave your house?

11 A Var and Brittany Patterson came to pick him up.

12 Q And how does he get in touch with Var, you were
13 saying?

14 A He used my phone.

15 Q Did you provide a picture of a text message to
16 police?

17 A Um-hmm, yes.

18 THE COURT: You have to say "yes" or "no," please.

19 No "uh-huhs."

20 THE WITNESS: Yes, ma'am.

21 MS. JONES: Permission to approach.

22 THE COURT: You may.

23 BY MS. JONES:

24 Q Ms. Chaneyfield, I'm going to show you what's been
25 marked as State's Exhibit 6. Can you identify that, please?

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 A Yes, ma'am. That's a text message from my phone.

2 Q And how do you know that's a text message from
3 your phone?

4 A That's my Sprint phone that I gave the detective.

5 Q Okay. And that's a fair and accurate copy of that
6 text message?

7 A Yes, ma'am.

8 MS. JONES: Your Honor, at this time, State moves
9 State's 6 into evidence.

10 THE COURT: As to State's 6?

11 MR. LEE: No objection to it.

12 THE COURT: Ladies and gentlemen of the jury,
13 State's Exhibit No. 6 will be admitted into evidence in
14 the trial of this case without objection.

15 State's 6 in evidence. You may publish,
16 Solicitor.

17 MS. JONES: Thank you, Your Honor.

18 *(Whereupon, State's Exhibit No(s). 6 marked for*
19 *identification and received in evidence.)*

20 BY MS. JONES:

21 Q Ms. Chaneyfield, this is what you're looking at
22 correct? State's 6?

23 A Yes, ma'am.

24 Q Do you know whose number that is at the top?

25 A I'm not sure if it's Brittany's phone or if it's

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 Var phone, but he text -- he was texting to come pick him
2 up.

3 Q Okay. So this is the number he was texting to
4 pick him up.

5 A Yes, ma'am.

6 Q And it says, "Ima get Brittany to bring me, call
7 me, call me, call me."

8 A Yes, ma'am.

9 Q And are those texts that he is sending, or that
10 they are sent to your phone to Antoine?

11 A That was what he text on my phone.

12 Q Okay. And this is at 11:14 the night of November
13 12th?

14 A Yes, ma'am.

15 Q Okay.

16 MS. JONES: I have no further questions for this
17 witness.

18 THE COURT: Cross examination.

19 CROSS EXAMINATION

20 BY MR. LEE:

21 Q Who sent that text?

22 A I'm not sure if it was Brittany or Var. I think
23 that's Brittany phone, but I'm not sure who phone it is.

24 Q Well, how do you know it's either one of them?

25 A Because that's who picked him up.

CROSS OF SHAQUANDULYNN CHANEYFIELD BY MR. LEE

1 Q Is that what Hollywood Drake told you that's who
2 it was from?

3 A No. He just said who he was calling to come pick
4 him up.

5 Q Okay. And so this text says, "Ima get Brittany to
6 bring me. Call me," right?

7 A Yes, sir.

8 Q Bring him where? To your house, right?

9 A No, he was at my house. Twan was at my house.
10 Where is the person he was texting, I don't know where he
11 was.

12 Q And bring him where; do we know?

13 A No.

14 Q So you don't know who sent it or who --

15 A No. Who was texting, I don't know.

16 Q Okay.

17 MR. LEE: No further questions, Your Honor.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY MS. JONES:

21 Q But Antoine was at your house until about
22 midnight, when whoever he was texting picked him up?

23 A Yes, ma'am.

24 MS. JONES: No further questions.

25 THE COURT: Recross limited to redirect?

REDIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES

1 MR. LEE: None, Your Honor.

2 THE COURT: As to this witness, Solicitor?

3 MS. JONES: She may be excused.

4 THE COURT: Any objection, Mr. Lee?

5 MR. LEE: No, sir.

6 THE COURT: Ms. Chaneyfield, you may step down
7 from the witness stand. You're excused from the trial
8 of this case. You may leave the courtroom.

9 Call your next witness.

10 MS. JONES: The State calls Javare Shuler..

11 Thereupon,

12 JAVARE SHULER

13 was called as a witness, having been first duly sworn,
14 was examined and testified as follows:

15 THE COURT: Have a seat in the chair, make
16 yourself comfortable. Pull the chair up to the
17 microphone, adjust the microphone to your height just
18 to amplify your voice. Speak up so everybody in the
19 jury and parties can hear you. State your full name,
20 spell your last name for the court reporter.

21 THE WITNESS: Javare Shuler, S-H-U-L-E-R.

22 THE COURT: Your witness, Counsel.

23 MS. JONES: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MS. JONES:

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

- 1 Q Mr. Shuler, where are you from?
- 2 A Ridgeland, Jasper County.
- 3 Q Okay. And where do you live in Ridgeland?
- 4 A Spring Hill.
- 5 Q Is that near Simmons Hill?
- 6 A Yes, ma'am.
- 7 Q Are you familiar with an area of town called Wagon
- 8 Branch?
- 9 A Yes, ma'am.
- 10 Q How far away -- how far apart is the two, driving
- 11 wise?
- 12 A About ten minutes, 15 minutes.
- 13 Q Do you remember the night of November 12th, 2014?
- 14 A Kind of, sort of.
- 15 Q Okay. What were you doing that day leading into
- 16 the night?
- 17 A If I remember, I was at my mother house. My aunt
- 18 just had passed, so I was on Simmons Hill. I was at my
- 19 mother house chilling with a friend of mine.
- 20 Q Do you have an opportunity that night to see a man
- 21 named Antoine Drake?
- 22 A Yes, ma'am.
- 23 Q And where did you see him?
- 24 A I went to pick him up at Wagon Branch.
- 25 Q And you talked to him before this?

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 A Oh, yes, through a number I didn't recall, but
2 yes, ma'am, I did.

3 Q You remember him just calling or texting?

4 A He was texting at first, then he called. But then
5 I called him.

6 Q Okay.

7 MS. JONES: Permission to approach, Your Honor?

8 THE COURT: You may.

9 BY MS. JONES:

10 Q Okay. Mr. Shuler, I want to show you what's been
11 admitted as State's 6. Do you recognize that?

12 A Yes, ma'am.

13 Q And what is that?

14 A A text message.

15 Q And that number up at the top, what is that?

16 A My phone number.

17 Q Okay. So these are text messages that you sent?

18 A Yes, ma'am.

19 Q And whose phone are you sending them to?

20 A It had to been Hollywood, or Antoine, friend. I
21 didn't recognize the number until I called him -- until he
22 called me and I talked to him.

23 Q Okay. And why are you sending him these texts?

24 A I was about to go pick him up. He asked me to
25 come pick him up.

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 Q Okay. And you pick him up after these texts?

2 A Yes, ma'am.

3 Q Okay. And these texts were sent at 11:14 the
4 night of November 12th?

5 A Yes, ma'am.

6 Q And do you pick him up?

7 A Yes, ma'am. Me and Brittany went to go get him.

8 Q And what do you all do when y'all leave Wagon
9 Branch?

10 A We took him and dropped him off on Simmons Hill.

11 Q Okay. And then what?

12 A I left. Me and Daytron left and went to the club,
13 got dropped off at the club. We left him at Day-Day house
14 -- at Daytron house.

15 Q Okay. What time do you go to the club?

16 A I can't recall.

17 Q Do you remember speaking with Special Agent
18 Richard Johnson on March 16th of 2015?

19 A Yes, ma'am.

20 Q At your home?

21 A Yes, ma'am.

22 Q And do you remember talking to him about this
23 night?

24 A Yes, ma'am.

25 Q And you remember telling him that -- you said that

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 after Patterson picked up Drake, she dropped them off at
2 Day-Day's house in Simmons Hill. That's what you just told
3 us, right?

4 A Yes.

5 Q And then Drake -- is that Antoine Drake?

6 A Um-hmm.

7 THE COURT: You have to say "yes" or "no", not
8 "um-hmm."

9 THE WITNESS: Yes.

10 BY MS. JONES:

11 Q Yourself and Daytron Simmons went to Club Pluto in
12 Ridgeland.

13 A I don't recall.

14 Q Okay. But that's what you said to him on
15 March 16th of 2015?

16 A Okay.

17 Q Okay. And then you say y'all got back to
18 Daytron's house about 4:30 or 5:00 a.m. Do you remember
19 telling him that?

20 A I don't recall.

21 Q All right. And then that you leave Daytron and
22 Drake -- or I'm sorry, you leave Drake and Durrell Simmons
23 sleeping about 5:00 a.m.?

24 A Okay. Yes, ma'am.

25 Q Okay. That's what you told Agent Johnson?

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 A Yes, ma'am.

2 Q Okay. And then you learned the next day that, in
3 fact, T.J. had been killed?

4 A Yes, ma'am.

5 Q Okay. So you pick up Antoine Drake from Wagon
6 Branch about midnight?

7 A Yes, ma'am.

8 Q And then y'all are at the club until about 4:30 or
9 five?

10 A Yes, ma'am.

11 Q And then y'all come back and essentially pass out
12 until the next morning?

13 A Yes, ma'am.

14 MS. JONES: I have no further questions for you.

15 Thank you.

16 CROSS EXAMINATION

17 BY MR. LEE:

18 Q Was Hollywood coked up that night?

19 A Hollywood?

20 Q Yeah.

21 A No, sir.

22 Q He wasn't?

23 A I guess not. I don't know.

24 Q Were you?

25 A I don't do coke.

CROSS EXAMINATION OF JAVARE SHULER BY LEE

1 Q You don't use coke?

2 A No, sir.

3 Q How about Daytron?

4 A No, sir. He don't use that neither.

5 Q Okay. Anybody drinking that night?

6 A Not that I can recall.

7 Q At the club, nobody was drinking?

8 A Possibly; I can't recall.

9 Q And you stayed until 5:00 o'clock in the morning,
10 you said?

11 A Well, until the club closed, yes, sir.

12 Q You closed the club? Okay. Who drove?

13 A Well, we had got dropped off. We didn't drive.

14 Q How did you get home?

15 A Brittany.

16 Q At 5:00 o'clock in the morning, Brittany came
17 picked you up?

18 A Sir -- yes, sir.

19 MR. LEE: No more questions.

20 THE COURT: Redirect.

21 MS. JONES: None, Your Honor.

22 THE COURT: As to the witness.

23 MS. JONES: He may be excused.

24 THE COURT: Any objection, Mr. Lee?

25 MR. LEE: No, sir, Your Honor.

CROSS EXAMINATION OF JAVARE SHULER BY LEE

1 THE COURT: Very well. Mr. Shuler, you may step
2 down. You're excused from the trial of this case. You
3 may leave the courtroom.

4 Call your next witness.

5 MS. JONES: The State calls Latanya Singleton.

6 Thereupon,

7 LATANYA SINGLETON

8 was called as a witness, having been first duly sworn,
9 was examined and testified as follows:

10 THE COURT: All right. Adjust that chair for your
11 comfort, and adjust that microphone. It's going to
12 amplify your voice. Pull it down to your height. I
13 want you to begin by stating your full name and
14 spelling your last name for the court reporter.

15 THE WITNESS: Okay. Latanya Singleton,
16 S-I-N-G-L-E-T-O-N.

17 THE COURT: Now, speak up for me, Ms. Singleton.
18 Okay?

19 THE WITNESS: Okay.

20 THE COURT: Your witness, Counsel.

21 MS. JONES: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. JONES:

24 Q Ms. Singleton, do you go by another name, other
25 than Latanya?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A Tutu.

2 Q Is that what everybody tends to call you?

3 A Um-hmm.

4 THE COURT: Don't say "um-hmm." "Yes" or "no."

5 THE WITNESS: Yes.

6 BY MS. JONES:

7 Q And back in November of 2014, November 12th, where
8 were you living?

9 A Knowles Island.

10 Q Okay. Do you remember that address?

11 A Knowles Island.

12 Q Do you remember November 12th of 2014?

13 A No.

14 Q You don't remember it at all?

15 A No.

16 Q Okay. Do you remember talking to Richard Johnson
17 on February 1st of 2015?

18 Well, let me backtrack for a second. Do you
19 remember being at the murder scene the next morning?

20 A I was outside of my house.

21 Q Because you lived right next door. Well, a ways
22 away, but close?

23 A Yeah.

24 Q Do you remember speaking with Agent Shaun Harley
25 that morning?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A Yeah.

2 Q All right. And -- but you didn't want to talk to
3 him that day?

4 A No, because he was asking me -- he was already
5 ask -- he was asking me questions already.

6 Q Why didn't you want to talk to him that day?

7 A Because the first thing he came, he came straight
8 to me, and then he asked me if I know Rohaime. That was the
9 first thing he said.

10 Q Okay. But you told him -- you gave him your phone
11 number to call you later?

12 A No. He asked for my number and I said okay. And
13 I said, "What do you need it for?" And he said, "I just
14 need to ask you a question."

15 Q So what number did you give him; do you remember?

16 A No. I done had a hundred numbers since then.

17 Q Okay. How about --9189? Was that one of
18 your numbers?

19 A Probably.

20 Q Okay. You had a bunch of phone numbers?

21 A Yeah.

22 Q Okay. So you don't talk to him that day?

23 A No. I think he gave me his card.

24 Q Okay. Do you remember later speaking with him and
25 this agent, Agent Johnson?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A They went to my mom's house. My mom called me.
2 He was saying I needed to come back, they got questions for
3 me. And if I don't come, they're going to send the U.S.
4 Marshals for me, so I drove up there.

5 Q Okay. And where did you drive up to?

6 A Walterboro.

7 Q What is in Walterboro?

8 A They office.

9 Q Okay. So go there and talk to them, you remember
10 that?

11 A Um-hmm. (Indicating affirmatively.)

12 Q On February 1st, 2015?

13 A All right.

14 Q Is anybody else in there besides you and the two
15 SLED officers?

16 A Inside the office?

17 Q Um-hmm, when you're being spoken to.

18 A No. When I was being spoken to, just me and the
19 two officers.

20 Q Okay. What did you tell them?

21 A I don't want to lie, I really don't remember
22 because I was high then.

23 Q You were high on November 12th, or you were high
24 on February 1st?

25 A To be honest, I'm high almost everyday.

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 Q Are you high right now?

2 A No, I'm clean.

3 Q Okay. Because you're pregnant?

4 A Um-hmm.

5 THE COURT: You have to say "yes."

6 THE WITNESS: Yes.

7 BY MS. JONES:

8 Q Who's the father of that child you're pregnant
9 with?

10 A Antoine Drake.

11 Q And you've actually gone to visit him in jail,
12 right?

13 A Yeah.

14 Q Okay. I want to get back to this interview you
15 don't remember. You don't remember anything you said to
16 them?

17 A I remember -- I remember certain things.

18 Q Can you tell me what you remember?

19 A I remember he asked me on -- what did he ask me?

20 He asked me who did I text that morning, like five-something
21 in the morning about a murder. But there was two murders
22 happened that same day.

23 Q Okay. Do you remember telling him on

24 November 12th at about 8:20 or 8:30 p.m. Rohaime Hopkins

25 called you and said he was coming over to your house and he

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 had some weed?

2 A He -- he probably did call me. Because I know I
3 talk to him everyday.

4 Q You talk to him everyday. Okay.

5 Do you remember telling the two agents that
6 when Rohaime Hopkins got to your house, T.J. was with him?

7 A I don't want to lie, I don't remember. But
8 nothing new, you know, because T.J. did drop him off a
9 couple of times or whatever.

10 Q So it's common to see them together. You would
11 often see them together?

12 A Yeah. He'd drop him off at home.

13 Q Okay. Do you remember telling this agent that
14 Hopkins went in the house and got a soda while Johnson
15 remained outside and showed you some marijuana?

16 A No.

17 Q You don't remember saying that?

18 Do you remember telling them you didn't
19 purchase any because you didn't have any money?

20 A No.

21 Q Do you remember saying that Hopkins and Johnson
22 then left?

23 A No.

24 Q Do you remember saying, "about 20 minutes later,
25 Hopkins walked back to your house, but Johnson was not with

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 him"?

2 A No, I don't remember half of this stuff right now.

3 And I didn't write that.

4 Q Okay. Well, you didn't write a statement, did

5 you?

6 A No.

7 Q You didn't want to?

8 A I didn't know nothing about anything.

9 Q You don't want to be here right now, do you?

10 A No, I don't. Because I wasn't -- I wasn't out

11 there.

12 Q When the murder happened, right?

13 A I was not there.

14 Q Okay. That's fine.

15 I want to get back to what you told the two

16 agents. You know Hopkins -- you said, you know Hopkins

17 walked back to your house because where your room is

18 located, you would have seen the lights from a car when it

19 pulled up. You didn't see any headlights, so you know he

20 walked?

21 A He walked to my house plenty of times.

22 Q Okay. But 20 minutes before that, he rode in the

23 car with Terrance Johnson?

24 A I don't know.

25 Q That's what you told the agent.

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A You can't say I told them that.

2 Q I'm looking at their report right now. That's
3 what they say you said. So you're denying that right now?

4 A (Nods in the affirmative.)

5 Q You let Hopkins in, and you did not see a car; do
6 you remember saying that?

7 A Plenty of times he walked to my house, I let him
8 in.

9 Q Okay. Do you remember telling the agents once he
10 got inside you went back to your room?

11 A I normally do that.

12 Q Okay. When you got back to your room, Hopkins was
13 on his cell phone; do you remember saying that?

14 A He probably was, I don't know.

15 Q Okay. About five minutes later, someone picked
16 him up. Do you remember saying that?

17 A I do not really remember. And I don't want to say
18 any lie.

19 Q Do you remember talking to these agents a couple
20 weeks ago, like two weeks ago?

21 A They keep coming to my house.

22 Q They came to your house?

23 A More than once.

24 Q And you don't live in Ridgeland anymore, do you?

25 A No.

)

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

- 1 Q You moved over to Port Royal?
- 2 A Yes.
- 3 Q Do you remember telling them you knew too much?
- 4 A No.
- 5 Q You don't remember telling them --
- 6 A They keep saying that I know more than what I'm
- 7 saying. The agents say that.
- 8 Q Okay. But you never said that?
- 9 A No.
- 10 Q Okay. You remember telling them when the
- 11 Defendant came back to your house, after he walked up on
- 12 foot, no T.J., that he asked for bleach?
- 13 A Nope.
- 14 Q You don't remember saying that?
- 15 A No.
- 16 Q You're saying under oath right now you did not say
- 17 that?
- 18 A I'm telling you, you can't make me lie and say
- 19 that.
- 20 Q Okay. But, again, you don't want to be here right
- 21 now, do you?
- 22 A I don't get your point.
- 23 Q I'm asking you a question.
- 24 A I don't remember any of this.
- 25 Q No, no, no, no. Do you want to be testifying

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 right now?

2 A (No verbal response.)

3 MS. JONES: I have no further questions, Your
4 Honor.

5 MR. LEE: Real quick, to check it.

6 CROSS EXAMINATION

7 BY MR. LEE:

8 Q Do you remember if you were at the scene where the
9 car was the next morning; do you remember?

10 A My little boy went to the window, and I seen
11 peoples -- it was already cars and cops out there already.
12 And I came out.

13 Q Okay. That was the next morning.

14 All right. Did you ask any of the agents or
15 anybody there if fingerprints could be taken off of a soda
16 bottle?

17 A No. Why would I ask that?

18 Q I'm just asking you if you said that.

19 And you said around this time, it was kind of
20 a bad time, you were high most of the time when all this
21 stuff happened?

22 A You asked me were I high?

23 Q Yeah.

24 A Yes.

25 Q And then isn't it true, Ms. Singleton, that

CROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 shortly after this, that you went to Philadelphia with the
2 kids?

3 A Yeah, but I always go in November.

4 Q Okay. But you left right -- around when this
5 thing --

6 A Yeah.

7 Q Okay. And did Hollywood go up there, too?

8 A In November, no.

9 Q When did he go? December?

10 A I think he was already locked up.

11 Q He didn't get locked up until December 27th. Did
12 he go before he got locked up?

13 A No.

14 Q Okay. And so which agents went to your house and
15 were bugging you in Port Royal?

16 A Him and Shaun.

17 Q Oh, him and Shaun Harley?

18 A Uh-huh. (Indicating affirmatively.)

19 Q So they were at your house a couple weeks ago?

20 A A couple of times.

21 Q Okay. And that's that apartment on the south
22 side?

23 A Yeah.

24 Q Same place where the domestic violence happened
25 with Hollywood?

CROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 A Yeah.

2 Q Same place where they found the .9 millimeter High
3 Point underneath the mattress when they went to arrest him?

4 A Yes. That's mine.

5 Q Okay. I'm just saying it's the same place.

6 A How do you know that?

7 Q I can't answer questions, but --

8 THE COURT: You're under oath, ma'am. You answer
9 the questions.

10 A I said "yes."

11 THE COURT: Anything further?

12 MR. LEE: No, sir.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MS. JONES:

16 Q Ms. Singleton, when did you get that gun?

17 A I think February or March of this year.

18 Q So, it's a new gun?

19 A Um-hmm. (Indicating affirmatively.)

20 Q You didn't have it in November of 2014, did you?

21 A No.

22 MS. JONES: No further questions.

23 THE COURT: Recross limited to redirect.

24 RE-CROSS EXAMINATION

25 BY MR. LEE:

RE CROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 Q Did you bring anything here today showing when you
2 bought that gun?

3 A It's registered to me.

4 Q Did you bring any paperwork with you today?

5 A No. I didn't know I had to.

6 MR. LEE: Nothing further.

7 THE COURT: As to this witness, Solicitor?

8 MS. JONES: She may be excused, Your Honor.

9 THE COURT: Any objection?

10 MR. LEE: No objection.

11 THE COURT: All right. Ms. Singleton, you may
12 step down. You're excused from the trial of this case.
13 You may leave the courtroom.

14 Call your next witness.

15 MS. JONES: The State calls Lieutenant Shaun
16 Harley.

17 Thereupon,

18 SHAUN HARLEY

19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE COURT: Pull your chair up, adjust it, pull
22 the microphone to your height. State your full name
23 and spell your last name for the court reporter.

24 THE WITNESS: Shaun Harley, H-A-R-L-E-Y.

25 THE COURT: Your witness, Counsel. Direct

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 examination.

2 MS. JONES: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Lieutenant Harley, where do you work?

6 A South Carolina Law Enforcement Division, better
7 known as SLED.

8 Q And what is your role at SLED?

9 A I'm a lieutenant supervisor in the Lowcountry
10 region.

11 Q What are some of your duties?

12 A Supervise several of the field agents. And I also
13 assist them with various investigations.

14 Q Okay. Did you help Agent Johnson in the case that
15 we're here for today?

16 A Yes, ma'am.

17 Q Did you respond to the scene, the morning of
18 November 13th of 2014?

19 A Yes, ma'am, I did.

20 Q Okay. And when you got there, what did you do?

21 A Normally when I got there, wait for crime scene,
22 make sure that the area was secure for a crime scene. We
23 then canvass the area and see if anybody had known anything
24 or seen anything.

25 Q Did you have an opportunity to speak with a

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 Latanya Singleton, also known as Tutu?

2 A Yes, ma'am, I did.

3 Q And did you speak with her that morning?

4 A Yes, ma'am, I did.

5 Q Was it a long conversation?

6 A No, ma'am, it wasn't.

7 Q What did you ask her?

8 A During that time, there was so many people out
9 there, spoke with her and asked her did she see anything or
10 know anything. She said she did, but she couldn't talk at
11 that time. And she kind of like, you know, motion like,
12 because there was a lot of people out there, like she wasn't
13 wanting to talk to the police out there at the time.

14 Q What kind of motion was she making?

15 A She kept looking over towards the house next to
16 the house next door to her residence. I didn't know if she
17 was looking for the house or a female. It was like she was,
18 but she just didn't want to talk at the time. So I provided
19 her my card with my phone number, you know.

20 Q Do you know who the female was that she was
21 looking at?

22 A If I remember correctly, I think it was the
23 Defendant's mother who lived next door to her.

24 Q Okay. And what house was she motioning to?

25 A Towards the trailer right next to her trailer,

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 where she lived at.

2 Q Would that also be where the Defendant lived?

3 A Yes, ma'am.

4 Q You gave her your number?

5 A Yes, ma'am. Yeah, I gave out several of my cards,
6 went out to everybody I seen in the area. And I think I
7 received her telephone number also.

8 Q Do you remember her phone number?

9 A Not right offhand.

10 Q Could it have been -9189?

11 A Yes, ma'am, it could have been. Because I
12 recorded it, then I provided it to Agent Johnson.

13 Q Okay. Okay. Do y'all talk at a later date?

14 A Yes, ma'am, we did.

15 Q And when is that?

16 A I believe it was February the 1st of 2015.

17 Q And where is this?

18 A We spoke with her, interviewed her at the SLED
19 Lowcountry office, which is in Walterboro, South Carolina.

20 Q Why did y'all interview her in Walterboro?

21 A She did not want to be talked or be interviewed in
22 Jasper County because she was afraid.

23 Q She was afraid?

24 A Yes, ma'am.

25 Q Okay. So y'all speak in Walterboro?

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 A Yes, ma'am.

2 Q Okay. And what does she tell you?

3 A She stated around -- between 8:20 and 8:30 the
4 Defendant, Mr. Hopkins, had called her, stated that he was
5 going to come over to her house, I guess to sell her some
6 marijuana or say he had marijuana. He then showed up. The
7 victim, Terrance Johnson, was also with him, the Defendant,
8 Mr. Hopkins.

9 The Defendant came in -- from what she said,
10 the Defendant came into her house, got a soda. She didn't
11 know the victim, Terrance Johnson, was outside, so she went
12 outside and talked to him for a minute, and bought
13 marijuana.

14 Mr. Hopkins then left her house and they
15 drove off together. Her, him, and the victim, Terrance
16 Johnson.

17 Q In whose car?

18 A I believe it was the victim's vehicle, Terrance
19 Johnson.

20 Q Okay. What does she say happens after they drive
21 off?

22 A About 20 minutes later, the Defendant, Hopkins,
23 came back to her -- walked back to her house. And she
24 opened the door, she looked out, but she did not see the
25 victim, Terrance Johnson, with him. So he stayed there

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 approximately about five minutes and somebody came to pick
2 her up -- pick him up, I'm sorry.

3 Q Okay. Did she say any car when Rohaime Hopkins
4 walked back?

5 A No, she did not. She stated she didn't see a car
6 because where her room was located, she couldn't see no
7 headlights or reflector from a car.

8 Q Do you remember speaking with her a couple of
9 weeks ago as well?

10 A Yes.

11 Q And this was at her new apartment in Port Royal?

12 A Yes, ma'am.

13 Q And she added that when Rohaime came in by himself
14 the second time, he asked for bleach? You remember that?

15 A Yes, ma'am.

16 Q Did she say she had told y'all that earlier?

17 A I feel and think she did, but I can't recall.

18 Q It's not in your report, is it?

19 A No, ma'am.

20 Q And why isn't it in your report?

21 A Agent Johnson prepared memorandum of interview, so

22 ...

23 Q Okay. What's her demeanor when she's talking to
24 y'all in Walterboro?

25 A She was very skittish, like didn't really want to

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 be involved. Because she came there with her mother, I
2 think, I'm not sure, but with her kids. So they came all
3 together to the SLED Walterboro office, and she really
4 didn't want to be there.

5 Q Okay.

6 MS. JONES: Beg the Court's indulgence?

7 Mr. Harley, I have no further questions for you.

8 THE COURT: Cross examination.

9 CROSS EXAMINATION

10 BY MR. LEE:

11 Q Was Ms. Singleton high when she came to
12 Walterboro; do you know?

13 A Not to my recollection.

14 Q Okay.

15 A Now, if she was, I didn't pick it up.

16 Q You didn't know?

17 A Yeah.

18 Q And she was at the scene that next morning, right?

19 A Talking the day when we arrived?

20 Q Yeah.

21 A Yes, sir. She was not at the scene, but, you
22 know, in the roadway because several a lot of people was out
23 there. Bystanders.

24 Q Did she ask you at some point whether fingerprints
25 could be taken off of a soda bottle?

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 A I don't know if she asked me. It could have been,
2 or if she asked Major Donald Hipp of the sheriff department.
3 I can't remember.

4 Q Okay. In your experience, would that be a weird
5 question for someone to ask that wasn't involved?

6 A It all depends. People looking at TV, on the CSI
7 show, they ask for anything.

8 Q Okay. What happens if you put bleach on black
9 clothes; do you know?

10 A I guess, they turn white, to me. They just turn
11 white.

12 Q Are you aware that Tutu, Ms. Singleton, left for
13 Philadelphia shortly after this?

14 A Yes, sir.

15 Q Would it be fair to say that she left abruptly?

16 MS. JONES: Objection, that calls for speculation.

17 THE COURT: Sustained. Rephrase the question,
18 Counsel.

19 BY MR. LEE:

20 Q Do you know the circumstances upon which she left?

21 A No, sir. The only thing we know she was in
22 Philadelphia.

23 Q Do you know when she came back?

24 A She came back sometime in February. That's the
25 day we talked to her. I can't remember. I don't know exact

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 date she came back.

2 Q Do you know who -- do you know if Antoine Drake
3 also went to Philadelphia?

4 A I do not know that.

5 Q You don't know that?

6 A No, sir.

7 Q Do you know who paid for Ms. Singleton to go to
8 Philadelphia?

9 A No, sir, I don't.

10 Q Did she have a job at the time that you're aware
11 of?

12 A Not that I know of. Not that I'm aware of.

13 Q Did she have a car?

14 A She drove down there, I don't know who car it was,
15 when she met with us at the interview.

16 Q But you said she went with her mom, though, right?

17 A Right.

18 Q Was Ms. Singleton high on the morning that you
19 talked to her, the day after the shooting?

20 A I couldn't recognize -- she didn't appear to be
21 high to me. I don't know.

22 Q Did she appear to be the same way that morning, as
23 she did when she came to talk?

24 A She was the same to me.

25 Q Okay. Did you go to her house in Port Royal two

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 weeks ago?

2 A Along with Agent Johnson.

3 Q And that's an apartment on Southside Boulevard,
4 right?

5 A Yes, sir.

6 Q And that's where the domestic violence occurred
7 with Hollywood, correct?

8 A I know nothing about that.

9 Q Hollywood's in jail. I mean, did you investigate
10 why he was in jail?

11 A This is Agent Johnson case. I was there to assist
12 him.

13 Q Okay. I'll ask him that then.

14 MR. LEE: No further questions. Thanks,
15 Lieutenant Harley.

16 THE COURT: Redirect.

17 MS. JONES: No, Your Honor.

18 THE COURT: As to the witness.

19 MS. JONES: He may be excused.

20 THE COURT: Any objection?

21 MR. LEE: No, sir.

22 THE COURT: Mr. Harley, you may step down. You're
23 excused from the trial of this case. You can leave the
24 courtroom.

25 Call your next witness.

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 MS. JONES: The State calls Angel Simmons.

2 Thereupon,

3 ANGEL SIMMONS

4 was called as a witness, having been first duly sworn,

5 was examined and testified as follows:

6 THE COURT: Have a seat, make yourself comfortable
7 on the chair. Adjust the chair, adjust the microphone
8 which is going to amplify your voice. I need you to
9 speak up so everybody can hear you. Use the
10 microphone. State your full name, spell your last name
11 for the court reporter.

12 THE WITNESS: Angel Monique Simmons,
13 S-I-M-M-O-N-S.

14 THE COURT: Your witness, Counsel.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Ms. Simmons, where do you live?

19 A On Riceshire Road.

20 Q Is that area called something?

21 A Spring Hill.

22 Q And do y'all also call it Simmons Hill?

23 A Well, Simmons Hill, that's way out of the thing.

24 It's back off -- you come down the dirt road to go to

25 Simmons Hill, yes.

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 Q Okay. That's where you live?

2 A Yes.

3 Q So the memorial everyone was talking about was in
4 your yard essentially?

5 A Yes. My grandma had passed the day before.

6 Q Okay. Now, Ms. Simmons, before we get to talking
7 about that day and what happened afterwards, you've been in
8 trouble before?

9 A Yes.

10 Q You have. 2009, you got in trouble for seven
11 counts of bad checks?

12 A Yes.

13 Q 2011, you did it again, four more times?

14 A Yes.

15 Q And then 2013, you got in trouble for two times
16 for shoplifting?

17 A Yes.

18 Q All of those are pretty deceitful?

19 A Yes.

20 Q Okay. But you're here to tell the truth today?

21 A Yes.

22 Q Okay. Why is that?

23 A Well, he -- T.J. was -- well, Terrance Johnson was
24 my fiance. We applied for our marriage license. So I mean,
25 rightfully -- rightfully, tell the truth, like no one has

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 the right to take someone's life.

2 Q Okay. How long had you known T.J.?

3 A I had known him for a year.

4 Q And y'all were engaged?

5 A Yes.

6 Q Were you with him the night before he was killed?

7 A Yes.

8 Q Okay. Tell me about that.

9 A The night before he was killed, well, my grandma
10 had passed, so he was there with me. We all was there in
11 the yard. So that evening, he wanted to go to Hilton Head
12 and Bluffton. So I kind of like forced myself to go with
13 him. He didn't want me to go, but I got in the car anyway
14 and I left with him. We went to Bluffton, and when we got
15 to Bluffton, a friend of his asked him would he go give a
16 guy a ride who wrecked his truck. So he went and picked up
17 a guy that wrecked his truck, and he wanted to be taken to
18 Savannah.

19 During the time we was in the car riding, and
20 the guy wanted T.J. to find him a female friend. So we
21 stopped in Hardeeville and picked up a female friend for the
22 guy, and then they went to the hotel in Savannah, and we was
23 there for a few hours, and I asked T.J., I told him I wanted
24 to go home because my sister and them were all coming,
25 because my grandma had passed.

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 So T.J., he brought me back to Ridgeland to
2 the house, and he picked one of my cousin up, and he headed
3 back out, and I didn't talk to him like none the following
4 next day at all.

5 Q Tell me about -- I want to get back to this man in
6 the wreck. Describe him for me.

7 A He was African-American.

8 Q Okay.

9 A I really can't remember exactly how he looked or
10 anything, but I know he was a like a foreign.

11 Q Okay. Was he injured?

12 A Yes. His hand -- one of his hand was injured, it
13 was like a cut or a gash from where he wrecked the truck.

14 Q Did you see that it was bleeding?

15 A Yes. Because he put a towel on it and also, when
16 we got to the hotel, he was like rinsing it off and wrapping
17 it with a towel.

18 Q And where was he sitting in the car?

19 A He wasn't -- well, we were pretty much moving
20 around in the car. He was in the back seat, but he was
21 reaching over, talking to T.J., and he was also talking to
22 me.

23 Q Okay. And he was bleeding?

24 A Yes.

25 Q Okay. Angel, I want to go now to November 12th of

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 2014.

2 A Okay.

3 Q Are you outside Simmons Hill this day?

4 A Nope, not at all.

5 Q Why not?

6 A Because me and T.J. was up all night the night
7 before.

8 Q So you're --

9 A So I was in the house resting up. My sister and
10 family was there, and I was in the house.

11 Q Okay. So all day long, you were resting in the
12 house?

13 A Yes.

14 Q You were sleeping off the night before?

15 A Yes.

16 Q Okay. Do you talk to T.J. on the phone that
17 night?

18 A Yes. I called T.J. several times that night. He
19 answered twice.

20 Q Okay. Do you remember about what time he
21 answered?

22 A It was like nine, nine-something, close to ten.

23 Q Okay. What number would you have called him from?

24 A It was our house phone at the time.

25 Q Okay. Was it -5976?

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 A Yes.

2 Q And what was T.J.'s number?

3 A At that time, it was -3979.

4 Q Okay. And that's the number you called?

5 A Yes.

6 Q Do you remember the last conversation you had with

7 T.J.?

8 A Yes.

9 Q Can you tell me about that?

10 A Yeah. I remember I called him, and he -- he
11 answered the phone. So I was like, "T.J., where are you?"
12 And I said, "T.J., where you at?" And I was like, "I love
13 you," like that. And I kind of hear like a little scuffle
14 and the phone hung up. And I kept calling.

15 Q When you kept calling, what happened to the phone?

16 A Voice mail. I called all that night. And that
17 morning I called, and it went straight to voice mail.

18 Q But after 9:30, it rang and then went to voice
19 mail.

20 A Um-hmm. (Indicating affirmatively.)

21 Q Then eventually it --

22 A It just -- like that morning. I called all
23 through the night. I keep waking up calling.

24 Q Okay. And then the next morning, you learn what
25 had happened?

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 A Yes.

2 Q And what do you do then?

3 THE COURT: Speak up, Counsel.

4 Q What did you do when you learned what happened?

5 A I went down there, to the area. I mean, I'm
6 from -- it was like two miles away. So I called -- when I
7 heard about it, I called my cousin and she came, she took me
8 down there.

9 Q Okay. So, just to be clear, you talked to him
10 close to ten?

11 A Yes.

12 Q And got disconnected, and he didn't answer?

13 A No more.

14 Q Okay.

15 MS. JONES: I have no further questions.

16 THE WITNESS: Okay.

17 THE COURT: Cross examination.

18 CROSS EXAMINATION

19 BY MR. LEE:

20 Q Good morning, Ms. Simmons.

21 A Hi.

22 Q I'm sorry about your loss of your fiance.

23 Are you aware of a -- something that occurred
24 the morning after the shooting at Phil Simmons' house?

25 A Yes.

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 Q And is Phil your brother?

2 A Yes.

3 Q Okay. And did you talk -- did you give that
4 information to law enforcement during the course of your
5 statements?

6 A Did I talk to someone about that?

7 Q Yeah.

8 A Yes.

9 Q You provided that information to law enforcement,
10 correct?

11 A Yes.

12 Q Okay. And the information involved a --

13 MS. JONES: Objection, Your Honor.

14 THE COURT: Counsel approach.

15 (Off-the-record discussion held.)

16 THE COURT: Objection sustained.

17 Ask another question, Counsel.

18 MR. LEE: Okay.

19 BY MR. LEE:

20 Q Ms. Simmons, were you present a couple weeks
21 before the shooting at Michael Taylor's house, where there
22 was a dispute between T.J. and Antoine Drake?

23 A It wasn't no -- you said -- can you repeat that
24 question?

25 Q Were you at Michael Taylor -- Mike-Mike's house a

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 couple of weeks before the shooting when there was a
2 confrontation between Antoine Drake --

3 A Yes.

4 Q -- and T.J.?

5 A Yes.

6 Q Okay. You were there?

7 A Yes.

8 Q Saw it with your own eyes?

9 A Yes.

10 Q Okay. And there was -- did you hear any threats
11 that day?

12 A No, but I saw that they had actions among each
13 other. I didn't hear no threats, no.

14 Q Did you hear a threat from Antoine Drake to
15 Terrance Johnson?

16 MS. JONES: Objection, hearsay.

17 MR. LEE: I'm asking what she perceived with her
18 own --

19 MS. JONES: What she heard.

20 THE COURT: Counsel approach.

21 (Off-the-record discussion held.)

22 THE COURT: Proceed.

23 BY MR. LEE:

24 Q Ms. Simmons, you were present at Michael Taylor's
25 house -- Mike-Mike's, a couple weeks before this happened,

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 correct?

2 A Yes.

3 Q Did you observe a fight involving a knife between
4 T.J. and Antoine Drake?

5 A It wasn't a fight.

6 Q It wasn't a fight?

7 A No.

8 Q Was a knife involved?

9 A Yes.

10 Q Was Michael Taylor injured trying to break it up?

11 A Yes.

12 Q Okay. Do you know what the dispute was about?

13 A Yes.

14 Q Was it about girls?

15 A No.

16 Q It wasn't?

17 A No.

18 Q Okay. Were you at Phil Simmons' house the day
19 after the shooting?

20 A No.

21 Q You were not?

22 A No.

23 Q Okay.

24 MR. LEE: That's all I have, Your Honor.

25 THE COURT: Redirect.

REDIRECT EXAMINATION OF ANGEL SIMMONS BY JONES

1 REDIRECT EXAMINATION

2 BY MS. JONES:

3 Q Angel, after that dispute with T.J. and Mr. Drake,
4 how did they act after that?

5 A Everyone walked away and, like, later, I'd say 30
6 minutes later, I mean, everything -- they're back to normal.

7 Q Back to being friends?

8 A (Nods in the affirmative.)

9 Q As if it didn't even happen?

10 A Like it didn't even happen.

11 MR. LEE: We object to leading question.

12 MS. JONES: No more questions, Your Honor.

13 THE COURT: Sustained.

14 MR. LEE: I'll ask it be struck from the record.

15 THE COURT: Sustained.

16 MS. JONES: No more questions, Your Honor.

17 THE COURT: Recross.

18 MR. LEE: No, sir.

19 THE COURT: As to the witness?

20 MS. JONES: She may be excused.

21 THE COURT: Any objection?

22 MR. LEE: No objection.

23 THE COURT: Ms. Singleton -- I mean, Ms. Simmons,
24 you may step down and you're excused from the trial of
25 this case. You may leave the courtroom.

REDIRECT EXAMINATION OF ANGEL SIMMONS BY JONES

1 Call your next witness.

2 MS. JONES: Your Honor, may we approach?

3 THE COURT: No. Call your next witness.

4 MS. JONES: The State calls Richard Johnson.

5 Thereupon,

6 RICHARD JOHNSON

7 was called as a witness, having been first duly sworn,

8 was examined and testified as follows:

9 THE COURT: You know what to do.

10 WITNESS: Yes, sir.

11 THE COURT: State your name and spell your last
12 name.

13 THE WITNESS: Richard Johnson, J-O-H-N-S-O-N.

14 THE COURT: Mr. Lee.

15 MR. LEE: Yes, sir.

16 THE COURT: Does this involve a matter that we
17 have discussed?

18 MR. LEE: Um --

19 THE COURT: Counsel approach.

20 (Off-the-record discussion held.)

21 THE COURT: Proceed. Move along, Counsel.

22 MS. JONES: My apologies, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Good afternoon, Agent Johnson. How are you?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A Just fine. You?

2 Q Doing well. Thank you.

3 Where do you work?

4 A South Carolina Law Enforcement Division, also
5 known as SLED.

6 Q Okay. And how long have you been at SLED?

7 A Approximately 12 years. For combined years of
8 service, about 26, 27 years.

9 Q So you were in law enforcement prior to SLED?

10 A Yes, ma'am.

11 Q And what do you do at SLED?

12 A I'm a criminal investigation. I investigate all
13 crimes, other than drugs.

14 Q And you were actually the lead agent on this case?

15 A That is correct.

16 Q And why was SLED asked to investigate this case?

17 A Historically, Jasper County calls SLED for a lot
18 of their homicides to conduct investigation on.

19 Q Okay. And you got a call to come down to Jasper
20 County on November 13th of 2014?

21 A Yes, ma'am.

22 Q And where did you respond?

23 A I responded to the areas of Knowles Island Road.
24 I believe it was Knowles Island Road.

25 Q Okay. And is that here in Jasper County?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A Yes, ma'am.

2 Q And when you got there, do you know what time it
3 was you got there?

4 A Not exactly, but approximately 9:30, 10 o'clock,
5 somewhere in that ballpark.

6 Q Okay. Can you describe Knowles Island area?

7 A It's a rural area. A few houses in the area.
8 No -- I guess no urban environment, just rural.

9 Q Okay. If I showed you a map, would that help you
10 describe it?

11 A Yes. Yes, ma'am.

12 Q I have to get it the right way.

13 MS. JONES: Permission to approach, Your Honor?

14 THE COURT: You may.

15 BY MS. JONES:

16 Q Agent Johnson, do you recognize this?

17 A Well, it's kind of glaring.

18 THE COURT: Why don't you hand it to the witness
19 so he can stop the glare.

20 THE WITNESS: Yes. Yes, ma'am.

21 BY MS. JONES:

22 Q Okay. And what is that?

23 A This is an aerial map of Knowles Island Road,
24 where the incident took place.

25 Q And does that fairly and accurately depict Knowles

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Island?

2 A Yes, it does.

3 MS. JONES: Permission to re-approach, Your Honor?

4 THE COURT: Has it been premarked?

5 MS. JONES: It has.

6 THE COURT: Number?

7 MS. JONES: I need to look at it, Your Honor.

8 State's 11, my apologies.

9 THE COURT: Do you wish to introduce it?

10 MS. JONES: I do, Your Honor.

11 THE COURT: As to State's 11, Mr. Lee.

12 MR. LEE: No objection.

13 THE COURT: Ladies and gentlemen of the jury,

14 State's Exhibit No. 11 will be introduced in the trial
15 of this case without objection.

16 You may now publish to the jury.

17 *(Whereupon, State's Exhibit No(s). 11 marked for*
18 *identification and received in evidence.)*

19 MS. JONES: Thank you, Your Honor. May I ask this
20 witness to step down from the stand?

21 THE COURT: Margaret, you got a portable
22 microphone that works?

23 THE CLERK: Yes, sir.

24 THE COURT: That works?

25 You're going to have your back to my court

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 reporter. Put the exhibit on the easel so you don't
2 have to hold it and hold the microphone, but use the
3 microphone.

4 Counsel, you may come around outside the jury box
5 where you can view what the jury is seeing, if you so
6 desire.

7 MR. LEE: Okay.

8 THE COURT: Hold on a second. Let the attorney
9 for the Defendant move.

10 Richard, tap the mic for me.

11 THE WITNESS: (Complies.)

12 THE COURT: All right. Speak up.

13 BY MS. JONES:

14 Q Mr. Johnson, where was Mr. Terrance Johnson found?

15 A He was -- Mr. Johnson was found -- see, this is
16 just a dirt road that comes off of Knowles Island Road and
17 sort of goes back to a dead end. But this car was in this
18 area as it was facing toward the roadway here.

19 Q Okay. And who lives over here?

20 A That's Ms. Kesselring. Kesselring. She's the
21 individual that called in the incident.

22 Q Okay. Who lives in this trailer right here?

23 A Down here is -- the young lady's name Shadaisha --
24 I think her name is Shadaisha Singleton. She lived here.
25 She's the one that missed the school bus and end up seeing

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 the body.

2 Q And in that second trailer, who lived there?

3 A That's where Tutu, or Latanya Singleton, lived at.

4 Q And how about if we come down the road a little
5 ways, right there. Who lived there?

6 A Rohaime Hopkins lived in this area here, the
7 Defendant.

8 Q Okay. Agent Johnson, you can take a seat.

9 A (Witness complies.)

10 Q About how far away is Tutu's house from where Mr.
11 Johnson was ultimately found?

12 A Roughly, maybe 4-, 500 yards, if that.

13 Q Okay. When you get on scene, what do you do?

14 A Essentially, normally, just kind of visualize,
15 kind of see what we're dealing with, what we're working
16 with. Sort of do a visual scan of the area just to see if
17 there's any evidence or any indication of what might lead us
18 to who is responsible for this act. And if we can get
19 someone to talk with us, then obviously we take that
20 approach. But we pretty much end up waiting for crime scene
21 to respond and do what they need to do, point us in the
22 direction we need to go in.

23 Q Okay. So at this point, you're gathering
24 information?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Okay. Are you able to talk to the people there
2 that morning?

3 A No, ma'am. The only person I briefly spoke with
4 was Angel Simmons.

5 Q And why didn't you speak with people that morning?

6 A Well, it was clear that a lot of them was distant,
7 didn't want to get involved. They didn't want to be seen
8 talking to the police. So we sort of met with a good bit of
9 resistance.

10 Q Do you get a list of names? Or how do you know
11 who to talk to at later dates?

12 A Well, as I'm on the scene and different officer
13 may comes up and say, hey, you might need to talk with this
14 person, without any reason of why, you need to talk to this
15 person so -- but still that's a name. Gives us somewhere to
16 go with and just see what they know. And so that sort of
17 just be our guide from that aspect of it.

18 Q Okay. At a later date, do you speak with Daytron
19 Simmons?

20 A Yes, ma'am.

21 Q And you speak with him at -- on March 24th at his
22 home on Simmons Hill?

23 A That's correct.

24 Q Riceshire Road?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Did he write a statement?

2 A No, ma'am, but he -- I did a memorandum of
3 interview.

4 Q What's in a memorandum of interview?

5 A What a memorandum of interview is, a lot of times
6 when individuals don't want to provide a written statement,
7 we take the notes that we take down to be written, as
8 they're telling the story as to what took place. And then
9 we pretty much surmise this information into a statement
10 form -- unsigned statement form by them. What SLED refer to
11 as a memorandum of interview. It just documenting
12 essentially everything that was said that that individual
13 provided to us.

14 Q Okay. And on March 24th, 2015, at his home at
15 Riceshire Road, what did Daytron Simmons tell you?

16 A Daytron Simmons shared with us that about two
17 weeks prior to the death of Terrance Johnson, he -- Antoine
18 Drake -- and when I say "he," I'm talking about Simmons --
19 he, Antoine Drake, Rohaime Hopkins, the Defendant, and
20 others that he didn't identify were at Michael Taylor's
21 house, which is also referred to as Mike-Mike.

22 When Hopkins stated to them that he was
23 waiting on "them boys," Daytron Simmons said he was
24 referring to Trey Graves to sign the contract. Hopkins was
25 telling them this while he was looking at Terrance Johnson,

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 and Simmons also informed us that Hopkins told them that
2 Trey Graves had, in fact, put the hit on Johnson because
3 Johnson was quote, unquote, "snitching."

4 So he commenced to tell us that the night of
5 the incident, on November 12th of 2014, that they all was at
6 the family gathering for the death of one of the family
7 members of the Simmons, and Hopkins was repeatedly trying to
8 get Terrance Johnson to take him to the Roseland area, which
9 the area of the incident is the Roseland community. But
10 Johnson did not want to take him.

11 In fact, Simmons told Johnson, "If you don't
12 want to take him, don't take him."

13 But nevertheless, Hopkins had cocaine, and
14 since Johnson liked the cocaine himself, he took Hopkins to
15 the Roseland area.

16 Q You mentioned somebody by the name of Trey Graves.

17 A Yes, ma'am.

18 Q Who is Trey Graves?

19 A Trey Graves is a known, I guess, significant drug
20 dealer in the Jasper County area, but he's currently doing
21 20 years in Federal prison at the time.

22 Q Okay. On drug charges?

23 A Yes, ma'am.

24 Q Federal prison?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Okay. So you spoke with Mr. Simmons, and then
2 you -- you subsequently interviewed some other people. And
3 you've been in here this whole trial; a lot of these people
4 we've seen, those are who you interviewed?

5 A That is correct.

6 Q Okay. Were you given some phone numbers in this
7 case to get some records on?

8 A Yes, I was.

9 Q Okay. Whose phone numbers would those be?

10 MR. LEE: I'm going to object to hearsay.

11 MS. JONES: Okay. Did you --

12 THE COURT: Just a moment.. Sustained. Proceed.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Did you have an opportunity to speak with the
16 Defendant?

17 A Say again?

18 Q Did you have an opportunity to speak with Rohaime
19 Hopkins during this investigation?

20 A Yes, ma'am.

21 Q Okay. And you spoke to him on December 8th, 2014?

22 A That is correct.

23 Q Okay. When you are speaking with Mr. Hopkins,
24 where is he?

25 A He's in the Chatham County Detention Center in

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Savannah.

2 Q And -- okay. And you go there to speak with him
3 about this case, correct?

4 A That's correct.

5 Q And you tell him why you're there?

6 A Yes, ma'am.

7 Q And do you speak with him?

8 A Yes, ma'am.

9 Q Prior to speaking with him, do you read him his
10 rights?

11 A Yes, ma'am.

12 MS. JONES: Permission to approach the witness,
13 Your Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. JONES:

16 Q Agent Johnson, I'm going to show you what has been
17 marked as State's Exhibit 12. Can you identify that?

18 A This is the Miranda rights form that SLED provides
19 to everyone that we have to advise them of their rights.

20 Q Okay. And did you provide that form to
21 Mr. Hopkins that day?

22 A Yes, ma'am.

23 Q And is that, in fact, a copy of the form you gave
24 him that day?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q As indicated, is your signature on that form?

2 A Yes, ma'am.

3 Q As well as Mr. Hopkins?

4 A That is correct.

5 MS. JONES: Your Honor, at this time, State moves
6 State's 12 into evidence.

7 THE COURT: As to State's 12, subject to my
8 earlier ruling.

9 MR. LEE: No objection.

10 THE COURT: Ladies and gentlemen of the jury,
11 State's Exhibit No. 12 will be admitted into evidence
12 in the trial of this case without objection.

13 State's 12 in evidence. You may publish,
14 Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 *(Whereupon, State's Exhibit No(s). 12 marked for*
17 *identification and received in evidence.)*

18 BY MS. JONES:

19 Q What is included on that form, if you can read it,
20 please?

21 A It reads as follows: "Before we ask you
22 questions, you must understand your rights. You have the
23 right to remain silent. Anything you say can be used in
24 court as evidence against you. You're entitled to talk with
25 a lawyer now and have him present now or at any time during

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 questioning. If you cannot afford an attorney, one will be
2 appointed for you without cost. If you decide to answer
3 questions now without a lawyer present, you will still have
4 a right to stop answering at any time. You also have the
5 right to stop answering at any time until you talk to a
6 lawyer. Do you understand these rights? Do you wish to
7 talk to us at this time?"

8 The next statement, which is a waiver of
9 rights, reads: "I have read this statement about my rights,
10 and I understand what my rights are. I am willing to talk
11 now without a lawyer present. I understand and know what
12 I'm doing. No promises or threat have been made to me or no
13 pressure or coercion of any kind has been used against me."

14 Q And does Mr. Hopkins indicate on that form that he
15 understands those rights?

16 A Yes, ma'am.

17 Q When you're speaking with Mr. Hopkins, does he
18 appear to understand what you're saying to him?

19 A Yes, ma'am.

20 Q Did his answers appear rational in his responses?

21 A Yes, ma'am.

22 Q Does he appear to be under the influence of any
23 drug or alcohol?

24 A No, ma'am.

25 Q Does he appear to have any mental or physical

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 defects that would affect his ability to understand?

2 A No, ma'am.

3 Q He understood what he was doing?

4 A That's correct.

5 Q Okay. I believe the second part you read was he
6 waived and decided to speak with you?

7 A That is correct.

8 Q At any point, does he ask for an attorney?

9 A No.

10 Q No?

11 A No.

12 Q Did he speak to you on his own free will?

13 A Yes, ma'am.

14 Q After signing those rights?

15 A Yes, ma'am.

16 Q And on December 8th, what did he say to you?

17 A On December 8th, he -- let me pull my note --
18 statement to be exact.

19 Q Mister -- actually, Agent Johnson, did he give you
20 a written statement that day?

21 A Yes, he did.

22 MS. JONES: Permission to approach the witness?

23 Permission to approach?

24 THE COURT: Counsel, you may approach.

25 BY MS. JONES:

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Agent Johnson, I'm showing you what has been
2 marked as State's Exhibit 13. Do you identify that?

3 A Yes, ma'am. This is voluntary statement form that
4 we provide everyone that we're either interviewing or
5 interrogating to make a statement of their own accord.

6 Q And whose statement is that?

7 A Mr. Rohaime Hopkins.

8 Q Okay. And what's it dated?

9 A It's dated December 8th, 2014.

10 Q All right. And whose handwriting is that?

11 A Mr. Hopkins.

12 Q And do you witness him write this statement?

13 A Yes, ma'am.

14 Q And is that a fair and accurate copy of the
15 statement he wrote?

16 A Yes, it is.

17 MS. JONES: Your Honor, at this time, State moves
18 State's 13 into evidence.

19 THE COURT: As to State's 13?

20 MR. LEE: I would object to the actual written
21 statement being produced as hearsay.

22 THE COURT: On the same grounds that we earlier
23 discussed?

24 MR. LEE: Yes, sir.

25 THE COURT: The objection is overruled. State's

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Exhibit No. 13 will be admitted into evidence in the
2 trial of this case over objection. State's 13 in
3 evidence. You may publish.

4 MS. JONES: Thank you, Your Honor.

5 *(Whereupon, State's Exhibit No(s). 13 marked for*
6 *identification and received in evidence.)*

7 BY MS. JONES:

8 Q Agent Johnson, can you read what Mr. Hopkins wrote
9 in his statement?

10 A Yes, ma'am. He says, Around 4:00 p.m. on the day
11 of Ms. Simmons' death, we were located in the yard with
12 family members. T.J. arrived. We talked in the yard. T.J.
13 is Terrance Johnson. He took me to get some clothes and
14 took me back to Janeika DuPont house and dropped me off. I
15 did not talk back with him or seen him any more that night.
16 T.J. took me to get clothes from Roseland around 6:00 p.m.,
17 and that took about 20 minutes. Then he dropped me off at
18 Janeika DuPont's house when we was finished, which was
19 around 6:30 to 7:00 p.m., and Janeika dropped me off around
20 11:30 to 11:45 in Baytree apartments. I did not go back to
21 the Simmons Hill anymore that day.

22 Q Okay. Did he -- did you ask him about a phone
23 number?

24 A Yes, ma'am.

25 Q And what did you ask him?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A I brought up the number that I was provided
2 through Angel that belong to Rohaime. He said that was an
3 old number, he no longer had that number.

4 Q Do you know what that number is?

5 A I know the first three numbers is Again, I
6 can look through my file and get the number.

7 Q If you could get the number for us, please.

8 A Yes, ma'am.

9 MS. JONES: Permission to approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 BY MS. JONES:

13 Q Agent Johnson, if I hand you some phone records
14 you got from Verizon, will that help you with the phone
15 number?

16 A That would definitely help.

17 Q Okay. What is the phone number you received?

18 A -9329.

19 Q Thank you. And in December, December 8th, when
20 you spoke to Rohaime, he told you that was his number?

21 A Yes.

22 MS. JONES: I have no further questions for this
23 witness, Your Honor.

24 THE COURT: Cross examination.

25 CROSS EXAMINATION

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 BY MR. LEE:

2 Q Special Agent Johnson, you were the lead
3 investigator on this case?

4 A That's correct.

5 Q And what that means is everything kind of goes
6 into and through you, and you organize the entire
7 investigation, right?

8 A I won't say "goes through" me, because I trust
9 greatly the folks that works with me. So my instruction has
10 always been, if you think we need to do it or get it, go at
11 it.

12 Q But you're the lead investigator.

13 A Yes, sir.

14 Q And would you agree that as a lead investigator
15 and as a SLED agent, that you have access to a vast variety
16 of resources in your job?

17 A Yes.

18 Q Okay. And you have access to local law
19 enforcement?

20 A Yes.

21 Q Correct?

22 A Correct.

23 Q Jasper County Sheriff's Office, Solicitor's
24 investigators, correct?

25 A Correct.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Work with them all the time? Other SLED agents?

2 A Correct.

3 Q And then SLED has its own forensic department and
4 scientists, as well, correct?

5 A Correct.

6 Q Just to list a few, fingerprints, DNA, ballistics,
7 et cetera.

8 A Yes.

9 Q You also, as a law enforcement agent, have some
10 special power to -- you're able to subpoena certain records
11 if you want to that the general public would not have access
12 to, right?

13 A Yes. I write a subpoena.

14 Q And you also have the power to have a search
15 warrant to get certain things that other people, non law
16 enforcement, would not have the ability to do, correct?

17 A Yes.

18 Q Now, would you agree with me that the job of an
19 investigator is to conduct a fair examination of all the
20 facts and the leads in a case?

21 A Yes, sir.

22 Q And what I mean "fair," fair to someone who's
23 charged, but also fair to people who may have nothing to do
24 with it?

25 A Yes, sir.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q And isn't it true, Agent Johnson, it's just as
2 important to compile evidence against a suspect as it is to
3 work on evidence that may clear someone?

4 A Yes, sir.

5 Q And it's just as important to follow up on
6 inculpatory evidence, which means showing something
7 happened, as exculpatory evidence, showing something didn't
8 happen. Those are equally important, right?

9 A Yes, sir.

10 Q Now, talking about important evidence, a murder
11 weapon in this case was never found, was it?

12 A No, sir.

13 Q So there's no gun that you can give to the jury to
14 say, hey, here's the gun, and here's the casing we found at
15 the scene, and this gun fired these bullets.

16 A No, sir.

17 Q We don't know where the murder weapon is, right?

18 A No, sir, we don't.

19 Q Now, would you agree that in murder cases
20 particularly, that a gun, the murder weapon, is a key piece
21 of evidence?

22 A It should be. But in all my experience, I've only
23 had one case where I had a murder weapon.

24 Q But it would be nice to have it?

25 A Oh, yes.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Definitely. No question.

2 And if you had it, it would make your job a
3 lot easier?

4 A Hopefully.

5 Q So despite the fact whether you find it a lot or
6 not, you always are looking for the murder weapon?

7 A Say again?

8 Q You're always going to be looking for a murder
9 weapon.

10 A Yes.

11 Q You also, as part of the investigation, you did a
12 search warrant for certain phone records, correct?

13 A That's correct.

14 Q Okay. And you got DNA off of the car, I
15 understand?

16 A I'll need to look back at the DNA report to see
17 what came off the car. I didn't collect any of it.

18 Q Okay. But as lead investigator, DNA was collected
19 and was submitted to SLED?

20 A I'm certain it was.

21 Q Okay. And fingerprints were also collected and
22 sent to SLED forensic, correct?

23 A That's correct.

24 Q And all of those -- and then the people that do
25 those tests, they're going to send it back to you, are they

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 not, as lead investigator?

2 A We -- yes. I would eventually get a report what
3 their findings are.

4 Q And have you gotten those reports?

5 A Yes.

6 Q All right. Now, looking into -- let's talk about
7 witnesses a little bit.

8 Would you agree, in general, that if you have
9 a witness, or someone you're talking to, isn't it an
10 important investigator tool to look to see whether that
11 witness might have any motivation to say what they're
12 saying?

13 A Yes, sir, I would say that would be good to do.

14 Q Or bias or prejudice, or whatever word you want to
15 use.

16 A Yes, sir.

17 Q Because sometimes there's reasons that somebody
18 may say something and you need to look into that as an
19 investigator to see how credible or believable the statement
20 might be, right?

21 A That's correct.

22 Q See if they have an axe to grind?

23 A Yes, sir.

24 Q And so that would be part of a good investigation
25 to look into the background of certain witnesses to see if

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 they do have an axe to grind or any motivation to say what
2 they're saying.

3 A Yes, sir.

4 Q And would you also agree that good investigations
5 are a fluid process and kind of keep going, going, going --

6 A Yes, sir.

7 Q Because sometimes evidence comes up later on that
8 may be helpful that may help you in the case, correct?

9 A That is correct.

10 Q All right. Let me ask you about a few pieces of
11 information that you received as the lead investigator, and
12 then ask you what you did in response to them. Okay?

13 All right. I want to start with Latanya
14 Singleton, Tutu.

15 A Yes.

16 Q All right. She's never been charged with
17 anything, has she?

18 A No, sir.

19 Q Okay. And she has a baby with Antoine Drake, and
20 one on the way, correct?

21 A Yes, sir.

22 Q Okay. And your investigation determined, did it
23 not, that she was at the crime scene the next morning; is
24 that right?

25 A No, it didn't determine.. But we did conclude that

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 she was in that area, but not at the scene.

2 Q She was in the area?

3 A Yes, sir.

4 Q And isn't it -- and don't you have some
5 information suggesting that she was around the area asking
6 law enforcement could fingerprints be --

7 MS. JONES: Objection.

8 MR. LEE: -- lifted off of --

9 THE COURT: Just a moment. Counsel approach.

10 (Off-the-record discussion held.)

11 THE COURT: Overruled. Re-ask the question.

12 BY MR. LEE:

13 Q Do you have any information for your investigation
14 that Tutu was around the scene asking whether fingerprints
15 could be lifted off a soda bottle?

16 A Yes. We heard some bits and pieces of that.

17 Q And, in fact, a soda bottle was found in the car;
18 was it not?

19 A I believe it was, yes, sir.

20 Q And speaking of Tutu, you got a search warrant for
21 her phone records; did you not?

22 A Yes, sir. I think her number was one of these
23 numbers as well.

24 Q Okay. And getting a search warrant, as in any
25 case, you have to -- as the officer trying to get the search

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 warrant for that, you have to submit an affidavit; do you
2 not?

3 A That is correct.

4 Q Okay. And that is -- an affidavit is a sworn
5 statement to the judge, saying judge, this is -- this is the
6 probable cause I have that why I need this stuff.

7 A Yes, that's correct.

8 Q All right. And you got a search warrant from
9 Verizon for the phone records for Tutu's phone number; did
10 you not?

11 A Yes, sir.

12 Q Okay. And as part of that application, you had to
13 submit an affidavit, correct?

14 A That is correct.

15 Q Okay. And it looks like you obtained -- you
16 signed this, and it was notarized on November 20th of 2014,
17 the affidavit; does that sound correct? I can hand the
18 affidavit to you if it'll refresh your recollection.

19 THE COURT: You may approach, Counsel.

20 MR. LEE: May I approach, Your Honor?

21 THE COURT: Now, you may. Show it to her.

22 BY MR. LEE:

23 Q I'm handing you a document. It's not been
24 premarked for identification.

25 A Yes, this is the date.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q That's the affidavit?

2 A Part of it, yes, sir.

3 Q Part of it. That you submitted for Tutu's phone
4 records, correct?

5 A Yes.

6 Q Okay. And the affidavit that you submitted was
7 true?

8 A Yes, sir.

9 Q And the affidavit contained some information about
10 Tutu and her knowledge of what happened; agreed?

11 A Yes, sir.

12 Q Okay. And can you -- will you agree that the
13 affidavit that you signed said, "since the homicide, Tutu
14 has provided information to others that only a participant
15 would know or witness"?

16 A That's correct.

17 Q Okay. So that's in your affidavit?

18 A Yes, sir.

19 Q Okay. So on November 20th, Tutu had provided
20 information that only -- to others that only a participant
21 would know or witness?

22 A That is correct.

23 Q Okay. A participant in the crime, is what you're
24 talking about?

25 A Absolutely.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Okay. And, again, Tutu is Antoine Drake's
2 girlfriend at the time, and they have a child together,
3 right?

4 A At the time, they were not dating.

5 Q Well, they had a very young child, probably less
6 than a year old, right?

7 A That is correct.

8 Q Okay. And isn't it true that, based on your
9 investigation, that you also found out that Tutu had -- your
10 words -- "abruptly left town" after the shooting?

11 A Say again?

12 Q Didn't you also find out that Tutu had abruptly
13 left town after the shooting?

14 A We got information that she did left town right
15 after the shooting, but we later determined why she left.

16 Q She went to Philadelphia?

17 A Yes, that's correct.

18 Q All right. And you weren't able to talk with her
19 until February 1st of 2015; is that right?

20 A In person.

21 Q In person. Nearly three months after the
22 shooting?

23 A Yes.

24 Q There was a suggestion that Antoine Drake may have
25 left town for Philadelphia, too. Were you able to verify or

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 look into that?

2 A I can't recall any suggestion that Antoine left
3 town and went to Philadelphia.

4 Q But you weren't able to talk to him until
5 December the 12th, 2014, right?

6 A That may be the date.

7 Q He has not --

8 A That may be the date.

9 Q And when you met him that first time, you actually
10 drove by and picked him up, right?

11 A That's correct.

12 Q And then he showed you some back road on Driggers
13 Road to go to so nobody could see him with you.

14 A That's correct.

15 Q And you learned a lot about Mr. Drake, aka
16 Hollywood, in that interview; did you not?

17 A I would say so.

18 Q And when you were talking to him, you knew that he
19 had a bench warrant for his arrest outstanding; did you not?

20 A Yes, I did.

21 Q And you never -- after you talked to him, you let
22 him go, right?

23 A That's correct.

24 Q And he even told you that he was on the run,
25 right? He used those words, he was on the run, he kind of

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 laughed about it; did he not?

2 A He may have, yes.

3 Q Because he was on the run?

4 A Yes.

5 Q He also told you, and I guess joking or proud of
6 it, he was a scam artist?

7 A Yes.

8 Q And he laughed about it?

9 A Yes.

10 Q Okay. And he told you that he doesn't work, he
11 doesn't have a car, he's on the run, he's a scam artist?

12 A That's correct.

13 Q And then he told you about some -- an incident
14 where he had tried to scam or scam Trey Graves?

15 A That is correct.

16 Q Okay. And you also learned, did you not, that he
17 was trying to distance himself from Tutu; would you agree
18 with that?

19 A I don't know.

20 Q Sorry. Let me rephrase that.

21 He was trying to minimize his contact with
22 Tutu?

23 A I need some specifics to bring that back to me.

24 Q Okay. You asked him about Tutu in the interview,
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A I'm certain I did.

2 Q Okay. And then you asked him, "What's Tutu's real
3 name?" Do you remember that?

4 A No, but it sounds like a question I would have
5 asked.

6 Q Okay. What's her real name?

7 A Yeah.

8 Q And you don't remember his response was, he
9 couldn't remember at first. Then he said it was Sonja, then
10 LaSonja, and then Latanya, and he couldn't remember the last
11 name.

12 A Yeah.

13 Q Does that ring a bell?

14 A That's correct.

15 Q Okay. And this is a girl he has a young child
16 with?

17 A Yes.

18 Q And he couldn't remember her name, or acted like
19 he couldn't remember her name for a while?

20 A Yes, but it's not uncommon.

21 Q It's not uncommon for him or for --

22 A In general. It's not uncommon to encounter young
23 mens who are involved with girls who claim they cannot
24 remember the full name, who they are. They're just going
25 through them. So it's not uncommon to encounter things like

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 that. I mean, I've got family members who can't remember
2 cousin's full name. They're so accustomed to calling them
3 by nickname. All they know is, Day-Day, Tutu, just don't
4 remember the full name. At least, that's what they are
5 providing to us.

6 Q So you don't know whether he can remember or not?

7 A I'm only reporting what he was telling me.

8 Q Yet in the meantime, apparently he's now living
9 with Tutu and has another child on the way?

10 A Absolutely.

11 Q Okay. After your first interview with Antoine
12 Drake, did you continue in looking into -- investigating
13 him? Investigating his story?

14 A Yes. Well, him and Rohaime Hopkins.

15 Q Right.

16 A Antoine had verified if Trey Graves had any
17 connection to this as well.

18 Q All right. And so you talked to him on December
19 9th, 2014, about a month after the shooting. Did you tell
20 him at the end, hey, man, you ought to turn yourself in?

21 A I'm certain I did.

22 Q There's no requirement for a law enforcement
23 person to serve a known warrant on someone?

24 A If we know we should, we serve it. However, in
25 this situation, I'm working a murder. All I have is my

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 word. That's the only way I can get Antoine Drake to meet
2 me for sure and that, listen, I will not arrest you, but you
3 will need to turn yourself in. But I need you to meet with
4 me so we can kind of figure out what took place with Mr.
5 Terrance Johnson being murdered.

6 So, no, I did not arrest him at the time, but
7 he assured me that he was going to turn himself in.

8 Q And he didn't?

9 A I don't know if he did or did not.

10 Q Well, he got arrested on the 27th of December, 18
11 days later, so he did not turn himself in.

12 A Not by SLED. So if he got arrested, he got
13 arrested. SLED didn't arrest him.

14 Q So the way that you got him to talk and meet with
15 you is to tell him, hey, I know you got a warrant, but I
16 won't arrest you if you talk to me.

17 A Yes.

18 Q Okay. And he relied on that and trusted you and
19 talked to you?

20 A Yes, that's correct.

21 Q So you were scratching his back, and he was
22 scratching your back.

23 A I wouldn't call it that. It's just interviewing
24 techniques. Oftentimes people in the streets, they're not
25 going to talk to law enforcement. We have to use what's

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 available to us to get them to at least provide some
2 information to us. If not, no crime will ever go solved.

3 Q Before you made that deal with him not to arrest
4 him, did you know he was a scam artist or did you just find
5 that --

6 A No.

7 Q You didn't know that?

8 A No.

9 Q And in that one interview, though --

(10 A During the interview, he told me when he was
11 telling me about the encounter he had with Trey Graves.

12 Q And then, as part of your continuing investigation
13 with him and everybody else, did you find out that he was
14 arrested December 27th, 2014 with a gun?

15 A I don't know.

16 Q Six weeks after the shooting, did you know that
17 Ridgeland PD arrested him with a gun?

18 A I may or may not. I don't think that wouldn't
19 have any bearing on my report, my investigation.

20 Q Well, did you follow up with that, with that bit
21 of information?

22 A Because he was arrested for a bench warrant?

23 Q No, because he was arrested with a gun and a bench
24 warrant.

25 A I didn't know about a gun. I know he had an

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 outstanding bench warrant on him.

2 Q Right.

3 A Yes.

4 Q Yeah, that's the thing that you didn't arrest him
5 on. Okay. All right.

6 When you said that you worked closely with
7 these local police agencies, I mean, did you work with
8 Ridgeland police department? Do you have any contacts over
9 there, if somebody who's a suspect is arrested with a gun on
10 a murder, does anybody call you, you look into it?

11 A Not on this case, they didn't. At least, I don't
12 recall receiving a call from them.

13 Q When's the first time that you learned that he was
14 arrested with a gun on December the 27th; was it today?

15 A Man, I don't know. This is 2017. I can't answer
16 that, I just don't know.

17 Q Did you know before yesterday he was arrested with
18 a gun December 27th, 2014?

19 A The date that he was arrested, I don't know. I
20 know he was arrested eventually. I can't tell you the date.

21 Q What, if anything, did you do to look into that
22 case to see what type of weapon it was?

23 A Nothing.

24 Q Nothing?

25 A No.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Okay. Even though it could have been the murder
2 weapon?

3 A All the information that we had was starting to
4 point towards Rohaime Hopkins.

5 Q Right. The information that you primarily got
6 from Antoine Drake at that point?

7 A No, sir. No, sir.

8 Q December 9th?

9 A No, sir.

10 Q He clearly points to Hopkins, doesn't he?

11 A He may have, but he's not the only information
12 that we relied on.

13 Q But Drake was pointing to Hopkins the entire time?

14 A And others.

15 Q Now, your first interview with Drake on
16 December 9th, 2014, you got his phone number; did you not?

17 A Yes, I think I did.

18 Q December 9th, you got his phone number?

19 A Yes. It should be on the memorandum of interview
20 statement form.

21 Q Okay. So it appeared you had his number, December
22 9th, 2014, right?

23 A Let's see.

24 Q Attachment 17.

25 A Attachment 17?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Yes, sir. That's where his statement is.

2 A Yes.

3 Q Okay. So -7213?

4 A -7213, that's correct.

5 Q That's on his statement he gave?

6 A Yes, sir.

7 Q Okay. So on December the 9th, 2014, you got his
8 phone number?

9 A That's correct.

10 Q Okay. Now, you subpoenaed a lot of -- or got
11 search warrants for a lot of phone numbers in this case; did
12 you not?

13 A That's correct.

14 Q Okay. Rohaime, Tutu, and I think some other ones
15 that I wasn't even sure who they were. But you -- five,
16 six, seven other phone numbers you got records for; is that
17 right?

18 A That's correct.

19 Q But you never subpoenaed or got a search warrant
20 for the phone records for Antoine Drake, correct?

21 A That's correct.

22 Q And you never checked his texts, did you, through
23 the phone records?

24 A No, sir.

25 Q Okay. And you never ran his number off the cell

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 towers to get some kind of idea about where somebody may
2 have been, or at least where their phone calls were pinging
3 off of. You never did that either, did you?

4 A No, sir.

5 Q As to Antoine Drake?

6 A No, sir. I didn't have a need to.

7 Q Okay. All right. Now, DNA was found at the crime
8 scene, correct?

9 A Yes, sir.

10 Q Okay. And it was collected?

11 A Yes.

12 Q And it's primarily from the car, correct?

13 A Correct.

14 Q Okay. And it was analyzed by SLED?

15 A Yes.

16 Q Okay. And several of the items that were
17 submitted said they had "unknown contributors," correct?

18 A That's correct.

19 Q Okay. So that -- what you do is you send certain
20 known samples up there, DNA, and then they compare them to
21 the samples they find in the field, right?

22 A Yes, sir.

23 Q Okay. And that's the way they have to compare, is
24 your sending known samples so they can do a comparison,
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes.

2 Q And you received a couple of reports from the SLED
3 DNA report with the results; did you not?

4 A Yes, sir.

5 Q Okay. And let me back up real quick.

6 Prior to the first report you received on
7 April 10th, 2017, isn't it true that Rohaime Hopkins,
8 through my office, agreed to submit a DNA sample to SLED for
9 comparison?

10 A Give me the dates again?

11 Q Well, I think it's March 13th. We sent a letter
12 saying "We consent to --

13 MS. JONES: Your Honor, objection.

14 THE COURT: Just a moment. Yes, ma'am. Is there
15 an objection?

16 MS. JONES: There is.

17 (Off-the-record discussion held.)

18 THE COURT: Proceed. Objection overruled.

19 BY MR. LEE:

20 Q Mr. Hopkins cooperated in the providing of a
21 sample of DNA, correct?

22 A I don't know.

23 Q You don't know?

24 A I didn't get a copy of it.

25 Q Did you receive a DNA analysis report from the

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 SLED lab April 10th, 2017?

2 MS. JONES: Your Honor, objection.

3 THE COURT: Same objection?

4 MS. JONES: This would be hearsay, Your Honor.

5 THE COURT: Counsel approach.

6 (Off-the-record discussion held.)

7 THE COURT: Objection sustained.

8 BY MR. LEE:

9 Q Did you ever submit a known DNA sample of Antoine
10 Drake to SLED?

11 A No, sir.

12 Q Were you ever asked to do that?

13 A No, sir.

14 Q Were you not asked, April 10th, 2017 DNA report,
15 note -- this is to you -- "please submit a known DNA
16 standard from Antoine Drake for comparison purposes."

17 A What's the date on that?

18 Q April 10th?

19 A Of what year?

20 Q Would you like me to approach and hand you the
21 document?

22 A What year?

23 Q 2017.

24 A Now, the way --

25 THE COURT: Hold on one second. Do you want to

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 approach the witness? Show it to counsel before you
2 do.

3 Hold on a second and let him give you the
4 document.

5 MR. LEE: May I approach the witness?

6 THE COURT: You may.

7 MR. LEE: Special Agent Johnson --

8 THE COURT: Just a moment. Give him an
9 opportunity to review it.

10 MR. LEE: Okay..

11 THE WITNESS: Okay.

12 THE COURT: Proceed. Cross examination.

13 BY MR. LEE:

14 Q Did you get a chance to review it?

15 A Just now, sir..

16 Q Can I direct you to the very end, where it says,
17 "Please submit a known DNA standard for Antoine Drake for
18 comparison purposes."

19 A Yes, sir, correct.

20 Q Was that done?

21 A No, sir.

22 Q So that's the DNA lab asking for Antoine Drake's
23 DNA for comparison purposes?

24 A Yes, correct.

25 Q Okay. On May 12th, 2017, did you also get the

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 same request from SLED DNA asking for a known DNA standard
2 for Antoine Drake for comparison purposes?

3 A Let me see that report, please.

4 THE COURT: Show it to counsel.

5 MR. LEE: May I approach, Your Honor?

6 THE COURT: You may.

7 THE WITNESS: This is my first time seeing both of
8 these DNA reports.

9 BY MR. LEE:

10 Q First time you've seen both of them?

11 A Yes, sir.

12 Q Are they both addressed to you?

13 A Yes. When SLED DNA completes a report, whether
14 it's DNA, whether it's latent print, it's submitted on a
15 computer system called ILAB. A lot of time, we get text
16 message saying, "check it."

17 Operating out of 12 counties, we don't always
18 go immediately and check different lab reports to see what's
19 actually out there and what's on it. And so I just saw this
20 one, both of these.

21 And the other side of it is, all the
22 information that we had, we were able to confirm that
23 Antoine Drake was no way at Roseland at the time of this
24 murder. We didn't have any need -- any reason to even go
25 back in that direction, as we talked to most witness who

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 confirmed where he was at when the time of this murder took
2 place. So we didn't saw any need to move any further that
3 direction, as well.

4 Q The scam artist's fingerprints were in the car;
5 were they not?

6 A He confirmed that he was sitting in the car doing
7 a line of coke.

8 Q And that was enough for you?

9 A Well, he confirmed that he was in the car.

10 Q Okay.

11 A And that was enough, because we talked with
12 multiple other witnesses that confirmed his whereabouts at
13 the time of the murder.

14 Q Wasn't there a fingerprint analysis done as well
15 from the Toyota Camry?

16 A Yes.

17 MS. JONES: Your Honor, object. The same as the
18 DNA objection.

19 THE COURT: Sustained as to the earlier objection
20 concerning DNA, Counsel. Do you understand my ruling?

21 MR. LEE: Yes, sir.

22 THE COURT: Proceed accordingly.

23 BY MR. LEE:

24 Q Were you asked by the latent prints department on
25 February 10th, 2015 to submit clear and complete known

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 finger and palm prints for further examination?

2 A On who?

3 Q There is -- sorry, December 1st, 2014. There is
4 an inconclusive print because of the quality --

5 THE COURT: Now, hold on, Counsel. You're not
6 going to testify in this case, and you're publishing
7 from a document not in evidence.

8 That objection is sustained. Move along.

9 BY MR. LEE:

10 Q Antoine Drake.

11 A I'm telling you, give me your question again,
12 please.

13 Q Did you submit any further prints of Antoine Drake
14 to SLED fingerprints at any time?

15 A No, sir. He confirmed that he was at the scene,
16 those were his prints on there. We generally get prints to
17 identify who was there. And he confirmed he was at the car,
18 in the yard, doing a line of coke, and that he placed his
19 hand on the apex of the car as he was talking to them.

20 Q Okay. Let's go back to the murder weapon
21 question.

22 A Okay.

23 Q Did your investigator determine that there were .9
24 millimeter casings at the scene where Mr. Johnson's body was
25 found?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes. I think it was .9 millimeter Luger caliber.

2 Q Okay. You never found the gun, the murder weapon?

3 A No, sir.

4 Q Okay. You went to Antoine Drake and Tutu's house
5 house in Port Royal two weeks ago?

6 A That's correct.

7 Q Okay. The same residence where the domestic
8 violence occurred for which he is in jail right now?

9 A That's correct.

10 Q Did you know about that charge?

11 A I know about a domestic violence charge, but not
12 any weapon being involved.

13 Q Did you talk to the officers who made the arrest
14 in Port Royal?

15 A No. It didn't have any -- it had no bearing on
16 this murder investigation. Domestic violence a couple of
17 years afterwards.

18 Q Okay. A .9 millimeter weapon was found there.
19 That doesn't have a bearing on this case?

20 A I had no knowledge of a .9 millimeter weapon being
21 found there. I wouldn't have known to question it if I
22 didn't know that a .9 millimeter was involved.

23 Q Well, who was supposed to tell you that it was?

24 A I don't know.

25 Q I found out. Did you look at the report --

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A No, sir.

2 Q -- that references the High Point .9 millimeter?

3 A No, sir.

4 Q Do you know anybody in Port Royal, any cops down
5 there?

6 A I don't.

7 Q You don't?

8 A No, sir..

9 Q You never worked with them before?

10 A I may have worked an officer involved shooting
11 many years ago down there, but that's been a lot of years
12 ago.

13 Q Sir, do you remember the name "John Griffith"?

14 A I don't, no, sir.

15 Q Would you like to test that .9 millimeter?

16 A It's always great to test it now, but you never
17 know.

18 Q Yeah, you never know.

19 And isn't it true that your investigation
20 also revealed that the morning after the shooting at Phil
21 Simmons' house, a gun was being passed around?

22 A That's correct.

23 Q Antoine Drake talked about that.

24 A Yes, sir.

25 Q And he said he wiped his prints off of it?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE.

1 A That's correct.

2 Q Okay. And do you have information that was a
3 short style .9 millimeter with two magazines?

4 A I believe so.

5 Q From Phil Simmons?

6 A Yes.

7 Q Who doesn't have a dog in the fight?

8 A Absolutely.

9 Q Okay. But Drake, he said it was a black gun, he
10 didn't even know what caliber, right?

11 A I think that's what he said on the stand.

12 Q Even though he looked at it to such an extent that
13 he then had to wipe his fingerprints off it?

14 A Correct.

15 Q Would you agree that, based on your experience,
16 that it's safe to say that most murders, as a rule, are not
17 random?

18 A I'm sorry. Say again?

19 Q Would you agree that most murders are not random?
20 Meaning there's connection between the victim and the
21 shooter, or the killer?

22 A Depends on the motive, I guess.

23 Q That's what I was going to ask you next.

24 But isn't it true that a large number of
25 murders are committed by people, with people they know?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes. From my experience, that has been the case.

2 Q And so there's some type of connection between the
3 people?

4 A Yes.

5 Q And one of the things that may help you in looking
6 at murder cases is motive, which I think you've already
7 talked about, right?

8 A Correct.

9 Q And in looking at motive, you can look at such
10 things like prior difficulties between the two?

11 A That would be a good way -- a good starting point.

12 Q Whether there is any jealousy between the two?

13 A Yes, sir.

14 Q Anger between the two? Revenge?

15 A Yes, sir.

16 Q Does that all make sense?

17 A Yeah.

18 Q Did you look into those things in this case?
19 Possible motive that someone would have against Terrance
20 Johnson?

21 A Yes, I did.

22 Q Okay. Let me talk about Antoine Drake. Isn't it
23 true that there was some type of altercation, dispute,
24 whatever these people want to call it, involving a knife a
25 couple weeks prior to this?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes, sir.

2 Q And actually, Michael Taylor was actually injured
3 with the handle of the knife; is that correct? Does that
4 ring a bell to you?

5 A Well, according to Mike, he wasn't injured.

6 Q According to Mike-Mike, he was not injured?

7 A Yes.

8 Q But somebody else said he was injured?

9 A Yes, sir.

10 Q But there is no dispute about a knife -- everybody
11 says there's a knife involved, right? '

12 A Yes. Terrance Johnson threw the knife, threw it
13 down, told Antoine to pick it up. Investigation indicated
14 Antoine picked it up but did not advance towards the victim.
15 He just had the knife in his hand. Mike-Mike tried to take
16 the knife from him. Antoine jerked away the knife, the butt
17 of the knife hit him somewhere up in his face, but did not
18 injure him.

19 Q It's also important to look into the relationship
20 between a witness and a defendant, right?

21 A That's always helpful.

22 Q So did you look at the relationship between
23 Antoine Drake and Rohaime Hopkins?

24 A Not -- I guess not specifically, but during the
25 course of the investigation, there was an inquiry.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Particularly different from Antoine and some of the others
2 in the area that knew the two, what was the relationship
3 between the two of them.

4 Q And you, on December 9th, specifically asked
5 Antoine Drake, "you and Rohaime don't get along, right?"

6 A I probably did.

7 Q You asked that question?

8 A Yeah.

9 Q Did you hear the tape earlier that I played?

10 A Yes.

11 Q That's you talking to Antoine, right?

12 A Um-hmm, yes, sir.

13 Q That's your voice and his voice?

14 A Yes, sir.

15 Q So you can authenticate that?

16 A Yes, sir.

17 Q And you asked him, "You and Rohaime don't get
18 along, right?"

19 A Yes, sir.

20 Q And his response was, "No, we're friends. I've
21 known him since we were kids." His response was, excuse the
22 language, "I can't stand that motherfucker."

23 A Yes, I heard that.

24 Q And then he said, "I will kill Rohaime myself,"
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes.

2 Q And then after he said that, you said something
3 like "hmm." Did you hear yourself on the tape say that?

4 A No, but that's a good response, I might have --

5 Q Yeah. And so then he said again, "I will kill
6 Rohaime myself," right?

7 A Yes, sir.

8 Q And then later on he says, "I just want Rohaime
9 gone."

10 A Yes.

11 THE COURT: Anything further?

12 MR. LEE: Yes, sir.

13 BY MR. LEE:

14 Q You want the right guy to get charged and go to
15 trial; do you not?

16 A Gotcha.

17 Q Okay. And the family wants, obviously, the right
18 person?

19 A Yes.

20 MR. LEE: That's all I have, Your Honor.

21 THE COURT: Redirect.

22 MS. JONES: Thank you, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. JONES:

25 Q A couple of follow-up questions, Agent Johnson.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Mr. Lee asked you about the search warrant
2 for Tutu's cell phone?

3 A Yes, ma'am.

4 Q Why did you get a search warrant for her cell
5 phone?

6 A Because of the information that, I guess, we were
7 gathering bits and pieces of that she may have been asking
8 questions of different individuals, putting stuff out. Yes,
9 it led one to believe that how does she know this, why is
10 she able to provide this information?

11 So we wanted to see the connection between
12 her and Mr. Hopkins. So as a result of that, we ended up
13 getting a search warrant for her phone records.

14 Q Okay. And during that, you got that search
15 warrant?

16 A Yes.

17 Q And in it, in the affidavit, it talks about the
18 information a participant would know?

19 A Yes.

20 Q Was there communication between Ms. Singleton and
21 Rohaime Hopkins?

22 A Practically all night.

23 Q And you learned that after you got a search
24 warrant on her phone?

25 A Yes.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Q Okay. I want to go now to -- to Antoine Drake.

2 A Okay.

3 Q We heard -- we heard the video. How long was that
4 interview with him?

5 A I don't know. He and I sat at first, and we sat
6 out there for a good minute.

7 Q And why do you go down this remote dirt road?

8 A He was adamant that he did not want to be seen
9 talking to law enforcement, which is not uncommon especially
10 in Jasper County. I interview a lot of folks down in the
11 woods. That's the only way I can get information on a
12 lot of what is happening here in Jasper County.

13 So he told me where to meet him at, somewhere
14 off the Riceshire Road, and I picked him up and he point me
15 in another direction where we need to go at.

16 Q And you tell him that you're not going to arrest
17 him on his outstanding warrant?

18 A That's correct.

19 Q Why do you tell him this?

20 A Again, my word is all I got. And I'm working a
21 homicide. Didn't have a full story what the bench warrant
22 was about. When I called -- I don't recall how I got his
23 number, and I just told him, look, I need to talk with you.
24 This is what I need to talk with you about. He refused to
25 talk. I said, look, I know you got an outstanding bench

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 warrant on you, but you go turn yourself in, I won't pick
2 you up on this one, but I need to talk with you. He assured
3 me that he was going to turn himself in. I told him I will
4 not arrest him on this outstanding bench warrant, but I just
5 need to talk with him.

6 Q But you were more worried about solving a murder
7 than his cocaine possession.

8 MR. LEE: Leading. I object, leading.

9 THE WITNESS: Yes.

10 THE COURT: Just a moment. Just a moment. Yes,
11 sir.

12 MR. LEE: I object to the leading.

13 THE COURT: Sustained. Redirect, Counsel.

14 BY MS. JONES:

15 Q You speak with Antoine for however long that
16 interview is, and afterward, what do you do regarding the
17 information he gives to you?

18 THE COURT: Counsel, come up to the roster right
19 up here. Both of you from now on use this roster.
20 Neither one of you are allowed to go back to that back
21 roster. Proceed.

22 BY MS. JONES:

23 Q After you speak with Mr. Drake, what do you do
24 with the information he gives you?

25 A I continue to do follow-ups, conduct an interview,

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 gather as much information I could to verify the information
2 that he provided to confirm or disconfirm.

3 Q And did you verify the information he gave you?

4 A Eventually, for the most part, yes, ma'am.

5 Q And who did you speak with to verify this
6 information?

7 A I spoke with several --

8 MR. LEE: Your Honor, I'm going to object to her
9 trying to bolster Drake's testimony, saying it was
10 somehow --

11 THE COURT: You went into this on cross, it's
12 redirect. And I think it's proper. Overruled.

13 Proceed. But ask direct questions. Proceed.

14 THE WITNESS: Okay. Repeat your question again,
15 please.

16 BY MS. JONES:

17 Q After you spoke with Mr. Drake, who did you speak
18 with to confirm his alibi?

19 A I don't recall the exact order, but I spoke to
20 several people. I think William DuPont was one of them.
21 Shaquandulynn Chaneyfield. Javare -- I think I'm
22 pronouncing it correctly, Javare Shuler was another.

23 Q Who else besides Rohaime Hopkins was a suspect in
24 this case?

25 A Nobody but Rohaime.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Q Nobody else. . Not Antoine Drake?

2 A No, Antoine was not a suspect.

3 Q I want to get back to the phone records and --

4 MS. JONES: Permission to approach, Your Honor?

5 THE COURT: You may.

6 BY MS. JONES:

7 Q I'll show you what has been admitted as State's 6,
8 and do you recognize that?

9 A Yes, ma'am.

10 Q And what is that?

11 A That's a photo that I took off of, I think,
12 Shaquandulynn Chaneyfield's phone depicting a text message
13 that was received on her phone in reference to Antoine
14 Drake.

15 Q And that's a conversation intended for Antoine
16 Drake?

17 A Yes, ma'am.

18 Q Why was it sent to her phone instead of his phone?

19 A His phone wasn't working anymore.

20 Q Antoine Drake's phone wasn't working?

21 A No, ma'am.

22 Q So on November 12th, 2014, he didn't have a phone?

23 A That's correct.

24 Q One more question for you.

25 Mr. Lee brought up the jealousy between

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Antoine Drake and Terrance Johnson. Was there jealousy
2 between Rohaime Hopkins and Terrance Johnson over Angel
3 Simmons?

4 A Yes. From what I gather, both of them was seeing
5 Angel.

6 MS. JONES: I have no further questions.

7 THE COURT: Recross limited to redirect.

8 MR. LEE: I don't have anymore questions.

9 THE COURT: Very well. Mr. Johnson -- hold on a
10 second. Counsel approach.

11 (Off-the-record discussion was held.)

12 These are going to be marked for identification
13 only, and that will be No. 1 for identification, right?

14 THE REPORTER: No. 2.

15 THE COURT: No. 2, he's got an exhibit, but this
16 is I.D. only. This will be Defendant's Exhibit 3 for
17 identification only. This will be Defendant's 4 for
18 identification also.

19 *(Whereupon, Defendant's Exhibit No(s). 2-4 marked*
20 *for identification.)*

21 THE COURT: Madam Foreperson, ladies and gentlemen
22 of the jury, I see it's 1:15. We're going to stop at
23 this point for lunch. During the lunch break, as I've
24 instructed you throughout the trial, please don't
25 discuss this case. And let's start back at 2:30.

TITLE PAGE

1

2

(The following proceedings were held the afternoon
of May 16, 2017.)

3

4

MS. JONES: Your Honor, we may have some more
information now to hand over to Mr. Lee.

5

6

THE COURT: Counsel approach. I have got to get
the Defendant out here, Mary.

7

8

MS. JONES: Okay, I'm sorry.

9

10

THE COURT: Come on out, Mr. Hopkins, and have a
seat by your lawyer.

11

Counsel approach.

12

(Off-the-record discussion held.)

13

14

15

16

17

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19

20

THE COURT: All right. At approximately 2:15 this
afternoon I received a mutual cell phone call while I
was eating lunch from both counsel for the State and
counsel for the Defendant. They asked to meet me in
chambers and shorten my lunch break, which I did. They
informed me -- actually, Mr. Lee informed me that when
he left for lunch that the Defendant's brother -- would
you identify him in the courtroom for me, Mr. Lee?

21

MR. LEE: The (inaudible) aisle, the front seat.

22

THE COURT: And what's his name?

23

MR. LEE: Corine Singleton.

24

THE COURT: What's the last name?

25

MR. LEE: Singleton.

INQUIRY OF THE JURY BY THE COURT

1 THE COURT: Singleton. The Defendant's brother,
2 he was saw talking to two jurors when he was leaving
3 the grounds of the courthouse. Mr. Lee promptly
4 informed the solicitor and they jointly called me.
5 When I was informed of this, I told the lawyers that I
6 would have to bring -- since they couldn't identify
7 exactly which two jurors, I would have to bring the
8 entire jury out to inquire about this matter in order
9 to determine.

10 Now, Mr. Singleton, I'm going to also deal with
11 you because I can assure you I'm not going to allow
12 anyone to have any conversation with any juror, family
13 member or not. Do you understand that?

14 MR. CORINE SINGLETON: Yes, sir.

15 THE COURT: Bring me my jury.

16 THE BAILIFF: Ladies and gentlemen, come into the
17 courtroom, please.

18 THE COURT: Madam foreperson, ladies and gentlemen
19 of the jury, I need to inquire of you because of
20 information that the Court received during the lunch
21 break. Has any member of my jury panel had any
22 conversation with anyone about this case during the
23 lunch break, or anyone trying to talk to them during
24 lunch break, please raise your hand? Let the record
25 reflect, no hands were raised.

FURTHER JUROR EXAMINATION BY MR. LEE

1 THE JUROR: I'm quite -- quite certain everybody
2 probably knows around this town they would know.

3 THE COURT: Mr. Singleton, thank you for being
4 forthright with the Court. You may return to your
5 seat.

6 Solicitor, it appears to me that I need to get rid
7 of two jurors who have obviously not been forthright
8 with the court in their response to my questions to
9 them concerning conversations with a member of the
10 Defendant's family.

11 Any objection, Mr. Lee?

12 MR. LEE: For the record, I do object. I think
13 that they can stay.

14 THE COURT: Mr. Lee, you reported this conduct to
15 me because you realized what the appearance of it
16 entails and the solicitor does too and so do I.

17 And although I'm informed that there was no
18 discussion by Mr. Singleton about the case, I have also
19 instructed this jury on at least five different
20 occasions not to have any conversation -- I even went
21 to the point of telling them that if y'all didn't speak
22 to them, it was because our rules prohibited them from
23 speaking to you. I feel that I have no choice because
24 of the appearance of impropriety to excuse them from
25 further service in the trial of this case to ensure

FURTHER JUROR EXAMINATION BY MR. LEE

1 that we have a fair jury, particularly, when they have
2 failed to acknowledge to me that they had a
3 conversation, which now from sworn testimony, I
4 understand occurred. And from your own personal
5 observation.

6 MR. LEE: I understand your ruling, Your Honor.

7 THE COURT: All right. Bring me first, Mr. Aaron
8 Jackson. Just Mr. Jackson.

9 THE BAILIFF: Mr. Aaron Jackson, would you please
10 come into the courtroom. Mr. Aaron Jackson.

11 (Juror Jackson entered the courtroom.)

12 THE COURT: Have a seat for me, Mr. Jackson.

13 Now, Mr. Jackson, it's been testified in this
14 court that during the lunch break you had a
15 conversation, not about the case, but about other
16 matters involving previous work with Mr. Singleton.
17 When I inquired of you about it, you did not respond.
18 Mr. Singleton has testified and Mr. Lee, who is counsel
19 for the Defendant, watched you and another juror have a
20 conversation with Mr. Singleton. For that reason, not
21 because you discussed the case, but because it gives
22 the appearance of talking to a member of the
23 Defendant's family, Mr. Singleton, as I informed you,
24 is the brother of the Defendant. Because of that, I
25 have no choice but to excuse you from further service

FURTHER JUROR EXAMINATION BY MR. LEE

1 two jurors because I had sworn testimony they had
2 conversations with a member of the family. So, I urge
3 you, please, not because there's anything improper
4 going on, it's the appearance of that impropriety that
5 causes concern and we want to make sure we have a fair
6 and an impartial jury. Thank you for your cooperation.

7 We will now continue with testimony in the trial
8 of this case.

9 Call your next witness, Solicitor.

10 MS. JONES: Thank you, Your Honor. The State
11 calls Michael Taylor.

12 Thereupon,

13 MICHAEL TAYLOR

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE COURT: Sit down, Mr. Taylor, and pull that
17 chair up. Adjust the chair and the microphone to your
18 height. Speak up so everybody on the jury and out in
19 the courtroom can hear you. That microphone will
20 amplify your voice.

21 State your full name and spell your last name for
22 my court reporter.

23 WITNESS: Michael Raymond Taylor. T-A-Y-L-O-R.

24 THE COURT: Your witness, Counselor. Direct
25 examination.

FURTHER JUROR EXAMINATION BY MR. LEE

1 MS. JONES: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. JONES:

4 Q Mr. Taylor, where do you live?

5 A I'm in Jacksonville, Florida, right now.

6 Q Okay. On November 2014, where were you living?

7 A Spring Hill, Florida. I'm -- I'm living in South
8 Carolina, Spring Hill.

9 Q Okay. Do you remember what your address was?

10 A Not totally. I have been gone for a minute.

11 Q Okay. Did you live on Rice Shire Road?

12 A Yes, sir. Yes, ma'am.

13 Q Okay. That's okay. You're a little nervous.

14 It's okay.

15 A Yes.

16 Q Okay. Mr. Taylor, you've been in trouble before,
17 haven't you?

18 A Yes, ma'am.

19 Q Okay. And, in fact, in 2010 you got in trouble
20 for petty larceny?

21 A Yes, ma'am.

22 Q 2011, theft of electricity.

23 A Yes, ma'am.

24 Q And in 2013, you got convicted of shoplifting?

25 A Yes, ma'am.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. And all of those are thefts?

2 A Yes, ma'am.

3 Q So, they are untruthful. So, but are you here
4 today to tell the truth?

5 A Yes, ma'am.

6 Q Okay.

7 A I told the truth then.

8 Q Okay.

9 A That is why I pleaded guilty because I was wrong.

10 Q Okay. I want to take you back to November 2012,
11 okay?

12 A Yes, ma'am.

13 Q Do you remember the night of November 12th of --
14 2000 -- 2014, my apologies. Do you remember that night?

15 A Yes.

16 Q And what do you remember about that night?

17 A I remember coming home from work and wasn't nobody
18 in my house but my son and wife.

19 Q Okay. I'm going to stop you for a second. And
20 where did you used to work?

21 A Waffle House.

22 Q And what time did you get off work that night?

23 A 9:00.

24 Q Okay. And -- okay. So, you got off work at 9:00
25 and came home?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A I got off about 9:07, somewhere in that area.

2 Q Okay, and, I'm sorry, you can keep going.

3 A All right. When I got out of the car to change my
4 clothes to go to my wife's family house next door wasn't
5 nobody in the house but my son and his wife.

6 Q Okay.

7 A So, when I came back home about, I think it's
8 about 10:15, 10:30, I guess the latest, y'all call him
9 Rohaime but he was --

10 Q Hold on. I'm going to hold you for a second.
11 This is Mr. Hopkins, yes?

12 A Yes.

13 Q Mr. Hopkins was at your house?

14 A Yes.

15 Q Okay. And what time was this?

16 A About 10:15, 10:30.

17 Q Okay. And what was he doing at your house?

18 A That's a good question.

19 Q Okay. Why is that a good question?

20 A Because I wasn't home for him to be inside my
21 house.

22 Q Did you keep your house locked?

23 A Yes.

24 Q And did he have a key?

25 A No.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. I guess I'm a little -- I'm a little
2 confused. Why wasn't he supposed to be inside your house?

3 A Because I wasn't here. I am the man of the house.
4 Why would you be sitting in my house if I'm not here?

5 Q Okay. And what is he doing when you get back
6 from -- whose house did he go to?

7 A Angel's next door; my wife's family lives next
8 door.

9 Q Okay. What is Mr. Hopkins doing when you get back
10 to your house?

11 A When I walked in the door, he was sitting -- he
12 was sitting on my chair.

13 Q Okay. Do you remember what he was wearing?

14 A All black.

15 Q Okay. What happened after that?

16 A I went in -- I woke up my son, in front of him. I
17 woke him up in front of him. I was, like, why you let him
18 in my house if I'm not here? Because if he is my friend, he
19 would never come in my house. So I woke my wife up and I
20 asked her, did you know Rohaime is in the house? She said,
21 I don't know. I was asleep. So I came -- I went and had
22 conversation with him. I guess it went over his head a
23 little bit. But other than that, we just had conversations.

24 Q I take it that you were not very happy he was
25 there?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A No.

2 Q Okay. What happens after you talk to your wife --
3 what -- what was her name? What's her name?

4 A Janeika.

5 Q Okay.

6 A Janeika Taylor.

7 Q And how about your son that was there?

8 A Jakobie.

9 Q Okay.

10 A Grant.

11 Q Okay. After you talk to them, what happens next?

12 A I just -- I just sat down. I sat down and started
13 holding a conversation with him.

14 Q Okay.

15 A You know, like, you know, he knew that I just got
16 off of work. So, you know, what are you up to? You know,
17 we just talking, just out of the blunt talking.

18 Q Were you at your house around 6:30 or 7:00 that
19 day?

20 A No, ma'am.

21 Q Okay. And you keep your house locked?

22 A Yes, ma'am.

23 Q Who has a key, do you know?

24 A I do. My wife do. And one of our sons, Vantey.

25 Q Okay. Nobody else?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A No, ma'am.

2 Q Okay. What was this -- this other son's name?

3 A Oh, Vantey.

4 Q And where is he this day?

5 A He was at work.

6 Q Okay. Where does he work?

7 A I think he works at that McDonald's right there,
8 or that's Burger King.

9 Q Okay.

10 A Oh, that's McDonald. He used to work at that
11 McDonald.

12 Q Okay. Does the Defendant spend the night at your
13 house that night?

14 A No, he ain't never spent the night with me.

15 Q Okay. So what happens? How does he eventually
16 leave?

17 A We went to go pick up my son -- well, my stepson,
18 and so he asked me to give him a ride.

19 Q Okay.

20 A So we dropped him off. He chilled with me from
21 the time I got home till we took him to wherever he had to
22 go.

23 Q Okay. And what time was that about?

24 A It had to have been like about 11:30, 12:00,
25 somewhere in that area.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. Beg the Court's indulgence.

2 Mr. Taylor, did Rohaime Hopkins do anything
3 while he was at your house?

4 A Yeah, he asked to change his clothes.

5 Q Okay. He asked you that question?

6 A Yeah.

7 Q And --

8 A I didn't --

9 Q -- did he do anything after he asked you?

10 A I didn't think anything. I said, go ahead, change
11 them, you know.

12 Q Okay.

13 A I -- I -- I don't have no knowledge of what you
14 did. You could have been walking and got dirty. So he
15 changed and burnt them in my barrel.

16 Q He did what?

17 A Burnt his clothes in my barrel.

18 Q Okay.

19 MR. LEE: For the record, Your Honor, I'm going to
20 object to this testimony. It's never been provided to
21 me --

22 THE COURT: Hold on a second, Counsel.

23 MR. LEE: -- other than --

24 THE COURT: Not on the record yet.

25 Approach.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 (Off-the-record discussion held.)

2 BY MS. JONES

3 Q I'm sorry, Mr. Taylor --

4 THE COURT: Mona, I will put my ruling on that
5 objection on the record at a later point in time.

6 Proceed consistent with my ruling.

7 MS. JONES: Absolutely. Thank you, Your Honor.

8 BY MS. JONES

9 Q Mr. Taylor, you spoke to the police a while ago
10 back in 2014, didn't you?

11 A Yes.

12 Q Okay. Why didn't you tell them about the burning
13 clothes then?

14 A I didn't -- you know, to tell the truth, I
15 didn't -- I didn't think about it to be honest with you.
16 And it really -- it really never really crossed my mind that
17 it was him. I never would have thought that it was Rohaime
18 until -- until after I made the statement and then I started
19 contemplating things. Because, I'll be honest, I wasn't
20 really myself. You know, I had a little something to drink
21 or whatever. But I know that -- that everything that I'm
22 saying is true. He wasn't with me. He wasn't with me
23 during the day, none of that. He wasn't at home when I came
24 home from work. I go next door an hour and half later, you
25 are in my house. No, I didn't like that. He never was in

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 my house before like that. He never really was my friend.

2 I only met you through T.J.

3 Q Okay. So you just -- was it that you were
4 replaying everything that happened?

5 A (Nods in the affirmative.)

6 THE COURT: You have to say yes or no.

7 WITNESS: Oh, I apologize, yes, ma'am.

8 BY MS. JONES

9 Q Okay. Now, I want to ask you about something else
10 that happened at your house. Do you know a man named
11 Antoine Drake? You may know him as Hollywood?

12 A Yes.

13 Q Do you remember a dispute between Hollywood and
14 T.J.?

15 A Yes.

16 Q Okay. Tell me about that.

17 A Me and T.J. was in the yard. Hollywood had walked
18 up. I think it was me, T.J. and Rohaime was in the yard.
19 And so, Hollywood had said something to me and T.J. didn't
20 really hear what he had said. I knew that Hollywood was
21 laughing about it. But I guess T.J. took it to somewhere
22 else. He was talking to that little -- I wouldn't say it
23 was violence but it wasn't really violence. But they killed
24 it. It was dead. It was dead. They shook hands. They
25 shook hands and everything.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. After the argument?

2 A But he was in the yard. You are not going to have
3 it in my yard.

4 Q Okay.

5 A You can take it -- you can take it in the street,
6 but you are not going to do this in my yard.

7 Q But they shook hands like everything was fine?

8 A Yes, ma'am, they did.

9 Q So they were back to being friends?

10 A Yes, ma'am.

11 Q Okay. And this knife, we've heard a lot about the
12 knife -- about a knife?

13 A Yeah.

14 Q Did you get injured with the knife?

15 A No, ma'am.

16 Q Okay. Did you get a little nick? You didn't get
17 anything -- injured from the knife?

18 A No.

19 Q Okay. Okay. If you say no. Okay. You kept --
20 you kept pointing during your testimony and I just want the
21 record to be clear, the man that you saw who was not at your
22 house when you got home from work but who was there about
23 10:30 or so, do you see him in the courtroom?

24 A Yes, ma'am.

25 Q Okay, can you please point him out?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A (Pointing.)

2 Q Okay. What color shirt is he wearing?

3 A That blue, sky blue.

4 MS. JONES: Okay. May the record reflect the
5 witness identified the Defendant. No further questions
6 for this witness.

7 THE COURT: Cross examination.

8 CROSS EXAMINATION

9 BY MR. LEE:

10 Q Mr. Taylor, did you have any other revelations or
11 thoughts today that you haven't ever said before besides the
12 thing about some burn barrel?

13 A I mean, I keep my opinions to myself if that's
14 what you're asking me. If you would like to know what I
15 think, then that is what you should do.

16 Q What I'm asking you is, you talked to the
17 police -- you actually prepared a statement for the police,
18 for whatever reason, on November 17th, 2014; do you remember
19 that?

20 A Yes.

21 Q Okay. And you -- you said, the last time I spoke
22 to T.J. was 5:19 p.m. on 11-13-14?

23 A No, I never said that. The last time I spoke to
24 T.J. was the day he died. And I -- and I said that, and
25 it's on record that I spoke to him between 7:00 and 7:15

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 because he called my job.

2 MR. LEE: May I approach the witness?

3 THE COURT: You may.

4 MR. LEE: Can I have this marked as Defendant's --
5 for identification purposes, Your Honor?

6 *(Whereupon, Defendant's Exhibit No(s). 5 marked*
7 *for identification and received in evidence.)*

8 BY MR. LEE

9 Q Mr. Taylor, you read and write all right? Okay?

10 A I mean, I ain't graduate. I know I understand.

11 Q I'll hand you a document which has been listed as
12 Defendant's Exhibit Number 5 for identification purposes.

13 Did you write that?

14 A Yes.

15 Q That's your handwriting?

16 A Yes.

17 Q And everything in there is true?

18 A No.

19 Q No, it's not?

20 A No.

21 Q Okay. Well, let's start with what's not true.

22 A The time.

23 Q The what?

24 A The time. I don't know where I got 11-13 from
25 because T.J. called me at my job. I even gave it then and

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 said he called my job number about 7:00, 7:15 and asked did
2 he want to pick me up.

3 Q To pick you up?

4 A Yes, sir.

5 Q And I think your testimony was around that time
6 you weren't in your right mind? Is that what you said?

7 A No, I never said that. I said that night -- I
8 told you when I made the testimony I was not in my right
9 mind. I mean --

10 Q But I'm talking about that night, the night of the
11 12th.

12 A Meaning -- meaning -- meaning that I had a little
13 bit to drink. I mean, I had a little to drink but I know
14 what he did regardless of what you say to me.

15 Q I was just trying to ask you what you said about
16 not being in your right mind.

17 A Meaning I know that I had a little something to
18 drink. I had a couple of beers while I just got off of
19 work, so I feel like I am a grown man and I can do that.
20 I'm of age.

21 Q I completely agree with that. I just wanted to
22 know what it meant by you not being in your right mind.

23 All right. So, then -- so you gave that
24 statement to the police and then -- if I can hold that back
25 from you real quick. Thank you.

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 Now, in this statement you don't say anything
2 about -- about changing clothes, do you?

3 A I just told you, I didn't -- I didn't believe at
4 that time. I didn't believe that he had done it. So, so, I
5 mean, I'm not saying it overpassed me but I didn't think
6 about everything that had happened that night because I
7 didn't believe that he done it; he is T.J.'s friend. I
8 didn't think that he had done that.

9 So, so, so, now because of everything that
10 came about, I try to forget about it. I try to let it go,
11 like, you know, my best friend just got killed by someone
12 who is supposed to be my friend.

13 Q I'm just going to put that there in case you need
14 to refer to it, okay?

15 A No, I'm good.

16 Q Do you agree that nowhere in that statement does
17 it say anything about him changing clothes?

18 A (Nods head).

19 Q Yes or no?

20 A Let me read.

21 Q Okay.

22 A No, it is not in here.

23 Q And you would agree, while you're reading it, you
24 also agree it says nothing in that statement from
25 November 17, 2014, it says nothing about any burn barrel,

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 does it?

2 A It doesn't say anything about his clothes or any
3 burn barrel.

4 Q Okay. All right. So then a few months go by and
5 you get interviewed by Agent Johnson. Remember that on
6 March 6, 2015? Do you remember talking to Agent Johnson?

7 A With the county, right? No.

8 Q He's with SLED.

9 A No, I remember his face. I remember his face.

10 Q Okay.

11 A I don't -- I don't remember everything, no.

12 Q Okay. And obviously, he wanted to talk to you
13 about -- about this case, right? You wouldn't -- you
14 wouldn't have anything else to talk to him about besides --

15 A The case.

16 Q Okay. Now, at that point is when you told him
17 about the altercation in your backyard, right?

18 A What altercation?

19 Q The one the solicitor asked you about about where
20 Drake and -- where Hollywood and -- and T.J. --

21 A I never -- I never told you it was in my backyard.

22 Q Okay. Where was it?

23 A It wasn't in my backyard. So it had to be in the
24 front. I never told you it was in the backyard.

25 Q It was in your front yard. My mistake. Sorry

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 about that.

2 So, in your front yard, that is the first
3 time that you told him about the altercation a few weeks
4 prior in your front yard, right?

5 A Between Hollywood and T.J.?

6 Q Right.

7 A Yes.

8 Q And you told him that there was a knife involved,
9 right?

10 A Yeah, there was a knife involved.

11 Q Okay.

12 A And there was a gun involved too.

13 Q There was a gun involved?

14 A Yeah, somebody had a gun. There wasn't just a
15 knife pulled out.

16 Q In your statement on March 6, did you say anything
17 about changing clothes or a burn barrel?

18 A No, sir.

19 Q None?

20 A No, sir.

21 Q Did you say anything about a gun?

22 A I never said anything about a knife or a gun.
23 really. I wasn't really asked about -- when I went for
24 Rohaime, I wasn't -- I still -- I mean, I'll be honest with
25 you. I still don't believe that a friend would kill a

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 friend. So, I was -- I was -- I was in denial in so many
2 ways.

3 Q So, so --

4 A I didn't think about the barrel and clothes. I
5 didn't think about none of that.

6 Q So it wasn't until you heard that he was arrested
7 that you started thinking about everything?

8 A I was in Florida when he got arrested, so I don't
9 know when he got arrested really. Or if he got arrested
10 before I went to Florida, he was of no more concern to me.
11 I didn't care about him.

12 Q And you said earlier that -- that T.J. was your
13 best friend?

14 A T.J. was like a brother from a different mother,
15 to be honest with you.

16 Q So you were pretty tight with T.J.?

17 A Yes.

18 Q Okay. Now, is it not true that the first time
19 that you have told anybody about a burn barrel was earlier
20 today when you spoke to the solicitor or the investigator --

21 A It was today.

22 Q -- is that not true?

23 A It was today.

24 Q It was today?

25 A Yeah. I just told -- I just told all of y'all. I

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 just told everybody that today.

2 Q Okay. So, we're all hearing --

3 A So not -- so not just the prosecutor. I told you
4 too.

5 Q Okay. So, we're all hearing it today for the
6 first time?

7 A Yes.

8 Q Okay. Are you in your right mind today?

9 A Yes, sir. Yes, sir.

10 Q All right. When did you drive up from
11 Jacksonville?

12 A I drove yesterday.

13 Q Yesterday?

14 A Yes.

15 Q Is that when you did all of your thinking about
16 this or is that not --

17 A No, I have been thinking about it since I heard I
18 had to come here. So, I have been trying to replay a lot of
19 things in my head. You know what I'm saying. I mean, I
20 know a lot. I'm just not saying I know a lot. Meaning
21 the -- our friendship. Well, the friendship I thought we
22 had with, you know, what I'm saying, T.J. brought him around
23 me. He was supposed to be T.J.'s friend. I don't think
24 that we were never friends like that. I respected him as a
25 man. And he respected me as a man. I never been to his

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 house or nothing. And when he came to my house, he never
2 really been in my house, to sit in my house.

3 Q All right.

4 MR. LEE: No more questions, Your Honor.

5 THE COURT: Are you passing the witness?

6 MR. LEE: I am, Your Honor.

7 THE COURT: Very well.

8 Redirect.

9 MS. JONES: No questions, Your Honor.

10 THE COURT: As to the witness?

11 MS. JONES: He may be excused.

12 THE COURT: Any objections?

13 MR. LEE: No objections, Your Honor.

14 THE COURT: All right, Mr. Taylor, you are excused
15 from the trial of this case. Hand that to the court
16 reporter asking for identification. You may leave the
17 courtroom.

18 Call your next witness.

19 Thereupon,

20 JANEIKA DUPONT

21 was called as a witness, having been first duly sworn,

22 was examined and testified as follows:

23 THE COURT: Have a seat. Pull that chair up.

24 Adjust that microphone to your height. It'll amplify
25 your voice. I want everybody to be able to hear you.

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 Speak up now for me now so the jury can hear you and
2 all the parties in the courtroom can hear you.

3 State your full name, spell your last name for the
4 court reporter.

5 WITNESS: Janeika Dupont, D-U-P-O-N-T.

6 THE COURT: All right. Ms. Dupont, I apologize.
7 I was given your name as Taylor; however, I assume your
8 name has changed; is that right?

9 WITNESS: Yes, sir.

10 THE COURT: Okay. Your witness, Counsel.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Ms. Dupont, did Taylor used to be your last name?

15 A Correct.

16 Q And did you used to be married to Michael Taylor?

17 A Yes, ma'am.

18 Q And you're not married to him anymore?

19 A Correct.

20 Q Okay. Back on 2000 -- November 2014, where did
21 you live?

22 A Rice Shire Road.

23 Q Okay. Is that where you still live?

24 A Yes.

25 Q Did you know a man named Rohaime Hopkins?

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 A Yes.

2 Q How do you know him?

3 A Through school, family. I know him from a long
4 time ago.

5 Q You have known him for a long time?

6 A Uh-huh. (Indicating affirmatively.)

7 Q Okay. Do you remember the night of November 12th,
8 2014?

9 A Yes, ma'am.

10 Q Okay. Can you tell me what you remember about
11 that night?

12 A The whole night or --

13 Q Picking up your husband, how about that?

14 A I picked him up around -- well, he got off at
15 9:00. So I be there a little bit earlier. When I picked
16 him up, we went next door to my cousin's house because my
17 great aunt died. So we been over there -- and we been over
18 there five, ten minutes and I went home. We all went home.

19 Q Okay. Did you come home before your husband? Did
20 he stay at your cousin's a little bit longer?

21 A He actually came home and then he left and went
22 back next door.

23 Q Okay. Who is at your house when y'all get there
24 the first time?

25 A No one.

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 Q Nobody? Okay. Does somebody come over?

2 A No.

3 Q Did you -- did you see Rohaime Hopkins that night?

4 A I did.

5 Q Okay. When is this?

6 A It was after -- it was late, like, maybe, 10:30,

7 maybe 11:00.

8 Q Where did you see him?

9 A He was in my living room.

10 Q Okay. Did you let him in?

11 A I didn't.

12 Q Who let him in?

13 A My son.

14 Q What's your son's name?

15 A Jakobie Grant.

16 Q Okay. Who else was in your house when the

17 Defendant gets there?

18 A It just was me and Kobie in the house.

19 Q Okay. Do you keep your house locked?

20 A Not really. Sometimes.

21 Q Okay. Were you at your house about 6:30 or 7:00

22 that night?

23 A No.

24 Q Okay. Was anybody --

25 A Well, I was back and forth running errands,

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 because I work a lot. So, on my days off, I be running back
2 and forth.

3 Q Okay. Do you remember seeing the Defendant at
4 your house earlier that day?

5 A No, ma'am.

6 Q Was he at your house at 6:30 or 7:00 that night?

7 A No, ma'am.

8 Q First time you saw him, the first time he came to
9 your house was about 10:00 or 11:00?

10 A Right.

11 Q How long did he stay there?

12 A Well, actually, I didn't know he was in the house
13 until Michael came home. My son came to me earlier and it
14 was, like, mom, somebody want a cigarette. I didn't know
15 who it was. And when my husband came he actually told me
16 Rohaime was in the house.

17 Q Okay. Did you take Rohaime somewhere that night?

18 A I did.

19 Q Where?

20 A To Baytree.

21 Q Okay. What is Baytree?

22 A It is a complex.

23 Q Apartment?

24 A Apartment complex.

25 Q Okay. Do you see Rohaime in the courtroom today?

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 A Yes, ma'am.

2 Q May you -- can you point to him, please?

3 A He's right there.

4 Q Okay. What is he wearing?

5 A A light blue shirt.

6 MS. JONES: Let the record reflect the witness
7 identified the Defendant.

8 THE COURT: Proceed.

9 MS. JONES: Thank you, Your Honor.

10 BY MS. JONES

11 Q Who was at your house at 6:30 or 7:00 p.m. that
12 night?

13 A No one.

14 Q Nobody. Okay. And Rohaime was not there?

15 A Correct.

16 MS. JONES: I have no further questions.

17 CROSS EXAMINATION

18 BY MR. LEE:

19 Q Hello, Ms. Dupont.

20 A Hi.

21 Q Your house is next to Angel's house?

22 A It's actually across the field, not next door
23 but --

24 Q Is there any house in between your house and
25 Angel's house?

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

- 1 A No. Well, yeah, it's another trailer.
- 2 Q Angel Simmons is your sister?
- 3 A Cousin.
- 4 Q Cousin. And Angel Simmons was Terrance Johnson's
- 5 fiancée?
- 6 A Yes.
- 7 Q But you were close with Terrance?
- 8 A Right.
- 9 Q And your ex-husband indicated he may be his best
- 10 friend. Does that sound --
- 11 A Correct.
- 12 Q Now, this -- this -- as it's been called a sitna
- 13 (phonetic) for Ms. Simmons was taking place at Angel's
- 14 house, right?
- 15 A Correct.
- 16 Q So that's just beside your place, right?
- 17 A It's actually across the field, yeah.
- 18 Q Across the field, sorry. And there were a lot of
- 19 people there, weren't there, back and forth during the day?
- 20 A Correct.
- 21 Q And then was there like a big bonfire or
- 22 something, people hanging around when it got dark?
- 23 A I was not really there. I didn't pay attention,
- 24 so I don't know.
- 25 Q But was there a lot of people coming and going?

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 A Oh, as far as I know. Yes.

2 Q So you don't -- you gave a statement to Agent
3 Johnson December 10th; is that right?

4 A That is about right.

5 Q That's not right? I'm not trying to fool you.
6 I'm just trying to move along.

7 Okay. And you said that you knew that
8 Rohaime was not at your house at 7:00 p.m. because you
9 weren't there?

10 A Nobody was there.

11 Q Okay. If you weren't there, how do you know
12 somebody is not at your house?

13 A I mean, the house is locked. Well, you are right.
14 I wasn't there; nobody was there. I wouldn't know whether
15 he was there or not.

16 Q And you don't know whether Rohaime went to your
17 house, went to the bonfire, went back to your house? I
18 mean, because you weren't --

19 A I was not there.

20 Q You were in the back room?

21 A I was -- I was back and forth.

22 Q Back and forth. Room to the back room. So he
23 could have been there and left and you may not have even
24 noticed, right, earlier?

25 A I mean, if somebody come to my yard, they would at

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 least knock on the door and not just be in the yard.

2 Q Once you were in the back room, you couldn't hear
3 anything?

4 A When? That night?

5 Q Yes.

6 A Yes.

7 Q I think you told them you were in the back room
8 when a lot of this was going on, right?

9 A Yes.

10 Q Okay. And you couldn't remember where you left
11 from when you pick up Michael from work; is that right?

12 A I was home.

13 Q Your statement says could not -- or the memorandum
14 of interview indicates: She could not remember where she
15 left from when she picked Michael Taylor up from work. She
16 knows it was not her residence.

17 If you left from your sister's house
18 somewhere to pick him up?

19 A No.

20 Q Okay. But you were running around doing stuff
21 during that time, right?

22 A During the daytime.

23 Q Okay.

24 A Michael got off at 9:00. I was home.

25 Q So, did you tell -- did you tell Agent Johnson you

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 couldn't remember where you picked up -- where you left from
2 when you picked up Michael from work?

3 A I don't recall that.

4 Q Okay. And do you remember saying you know it was
5 not your residence that you left from?

6 A I don't recall that either.

7 Q Okay. And do you remember saying that you think
8 it was your sister's?

9 A I know that I didn't say that. My sister stay far
10 from where I stay at.

11 Q Okay. But all you can really say is you know that
12 he wasn't at the house at 7:00 a -- 7:00 p.m., right?

13 A Rohaime was not at my house.

14 Q Okay. And then the next thing you know, he is at
15 your house but it's --

16 A Later.

17 Q Late, late.

18 A Right.

19 Q Okay. Past -- past everybody's bedtime?

20 A Excuse me?

21 Q Past everybody's bedtime late, like 11:00 or 12:00
22 you said?

23 A Well, I had to pick up my other son from work, so
24 I know that it was late.

25 MR. LEE: All right. Thank you, Ms. Dupont.

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 THE COURT: Redirect.

2 MS. JONES: Thank you, Your Honor.

3 MS. JONES:

4 REDIRECT EXAMINATION

5 BY MS. JONES:

6 Q Ms. Dupont, just to clarify, I'm looking at the
7 same MLY that Mr. Lee referenced. At 7:00, who was at your
8 house?

9 A I don't know.

10 Q Okay. Were you there?

11 A At 7:00 I don't remember because I was back and
12 forth.

13 Q Okay. When you picked up your husband, Michael,
14 and y'all get back a little after 9:00 or so, is Rohaime
15 Hopkins at your house?

16 A No, ma'am.

17 Q Okay. What time does he get there?

18 A It was after 10:30.

19 Q Okay. And your husband had been over at Simmons
20 Hill and then came back home?

21 A Right.

22 Q And he had some words with you when he came home
23 and saw Rohaime there?

24 A Correct.

25 Q Okay. And what time did you take him to Baytree,

REDIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES

1 take him as in Rohaime Hopkins?

2 A My son got off maybe 11:30, so it was close to
3 that time.

4 Q Okay. So, your testimony is you know Rohaime was
5 there from about 10:00 or so to 11:30?

6 A Correct.

7 Q At your house?

8 A Correct.

9 MS. JONES: All right. No further questions.

10 THE COURT: Recross limited to redirect.

11 RE-CROSS EXAMINATION

12 BY MR. LEE:

13 Q But you don't know exactly when Rohaime Hopkins
14 got to your house, right?

15 A Correct.

16 MR. LEE: That's it, Your Honor.

17 THE COURT: As to this witness, Solicitor.

18 MS. JONES: She may be excused.

19 THE COURT: Any objection, Mr. Lee?

20 MR. LEE: No, sir, Your Honor.

21 THE COURT: Ms. Dupont, you may step down and
22 you're excused from the trial in this case and may
23 leave the courtroom.

24 Call your next witness.

25 MS. JONES: The State calls Jakobie Grant.

RE-CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 THE CLERK: Mr. Grant.

2 THE COURT: Mr. Grant, come forward and be sworn
3 by the Clerk of Court.

4 Thereupon,

5 JAKOBIE GRANT

6 was called as a witness, having been first duly sworn,
7 was examined and testified as follows:

8 THE COURT: Help him up the step. Have a seat in
9 the chair. Come up forward. I want you to get close
10 to the microphone and adjust the microphone to your
11 height. Speak up for me. State your full name and
12 spell your last name for the court reporter.

13 WITNESS: Jakobie Grant, Jakobie Javon Grant,
14 G-R-A-N-T.

15 THE COURT: Speak up, Mr. Grant.

16 Your witness, Solicitor.

17 MS. JONES: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Mr. Grant, you're currently living in the
21 Detention Center, aren't you?

22 A Yes.

23 Q And you're in there for stealing some cars, aren't
24 you?

25 A Yes.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 Q In fact, this year, earlier this year, you were
2 convicted of taking those stolen cars into Georgia and did
3 some time there, didn't you?

4 A Yes.

5 Q Do you have that pending grand larceny?

6 A Yes.

7 Q And has myself or anybody from the Solicitor's
8 Office promised you anything about that charge?

9 A No.

10 Q You're not getting a reduction, a dismissal or
11 anything regarding that pending charge, are you?

12 A No.

13 Q You're here because you were subpoenaed to be
14 here, right?

15 A Yes.

16 Q Okay. Do you -- who is your mom?

17 A Janeika Dupont.

18 Q Okay. And in 2014 who was your step dad?

19 A Michael Taylor.

20 Q Okay. Do you remember the night before T.J. was
21 killed?

22 A (Shaking head.)

23 THE COURT: You have got to say yes or no. Don't
24 shake your head.

25 WITNESS: No.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 BY MS. JONES

2 Q Okay. Do you remember November 12, 2014?

3 A No.

4 Q Do you remember a night a few years ago when --
5 how about this. Do you remember speaking with myself and
6 Investigator Carter, right here, at the Chatham County
7 Detention Center?

8 A Yes.

9 Q About a month ago?

10 A Yeah, probably.

11 Q Okay. And do you remember talking to us about
12 this night?

13 A Yeah.

14 Q And in fact, you got Investigator Carter's card in
15 case you needed to give us any more information?

16 A Yes.

17 Q Okay. Do you remember telling us that you
18 remember that night, November 12, 2014?

19 A I mean, I was just agreeing with y'all guys. I
20 mean, I don't know. I'd been drugging and thugging lately.
21 I don't -- I don't know anything about that night.

22 Q You've been drugging and thugging; is that what
23 you said?

24 A Yes.

25 Q Okay. Do you remember talking with me about a

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 month -- about a month ago?

2 A Yes.

3 Q And Investigator Carter?

4 A Yes.

5 Q And do you remember telling us you remembered
6 November 12th, 2014?

7 A Yes.

8 Q And you remember that you were in the den on the
9 couch when you heard a knock on the door?

10 A I don't recall that.

11 Q Okay. You heard a knock on the door, and you
12 opened the door and a man that you knew as Rohaime Hopkins
13 was at the door?

14 A I don't recall that.

15 Q Okay. And do you remember telling us that this
16 was about 10:00 at night?

17 A I don't recall that.

18 Q And do you remember saying that it was just you
19 and your mom who were home that night?

20 A I don't recall that either.

21 Q Okay. Do you remember telling me that in no way,
22 shape or form did you let him inside that house at 6:00 or
23 7:00 that night?

24 A No.

25 MS. JONES: Okay. I have no further questions.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 THE COURT: Cross examination.

2 MR. LEE: I don't have any questions. No
3 questions.

4 THE COURT: As to the witness, Solicitor?

5 MS. JONES: He may be excused.

6 THE COURT: Any objection, Mr. Lee?

7 MR. LEE: No, sir.

8 THE COURT: Mr. Grant, you may step down. You're
9 excused from the trial of this case. You may leave the
10 courtroom.

11 Call your next witness.

12 MS. JONES: The State calls David Williams.

13 Thereupon,

14 DAVID WILLIAMS

15 was called as a witness, having been first duly sworn,
16 was examined and testified as follows:

17 THE COURT: Pull your chair up for me. Adjust the
18 microphone. State your full name. Spell your last
19 name for the court reporter.

20 WITNESS: David Williams, W-I-L-L-I-A-M-S.

21 THE COURT: Your witness, Counselor. Direct
22 examination.

23 MS. JONES: Thank you, Your Honor.

24 DIRECT EXAMINATION

25

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 BY MS. JONES:

2 Q Agent Williams, where do you work?

3 A SLED, the State Law Enforcement Division of South
4 Carolina.

5 Q And in what capacity do you work with SLED?

6 A Special agent investigator.

7 Q And were you working in that capacity back on
8 November 12th of 2014?

9 A Yes, ma'am, I was.

10 Q And you were investigating a murder, helping
11 investigate a murder, weren't you?

12 A Yes, I was.

13 Q Okay. Not this murder though?

14 A No, ma'am.

15 Q Who was the suspect in that case?

16 A Byron Singleton.

17 Q And on November 12 of 2014, did you speak with
18 Mr. Singleton?

19 A Yes, ma'am.

20 Q Where did you speak with him?

21 A At his residence.

22 Q And where is that?

23 A Jenkins Avenue in Hardeeville.

24 Q Okay. And how far away would you say Hardeeville
25 is from Ridgeland?

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 A 15 miles maybe.

2 Q Okay. Do you know about what time you were
3 speaking with Mr. Singleton that night?

4 A Yes, ma'am.

5 Q What time was it?

6 A Well, he wrote his statement at -- and he signed
7 his statement at 10:21 p.m. So we would have spoken to him
8 probably from about 9:30, about that time.

9 Q Okay. So, you were speaking with Mr. Singleton in
10 Hardeeville beginning around 9:30?

11 A That's correct.

12 MS. JONES: Okay. I have no further questions for
13 this witness.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION OF DAVID WILLIAMS BY MR. LEE

16 CROSS EXAMINATION

17 BY MR. LEE:

18 Q You have nothing to do with State versus Rohaime
19 Hopkins, do you?

20 A No, sir.

21 MR. LEE: No further questions.

22 THE COURT: As to this witness, Solicitor.

23 MS. JONES: He may be excused.

24 THE COURT: Any objections?

25 MR. LEE: No, sir.

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 THE COURT: You're excused from the trial of the
2 case. You may leave the courtroom.

3 Call your next witness.

4 MS. JONES: The State calls Byron Singleton.

5 THE COURT: Mr. Singleton, come around and be
6 sworn by the Clerk of Court right here.

7 Thereupon,

8 BYRON SINGLETON

9 was called as a witness, having been first duly sworn,
10 was examined and testified as follows:

11 THE COURT: Have a seat. Pull the chair up.
12 Adjust that microphone to your height. Speak up for me
13 so everybody can hear you. State your full name and
14 spell your last name for the court reporter.

15 WITNESS: Byron Bernard Singleton,
16 S-I-N-G-L-E-T-O-N.

17 THE COURT: Your witness, Solicitor. Direct
18 examination.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Mr. Singleton, you're in jail right now, aren't
23 you?

24 A Yes, that is correct.

25 Q And where are you in jail?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A Beaufort County Detention Center.

2 Q But you're a Jasper County inmate?

3 A Yes, ma'am.

4 Q What are you in jail for?

5 A Murder.

6 Q Okay. When did your murder happen?

7 A November 14th, 2014.

8 Q Could it have been November 12th?

9 A It could have been.

10 Q Okay. And right now you have a pending murder
11 charge?

12 A Correct.

13 Q And as far as you know, I haven't promised you any
14 reduction, any leniency, any promises on that charge?

15 A No, ma'am.

16 Q But you're not here out of the goodness of your
17 heart, are you?

18 A Yes, ma'am.

19 Q Yes, you are? You're hoping for some leniency on
20 that murder charge, aren't you?

21 A Correct.

22 Q Okay. You're hoping that the discussions that I
23 have had with your attorney about maybe reducing it and
24 maybe giving you a lesser sentence will actually come true,
25 aren't you?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

- 1 A Yes, ma'am.
- 2 Q But right now there's nothing in writing?
- 3 A Correct.
- 4 Q You're still facing a murder charge?
- 5 A Correct.
- 6 Q And in fact, you plan on pleading guilty, don't
- 7 you?
- 8 A Oh, yes, ma'am.
- 9 Q Because you did that?
- 10 A Yes, ma'am.
- 11 Q You were arrested for your murder back in
- 12 December 2014, correct?
- 13 A Correct.
- 14 Q And when you were in custody, did you have an
- 15 opportunity to meet Rohaime Hopkins?
- 16 A Yes, ma'am.
- 17 Q And this was in jail?
- 18 A Correct.
- 19 Q And did you know him before this?
- 20 A No, ma'am.
- 21 Q Who starts talking to who first?
- 22 A I am not exactly sure. But if I'm not mistaken,
- 23 we just kind of started talking together.
- 24 Q Okay. And why did y'all build this friendship?
- 25 A Both of us were from Jasper County and we were in

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Charleston Detention Center at that time.

2 Q Okay. And then were y'all the only two from
3 Jasper County?

4 A Correct.

5 Q And this is the first time that you have met
6 Rohaime?

7 A Correct.

8 Q And how do you start talking to him?

9 A Oh, we just became associates, because both of us
10 were from Jasper County; we were the only two from Jasper
11 County in Charleston.

12 Q Okay, did he know what you were in jail for?

13 A Apparently he did because he just started talking
14 to me about my charge.

15 Q Okay.

16 A I guess he must have heard it prior to me coming
17 to jail.

18 Q Okay. So, he picks out another murder defendant
19 in -- from Jasper County to talk to?

20 A Yes.

21 Q Yourself?

22 A Yes.

23 Q Okay. Does he tell you about the reason he's in
24 jail?

25 A At that time he was telling me that he's in jail

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 for, I think, Federal gun charges.

2 Q Okay. Does he tell you about his murder?

3 A Yes, ma'am.

4 Q And what does he tell you about his murder charge?

5 A Well, he was saying that -- I think that SLED
6 officer's name was Richard Johnson. He said that Richard
7 Johnson kept coming to talk to him about a murder charge and
8 then he went into detail explaining to me about the murder.

9 Q Richard Johnson, had you heard that name before?

10 A No, ma'am.

11 Q He's not the agent on your murder case, is he?

12 A No, ma'am.

13 Q He wasn't involved in your case, was he?

14 A No, ma'am.

15 Q Did you know Richard Johnson?

16 A No, ma'am.

17 Q Who gave you the name Richard Johnson?

18 A Mr. Hopkins.

19 Q Okay. And after he tells you that, what does he
20 say about his actual crime of killing T.J.?

21 A He said they was riding around earlier in the day
22 and, I guess, the whole afternoon or whatever and he said
23 that they were selling marijuana.

24 Q Okay. I'm going to stop you right there for a
25 second. Before November 12, 2014, does he tell you

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES.

1 anything -- does he tell you anything about him trying to do
2 this before November 12, 2014?

3 A Yes, ma'am.

4 Q And what does he tell you about that?

5 A He says that they was riding -- him and T.J. were
6 riding together in, I think it was in the Tillman area, and
7 he said he and T.J. were doing it then. Okay, he said that
8 someone called T.J. I guess, someone named Angel called
9 T.J. and that's what put him on the scene, saying that they
10 were together. He said that he didn't do it at that time.

11 Q Okay. But he says he does it a different way?

12 A Correct.

13 Q And tell me about that.

14 A He says they were riding together selling
15 marijuana and he said he was taking money out of his pocket
16 like he was selling the marijuana, but he was actually
17 keeping the marijuana, and they was riding together and he
18 said that he made a motion like he's selling this two times.

19 MS. JONES: Okay. May I ask the witness to stand
20 up so the jury can see what he's mentioning?

21 THE COURT: You may.

22 Mr. Lee, would you like to come around and see if
23 you can view it also?

24 MR. LEE: I would, Your Honor.

25 THE COURT: Very well.

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Help him down there. He's got on chains.

2 Margaret, would you get -- hold on. I need a
3 portable microphone, please, ma'am. Mona had it but
4 she gave it back to you, Margaret.

5 Now, Mr. Singleton, you've got your back to my
6 court reporter. She can't see you. Turn around. Use
7 the microphone. She's going to hand it to you.

8 MS. JONES: Okay, I'm going to hold the microphone
9 for him so he can demonstrate.

10 THE COURT: Speak up, Solicitor. Proceed.

11 Can you see, Mr. Lee?

12 MR. LEE: I can see, Your Honor.

13 THE COURT: Proceed.

14 THE COURT:

15 BY MS. JONES

16 Q Now, Mr. Singleton, can you explain and
17 demonstrate what Rohaime said and showed you he did?

18 A He said they was ride -- said they was riding
19 together in the car and he had the gun right here and he
20 said he saw him with the gun. He said he shot him two
21 times. He said, no, man, we are cool. I F with you. I F
22 with you and he shot him two times.

23 Q Okay. You demonstrated your arms across your
24 chest?

25 A He said that he was sitting in the car. He

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 motioned like this right here.

2 Q Okay. He said the shooting happened inside the
3 car?

4 A Correct.

5 MS. JONES: Okay. You can take a seat back up
6 there.

7 BY MS. JONES

8 Q Okay. Who was driving the car that day?

9 A He said T.J. was driving.

10 Q And where was he sitting?

11 A In the passenger's seat.

12 Q Okay. Did he tell you what he did -- he said that
13 he shot him and then T.J. reacted?

14 A Correct.

15 Q Okay. And when he shoots him -- you said you
16 think two more times?

17 A Correct.

18 Q What does Rohaime and what does T.J. do after
19 that?

20 A I think T.J. made a play or a fight to get the
21 weapon.

22 Q Okay. So, T.J. went toward Rohaime?

23 A Yes, I'd say first, he was like, no, Rom, me and
24 you cool. Me and you cool. I F with you. I F with you,
25 and then I think he tried to make a play for the weapon.

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 That is what he told me.

2 Q Okay. And then, what does Rohaime do after that?

3 A He shot him again.

4 Q Okay. And then after that final shot, what does
5 Rohaime do?

6 A He said that he went to his mom's house.

7 Q Okay. Does he say how he got there?

8 A No, ma'am.

9 Q Does Rohaime tell you why he did this?

10 A It was supposed to be a murder for hire.

11 Q Okay. By who?

12 A Am I allowed to say the name?

13 Q Yes.

14 A I think somebody named Trey.

15 Q Okay. And where do you get this information from?

16 A Mr. Hopkins.

17 Q Okay. He tells you it's a murder for hire from
18 someone named Trey?

19 A Correct.

20 Q Does he tell you how much money he gets?

21 A I think it was 15,000.

22 Q Okay. Who does Mr. Hopkins say is with him when
23 he does this?

24 A He didn't say. He didn't say.

25 Q Does he mention something about some fingerprints?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A Oh, yeah, he said that -- I can't remember the
2 name exactly. But he said someone was on the crime scene
3 saying, can you get fingerprints off a bottle.

4 Q Okay.

5 A I can't remember the person that he said was on
6 the crime scene.

7 Q Okay. And he's telling you this, he's confiding
8 in you with this? /

9 A Yes, it was like he was just trying to let it out.

10 Q Okay. The man who tells you all of this,
11 confesses to you that he killed Terrance Johnson, do you see
12 him in the courtroom?

13 A Yes, ma'am.

14 Q Okay. And can you point him out, please?

15 A Mr. Hopkins.

16 Q Okay. What is he wearing?

17 A It looks like a blue Oxford shirt.

18 MS. JONES: Okay. May the record reflect the
19 witness identified the Defendant?

20 THE COURT: Proceed.

21 MS. JONES: Beg the Court's indulgence.

22 BY MS. JONES

23 Q Mr. Singleton, did they -- did Mr. Hopkins tell
24 you where the shooting happened?

25 A Not exactly. I think at a stop sign close to his

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 mom's house. I'm not sure. I'm -- I'm not -- I'm not
2 familiar from the Ridgeland area.

3 Q Okay. Because you're not from here. You're from
4 Hardeeville?

5 A I'm from Hardeeville.

6 Q Okay. You think it was in -- near his mom's
7 house?

8 A Correct.

9 MS. JONES: Mr. Singleton, I have no further
10 questions.

11 WITNESS: Yes, ma'am.

12 THE COURT: Cross examination.

13 MR. LEE: Yes, sir..

14 MR. LEE:

15 CROSS EXAMINATION

16 BY MR. LEE:

17 Q You're hoping, hoping you're going to get a deal
18 from this, right?

19 A Correct.

20 Q Because you're kind of in a bad spot right now,
21 aren't you?

22 A I'm pleading guilty to mine.

23 Q But you're in a bad spot with what you're charged
24 with, are you not?

25 A Yes, murder is a bad charge, yes.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q And you're charged with murder?

2 A Correct.

3 Q And murder in South Carolina carries a minimum of
4 30 years, day for day --

5 MS. JONES: Your Honor, objection.

6 THE COURT: Ask a question, Counsel.

7 Counsel approach.

8 (Off-the-record discussion held.)

9 THE COURT: Ladies and gentlemen, just stay right
10 in your box. I need to look at a matter.

11 Come on Mary, chop chop. Come on.

12 (The Court exited the courtroom.)

13 (Brief recess.)

14 THE COURT: All rise. Please be seated.

15 The objection is overruled.

16 Proceed counsel. Cross examination.

17 BY MR. LEE

18 Q You are charged with murder?

19 A Correct.

20 Q Murder carries a mandatory minimum of 30 years in
21 jail up to life without patrol, right?

22 A Correct.

23 Q Okay. You're hoping to get a manslaughter plea,
24 right?

25 A I'm not sure. I'm just hoping.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q You're just hoping. Okay. And manslaughter
2 carries two to 30 years, right?

3 A Correct.

4 Q Okay. So you've got a lot riding on your
5 testimony?

6 A Yes.

7 Q You always have?

8 A Yes.

9 Q Okay. And I think when you were talking with
10 Agent Johnson you pointed out you have some kids, right?

11 A Correct, I do.

12 Q So, you want -- I mean, it means a lot to you to
13 try to get out as soon as you can, right?

14 A Yes.

15 Q And you are willing to do what you need to do to
16 do that, right?

17 A Yes.

18 Q You were in Charleston County Detention Center for
19 a crime that happened here; is that right?

20 A Correct.

21 Q Okay. Do you remember on January 26, 2015, you
22 were transported back to Jasper County for a preliminary
23 hearing?

24 A Correct.

25 Q Okay. And the bus you rode on was from the Jasper

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 County Detention Center, right?

2 A Correct.

3 Q And that bus did not go straight from Charleston
4 to Ridgeland, did it?

5 A No, sir.

6 Q Okay. It made at least one other stop?

7 A Correct.

8 Q And the other stop was at Orangeburg at the
9 detention center?

10 A Correct.

11 Q Correct?

12 A Correct.

13 Q Okay. Who did y'all pick up in Orangeburg on
14 January 26, 2015?

15 A We didn't pick anybody up. We dropped somebody
16 off.

17 Q You dropped somebody off?

18 A Yes.

19 Q You had already picked him up?

20 A Well, when the bus picked me up, he was already on
21 the bus.

22 Q Okay. All right. Who did you drop off in
23 Orangeburg?

24 A I think it was Antoine Drake.

25 Q Hollywood?

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Yeah.

2 Q So, Hollywood was on the bus with you both ways,
3 at least part of both ways all on January 26, 2015?

4 A Correct.

5 Q Okay, coincidence?

6 A I guess.

7 Q Okay. And you and Hollywood both are from this
8 area too, right?

9 A Correct.

10 Q Y'all struck up a conversation?

11 A We didn't strike up a conversation until we got to
12 county jail until going back though.

13 Q Oh, you and Hollywood?

14 A Yeah, I didn't talk to him at all coming back from
15 Charleston to Jasper.

16 Q Are you aware that Hollywood is a self-proclaimed
17 scam artist?

18 A I don't even know Hollywood. I just met him.

19 Q You just met him?

20 A Yeah.

21 Q Well, how many hours did y'all spend together that
22 day on the bus?

23 A We didn't start talking until we got to the county
24 jail, so from Jasper to Orangeburg --

25 Q From what county jail?

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Jasper.

2 Q So, from Jasper to Orangeburg?

3 A Correct.

4 Q Hour and a half, two hours?

5 A Approximately.

6 Q And then, so, January 26, you're on a bus ride
7 with Hollywood. And then less than a week later you're
8 calling SLED saying, I got something to say. I want to
9 talk. I want some help, right?

10 A No, when I talked to Hollywood, Hollywood gave me
11 a message to give Mr. Hopkins; that's how it started.

12 Q Okay. I'm sure he did. But my point is, less
13 than a week after the bus ride with you and Hollywood,
14 you're in there in Charleston County giving a statement to
15 the police, right?

16 A I'm not exactly sure how long it was.

17 Q Your statement says you went to a preliminary
18 hearing trial on 1-26-15. Does that sound right?

19 A Right.

20 Q Okay. And your statement is dated 2-3-15, okay?

21 A (Nods in the affirmative.)

22 Q Twenty-eight --

23 THE COURT: Yes? Say yes and no.

24 WITNESS: Yes.

25 BY MR. LEE

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q Twenty-eight days in February. So, one, two,
2 three, four, five, six days difference?

3 A Yes.

4 Q Okay. And that's when it -- that's how long it
5 took for him to come see you, right?

6 A I'm not exactly sure how long it took him to come,
7 but roughly, yes.

8 Q Okay. But you reached out to him?

9 A Yes.

10 Q Okay. Agent Johnson?

11 A Correct.

12 Q The truth of the matter is Hollywood told you
13 these details and told you that you could make some hay with
14 them by saying he confessed to you, right?

15 A Incorrect, no, sir.

16 Q Okay. You know he wasn't even -- there wasn't
17 even a warrant for Rohaime Hopkins' arrest, it wasn't even
18 signed until March 18th, which is a month and a half after
19 you say he said this to you? Do you know that?

20 A (inaudible)

21 MR. LEE: I would ask -- can I approach? The
22 court reporter had -- I'm going to ask the court
23 reporter --

24 THE COURT: Counsel approach.

25 (Off-the-record discussion held.)

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 THE COURT: Okay.

2 BY MR. LEE

3 Q So, your testimony in hopes of reward,
4 Mr. Singleton, is that Rohaime Hopkins, who you had never
5 talked to or knew, right?

6 A Correct.

7 Q Before?

8 A Correct.

9 Q Before he was charged with anything?

10 A I knew him before that.

11 Q You said you never knew him before that?

12 A Well, if he was charged on that day, he was in
13 Charleston County jail prior to that.

14 Q When you first saw him in Charleston County Jail,
15 you had never met him before, right?

16 A No, sir.

17 Q Okay. And you put that -- had you had any
18 dealings with Hopkins before talking to him in Charleston,
19 answer no?

20 A No, sir.

21 Q Right?

22 A No, sir.

23 Q Okay. So, this guy who you've just met in jail
24 for the first time, who hasn't been charged with a crime,
25 comes to you and you're saying that he completely spilled

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 the beans to you?

2 A We was in a part -- well, we was in a whole unit
3 together. Because later on I was in part six; he was in
4 part three. I moved from part six to part three and we
5 started talking every night.

6 Q Okay.

7 A So, we were basically roommates.

8 Q Okay. And do you have any special skills to get
9 people to -- to open up to you?

10 A No, we were just randomly talking.

11 Q Okay. Did you confess all of your sins to him?

12 A I told him that I'm guilty.

13 Q You told him that you're guilty?

14 A I'm guilty.

15 Q Okay. Have you always said you're guilty?

16 A I'm guilty for my crime.

17 Q Okay. Do you remember talking to special agent on
18 the day you wrote your statement?

19 A Correct.

20 Q And you are telling me it was self-defense,
21 weren't you, the whole time?

22 A But I'm still guilty. I never -- I never -- I
23 never said I didn't shot him. I said that from -- from the
24 officer -- from the time that the officer first picked me
25 up. I made a statement. I gave him a statement.

CROSS EXAMINATION OF BYRON SINGLETON BY MR.. LEE

1 Q You told him it was self-defense, right?

2 A Yes, it is, but I still shot him.

3 Q Which is an excuse, a defense, you know that,
4 okay.

5 You put something here about Tutu at -- being
6 at the crime scene and asking about whether fingerprints
7 could be taken off a bottle, right?

8 A Correct.

9 Q And you claim that he told you that?

10 A He said somebody from the crime scene, I couldn't
11 remember the name, it might have been Tutu, so he said Tutu
12 asked also if you could get fingerprints off of a bottle and
13 what kind of bottle.

14 Q Do you know that Hollywood was on the crime scene?

15 A No, sir. Hollywood was the one that told me. In
16 transition going to Charleston, he was the one that told me
17 to tell Rohaime, You got me hot. You got me hot. The
18 police started knocking on my door. That's how the
19 conversation started between me and Rohaime.

20 Q Hollywood is telling you to tell him that he got
21 him hot?

22 A Yes.

23 Q Meaning the police are blaming Rohaime -- I mean,
24 Hollywood, right?

25 A I don't know what it means. I just relayed the

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 message.

2 Q Okay. So, Hollywood knew about the stuff in this
3 case too, didn't he?

4 A He didn't never say nothing about the crime. All
5 he did was say, you got me hot.

6 Q Okay.

7 A He didn't go into details. He said, You got me
8 hot.

9 Q Okay. And isn't it funny that Hollywood knew that
10 you were in the same jail as Rohaime?

11 A No, he didn't know.

12 Q Okay.

13 A Until he asked me if I knew Rohaime and I said,
14 yeah, he is in the same pod with me. He didn't know. He
15 asked me where I was at and I told him Charleston.

16 Q Still it's just complete coincidence?

17 A Yes.

18 Q Okay. And you didn't find it weird that Hollywood
19 asked you out of the blue if some guy is in the -- in jail
20 with you?

21 A Apparently, he knew Rohaime was in Charleston.

22 MR. LEE: That's all I have.

23 THE COURT: Counsel, I understand that the parties
24 have a stipulation.

25 MR. LEE: Yes, Your Honor.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 THE COURT: Is that correct, Solicitor?

2 MS. JONES: Yes, Your Honor.

3 THE COURT: Would you publish the stipulation,
4 Mr. Lee?

5 MR. LEE: Yes, sir. The parties have agreed to
6 stipulate that the arrest warrant charging Rohaim
7 Hopkins with murder that was asking -- Special Agent
8 Richard Johnson would sign, the warrant was signed on
9 March 18, 2015, by Magistrate Jacqueline S. Lee who is
10 a Jasper County magistrate.

11 THE COURT: Is that correct, Solicitor?

12 MS. JONES: Yes, Your Honor.

13 THE COURT: Ladies and gentlemen, you will accept
14 the stipulation as a proven fact in the trial of this
15 case as agreed to by both sides as a fact.

16 Redirect.

17 MS. JONES: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. JONES:

20 Q Mr. Singleton, how long were you in Charleston
21 County with Rohaime Hopkins?

22 A I think about 90 days.

23 Q Okay. And over that 90 days is when your
24 friendship became?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Q Describe the -- you said y'all were roommates
2 essentially?

3 A Yes, ma'am, we were in an open ward. We were
4 basically roommates.

5 Q Okay. Describe that.

6 A Oh, there's 64 inmates in there. I think.
7 Thirty-two pods. And I was in pod six and he was in pod
8 three. After Hollywood gave me a message to give him, then
9 that's when we started talking, confiding, you know. I'm
10 moving from pod six to pod three so we talking at night.

11 Q Alone where nobody could hear?

12 A No, there were other people.

13 Q Okay. In your pod?

14 A Yeah.

15 Q Other inmates in that pod?

16 A Yes, there's four to a pod.

17 Q Four to a pod?

18 A Correct.

19 Q Okay. So, you were with him for 90 days or so?

20 A Correct.

21 Q How long were you with Antoine Drake?

22 A Just for that short period of time, maybe an hour
23 and a half.

24 Q And Antoine didn't confide in you that day, did
25 he?

REDIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A No, the only thing Antoine told me was to tell
2 Rohaime, you got me hot. You got me hot. And he said, tell
3 Rohaime Tutu went to Philadelphia. That is all that he
4 said.

5 Q Okay. And you are testifying today and what you
6 have testified to is the truth?

7 A Correct.

8 Q And everything that you've said has been the
9 truth?

10 A Correct.

11 Q And your testimony is that the information that
12 you got about the murder came from that man right there,
13 Rohaime Hopkins?

14 A Correct.

15 Q Because he said he did the murder?

16 A Correct.

17 MS. JONES: I have no further questions.

18 THE COURT: Recross. Limited to redirect.

19 RE-CROSS EXAMINATION

20 BY MR. LEE

21 Q Is it safe to say there's not a lot of privacy in
22 the jail?

23 A Yes, sir.

24 Q And you also said that Hollywood -- said that Tutu
25 had headed up to Philly?

RE-CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Correct.

2 MR. LEE: That is all I have, Your Honor.

3 THE COURT: As to this witness, Solicitor.

4 MS. JONES: He may be excused.

5 THE COURT: Any objection?

6 MR. LEE: No objection, Your Honor.

7 THE COURT: Mr. Singleton, you may step down from
8 the trial of this case and you are excused from this
9 trial and you may leave the courtroom. Watch your
10 step.

11 Call your next witness.

12 MS. JONES: The State calls Haley Quam Nelson.

13 Thereupon,

14 HALEY QUAM NELSON

15 was called as a witness, having been first duly sworn,

16 was examined and testified as follows:

17 THE COURT: Watch your step. Take a seat and make
18 yourself comfortable. Adjust the chair for your
19 comfort and adjust the microphone to your height and
20 state your full name and spell your last name for the
21 court reporter.

22 WITNESS: First name is Haley; last name Nelson.
23 N-E-L-S-O-N. At the time of this, my maiden name was
24 Quam, so, Q-U-A-M.

25 THE COURT: Your witness, Counsel.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 MS. JONES: Thank you, Your Honor.

2 DIRECT EXAMINATION,

3 BY MS. JONES:

4 Q Agent Nelson, where do you work?

5 A South Carolina Law Enforcement Division, commonly
6 known as SLED.

7 Q In what capacity do you work right now with SLED?

8 A I'm assigned to the behavioral science unit.

9 Q Okay. In 2014, November 2014, what unit did you
10 work in?

11 A I was in the crime scene unit.

12 Q What were some of your duties in the crime scene
13 unit?

14 A Some of my duties, at the request of state, local
15 or federal agencies, we would respond to crime scene
16 requests. From then on, we would go to a crime scene. We
17 would document, collect evidence and transport it back to
18 the laboratory. From there, I would log it in, and send it
19 to the respective departments for further processing and
20 then complete my crime scene reports.

21 Q And did you have to have special training and
22 education to work crime scenes?

23 A Yes, I did.

24 Q Okay. Could you tell us a little bit about that?

25 A I received two degrees from West Virginia

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 University. I have a bachelor of science in forensics and
2 investigative science and a bachelor in the controlling
3 and investigation. When I started at SLED, I went to the
4 Criminal Justice Academy and graduated from there to law
5 enforcement officer in May of 2000 -- or March of 2013. And
6 then I completed a six month in-house training program where
7 we had to be competent in different areas such as
8 photography, collection of evidence. And then I also
9 completed external training, such as basic and advanced
10 analysis, crime scene reconstruction, and shooting incident
11 reconstruction.

12 Q Okay. And on November 13 of 2014, did you respond
13 to a crime scene at Knowles Island Road?

14 A I did.

15 Q And is that here in Jasper County?

16 A It is.

17 Q Okay. And when you got there, what do you see?

18 A When we arrived on scene, there was a vehicle
19 parked at the end of this gravel road which was the driveway
20 for Knowles Island Road. And it was a green Honda. The
21 passenger -- front passenger door was open. The victim was
22 lying on the ground. A sheet had been placed over the
23 victim prior to our arrival by the coroner. And you
24 could -- there was trees on either side of the road. You
25 couldn't see the residents from the end of the road from

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 where we were located at.

2 Q So, it's a rural area?

3 A Yes.

4 Q Okay.

5 MS. JONES: Permission to approach, Your Honor.

6 THE COURT: You may.

7 *(Whereupon, State's Exhibit No(s). 14-34 marked*
8 *for identification and received in evidence.)*

9 BY MS. JONES

10 Q Agent Nelson, I'm going to show you State's 14
11 through 34, previously shown to the Defendant. And can you
12 identify those, please?

13 A I recognize them.

14 Q Okay. And are those photographs from Knowles
15 Island Road?

16 A Yes, they are.

17 Q And as part of your job on a crime scene, is
18 documenting the scene one of those tasks?

19 A Correct. We document them with photographs and
20 notes.

21 Q Okay. And that is what we see right there?

22 A Correct, to the photographs.

23 Q And do those photographs fairly and accurately
24 depict the scene that day --

25 A Yes.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 Q -- as you found it?

2 A Yes, they do.

3 MS. JONES: Your Honor, at this time the State
4 moves State's 14 through 34 into evidence.

5 THE COURT: As to 14 through 34 inclusive.

6 MR. LEE: Can I just look at them?

7 THE COURT: Absolutely. Hand them to counsel.

8 MR. LEE: I'll go very quickly.

9 (Attorney reviews documents.)

10 MR. LEE: Thank you.

11 THE COURT: As to 14 through 34.

12 MR. LEE: No objection.

13 THE COURT: Ladies and gentlemen of the jury,
14 State's Exhibits 14 through 34 inclusive, including 14
15 and 34, will be admitted into the trial of this case
16 without objection. You may now publish to the jury.

17 MS. JONES: Thank you, Your Honor.

18 (Whereupon, {DP<PARTY"PARTY} Exhibit No(s). {PXN"X
19 marked for identification and received in evidence.)

20

21

22 BY MS. JONES

23 Q Agent Nelson, I'm showing you what is State's 14.

24 Can you describe what you see in this picture?

25 A That's a picture from the passenger's side.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 That's the front driver's seat though. There is a black
2 hood -- hoodie on -- on that seat, and the floor board, it
3 is kind of hard to see on the driver's side, there is a
4 cartridge case there.

5 Q Okay. Is that in the bottom --

6 A Yes.

7 Q -- bottom corner there?

8 A Yes, and there is a leaf right by it.

9 Q Okay. What is a cartridge case?

10 A A cartridge case is ejected from a firearm after
11 it's fired.

12 Q Okay. And State's 15, what does this picture
13 show?

14 A That's the front passenger's seat. There's a
15 unopened Mountain Dew bottle there. There's also suspected
16 blood on the cushion of the seat as well as the backrest of
17 the seat.

18 Q And that is what we see in the corner right there
19 and is on the back?

20 A Yes.

21 Q Okay. And State's 16?

22 A That's another picture of the backrest of the
23 front passenger seat and there's suspected blood there.

24 Q Okay. And State's 17?

25 A That would be the door handle. I'm not sure which

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 one that is. I believe that is the rear driver door handle
2 and there's suspected blood by the handle.

3 Q Okay. And State's 18?

4 A Again, that's the interior side of the door.
5 There is suspected blood by the handle and by the lock.

6 Q Okay. And State's 19?

7 A That is another view of the front driver's floor
8 board. You can see there's a cartridge by that leaf. There
9 is a key in the ignition, a cell phone and case in the
10 center console area.

11 Q Okay. What, -- what is this in this corner and
12 right here?

13 A It looks like suspected blood.

14 Q Okay. And how about in the ashtray, did you find
15 anything?

16 A Cigarette butts.

17 Q Did you collect those?

18 A Yes, we did.

19 Q Okay. State's 20?

20 A This is a view of the front passenger's seat from
21 the driver's side. You can see suspected blood on the seat
22 cushion.

23 Q Okay. State's 21?

24 A That is the front driver's side. The black
25 sweatshirt is on the seat cushion. There's two cartridge

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 cases in the floor board of the driver's side. That one of
2 the cartridges -- there was a cartridge case initially seen
3 from the passenger's side and when that door was opened, it
4 had been in the apex of the door, so it fell down.

5 Q So, the crime scene had opened that driver's side
6 door?

7 A Yes.

8 Q Okay. And that's where that came from?

9 A Yes.

10 Q State's 22, and what is that?

11 A That's a cartridge case and that's located under
12 the front driver's seat.

13 Q Okay. State's 23. What is that?

14 A That's the black zipper sweatshirt.

15 Q Okay. Does there appear to be something inside
16 that sweatshirt --

17 THE COURT: We can't hear you, Solicitor.

18 MS. JONES: Sorry.

19 THE COURT: Speak up.

20 BY MS. JONES

21 Q Does there appear to be something inside that
22 sweatshirt as to why the picture was taken?

23 A There was a fires projectile located in the
24 sweatshirt when we collected it.

25 Q Okay. State's 24?

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 A That's another view of the black zip-up
2 sweatshirt. There is a -- the fire projectile is located in
3 the bottom. Correct. Right there.

4 Q Okay. State's 25?

5 A That is a picture of the ignition and the -- the
6 steering wheel column. The key is in the ignition; it was
7 on.

8 Q Okay. And State's 26?

9 A That's a photo of the back seat of the vehicle
10 from the driver's side.

11 Q Okay. And State's 27?

12 A That is in front of the victim, marker one, which
13 was an unfired cartridge and also the -- the victim's right
14 arm.

15 Q An unfired cartridge, does it have another name?

16 A It hadn't been fired from a firearm.

17 Q So, it's a bullet?

18 A Yes.

19 Q Okay. State's 28?

20 A Those are markers from the driver's side. Markers
21 two, three and four were all cartridge cases.

22 Q State's 29?

23 A Close-up of markers two and three which are in the
24 front driver's side floor board in their cartridge cases.

25 Q State's 30?

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 A A view of the steering wheel column and marker
2 four, close-up. There is a cartridge case there.

3 Q State's 31?

4 A It is a view of the victim on the passenger's side
5 and also markers five and one which were both unfired
6 cartridges.

7 Q Okay. State's 32?

8 A Marker six, which was located in front of the
9 vehicle, it was found after the victim had been removed from
10 the scene and it's a cartridge case.

11 Q Okay. State's 33?

12 A That's the victim's jeans. There was money
13 located in his front pocket.

14 Q Okay. And finally, State's 34?

15 A That is in front of the victim. It appears that
16 there were possibly some drag marks there.

17 Q Okay. Is that what you were indicating right
18 here?

19 A Yes.

20 Q In front of Mr. Johnson's right arm?

21 A Yes.

22 Q Does it also appear that he has dirt on his
23 fingers as well?

24 A Yes, which we can see when we moved the victim.

25 Q In those photographs, we saw some different pieces

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 of evidence. Did you actually photograph everything? Do
2 you collect some items?

3 A Yes, we do.

4 Q Okay. We had talked about the cigarette butts?

5 A Yes.

6 Q How many cigarette butts did you collect?

7 A I can't recall the number.

8 WITNESS: May I refer to my notes, Your Honor?

9 THE COURT: Pardon?

10 WITNESS: May I refer to my notes?

11 THE COURT: Absolutely.

12 WITNESS: I don't believe that I have a number of
13 cigarette butts, but there were more than one.

14 BY MS. JONES

15 Q Okay. And you collected those?

16 A Yes.

17 Q Okay. And you also took some swabs of the
18 different areas?

19 A Yes, we did.

20 Q And what was the purpose of taking these swabs?

21 A There was two different reasons that we collected
22 swabs. One was for suspected blood and the other was for
23 touch DNA.

24 Q Okay. And how about fingerprints?

25 A We processed the vehicle with black powder looking

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 for latent fingerprints.

2 Q Okay. You also --

3 MS. JONES: Permission to approach, Your Honor?

4 THE COURT: Yes.

5 BY MS. JONES

6 Q I'll show you what's marked as State's 63. And
7 what is that?

8 A This was the green leaf like material. It was
9 located in between the victim's legs.

10 Q Okay.

11 A Which we collected.

12 Q Okay. And you collected that?

13 A Yes.

14 Q Okay. And it was subsequently tested for -- to be
15 marijuana?

16 A Yes.

17 Q Okay.

18 MS. JONES: And at this time, the State moves
19 State's 63 into evidence.

20 MR. LEE: No objection.

21 THE COURT: Ladies and gentlemen, State's 63 will
22 be admitted into evidence in the trial of this case
23 without objection.

24 *(Whereupon, State's Exhibit No(s). 63 marked for*
25 *identification and received in evidence.)*

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 BY MS. JONES

2 Q Okay. And you also -- after the scene, you
3 collected some items from Mr. Johnson's autopsy, didn't you?

4 A That is correct.

5 Q And what did you collect from autopsy?

6 A What was transferred to me, there was three
7 bullets that were collected at autopsy, the clothing that he
8 was wearing. I believe there was a couple more items
9 located in his pockets, a lighter and a key. And a blood
10 spot which is common on autopsy that's used as a known
11 standard to be compared to anything else DNA related in the
12 case and finger nail clippings.

13 Q Okay. And all of these shell casings -- well, you
14 collected shell casings also?

15 A Correct, from -- from the crime scene.

16 Q Okay. Do you remember how many you collected from
17 the crime scene?

18 A Five cartridge cases.

19 Q Okay. And how about unfired bullets?

20 A Two.

21 Q And then the three bullets from Mr. Johnson's
22 autopsy?

23 A Correct.

24 Q What did you do with all of this evidence?

25 A Would have taken it back to the lab and logged it

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 in, which means assigning an item number to it and then
2 packaged according to what department it's going to. So,
3 the cartridge cases and the fired projectiles, those would
4 be sent to Firearms for further analysis.

5 MS. JONES: Okay. I have no further questions for
6 you, Agent Nelson.

7 WITNESS: Okay.

8 CROSS EXAMINATION

9 BY MR. LEE:

10 Q Good afternoon.

11 A Good afternoon.

12 Q So, you said that you really tested for three
13 things: Suspected blood, touch DNA and latent fingerprints?

14 A Yes, sir.

15 Q When you do get evidence like that, you then go
16 back to -- they go back to the lab and they compare that to
17 what's called a known standard, correct? Am I using the
18 wrong words?

19 A Yes -- yes and no. I mean, it depends on the type
20 of evidence.

21 Q Okay.

22 A For example, with touch DNA --

23 Q Right.

24 A -- they -- they would compare it to a known
25 standard.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 Q That should have been -- so, let's talk about DNA.
2 You have to have a known standard or what's called an
3 exemplar to compare crime scene evidence with a known DNA
4 from a certain person, right?

5 A That's correct.

6 Q Okay. And without having that known DNA from a
7 known person, you're not able to -- to make a match, right?

8 A That --

9 MS. JONES: Your Honor, objection. Query is
10 outside the scope of --

11 THE COURT: Counsel approach.

12 (Off-the-record discussion held.)

13 MR. LEE: No more questions, Judge.

14 THE COURT: Redirect.

15 MS. JONES: None for this witness.

16 THE COURT: As to the witness?

17 MS. JONES: She may be excused.

18 THE COURT: Any objection?

19 MR. LEE: No, sir.

20 THE COURT: Very well. Ms. Nelson, if you'll step
21 down from the witness stand, you are excused from the
22 trial of this case. You may leave the courtroom.
23 Leave my exhibits with me. Take only your file.

24 Madam foreperson, ladies and gentlemen of the
25 jury, we are going to take our one and only

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 midafternoon break at this point. I'm working you a
2 little later so I can get you home in a timely fashion.
3 Please do not discuss the case. Please don't talk to
4 any family members or anyone else involved in this
5 case. I'll be back with you just as quickly as I
6 possibly can. Please retire to your jury room and take
7 a break.

8 (Jury exits the courtroom at 4:26 p.m.)

9 THE COURT: All right. I want to put on the
10 record, which I promised that I would do, Mona, I
11 believe that it was Jakobie Grant, right, that came and
12 testified to allegedly a burn barrel. Is that -- am I
13 quoting the right one?

14 MS. JONES: Michael Taylor, Your Honor.

15 THE COURT: I'm sorry, Michael Taylor.

16 Mr. Lee stood up and gave one of his speaking
17 objections about notice of the witness. I stopped him,
18 told him I would take it up outside of the presence of
19 the jury. Just as Mr. Lee saw jurors talking to the
20 Defendant's brother and reported it to this court as
21 well first reporting it to solicitor, the solicitor,
22 upon learning today that Mr. Taylor was going to
23 testify for the first time about the burning of
24 clothing, either in a burn barrel or burning it, went
25 straight to Mr. Lee and informed him as soon as she was

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 informed. Then they both came to me, which they both
2 enjoyed doing so much, to inform me of their problem.

3 Because witnesses often change their testimony and
4 often give surprise testimony, there was absolutely no
5 reason for Mr. Lee to stand up other than to evoke
6 sympathy for his client in front of the jury and talk
7 about the notice that he got, because he got the exact
8 same notice that the solicitor got as to the content of
9 Mr. Taylor's testimony. And the solicitor, just as
10 Mr. Lee rightfully went to her with the juror problem,
11 the solicitor rightfully went to Mr. Lee to give him
12 the same notice she received about the content of that
13 testimony. For that reason, I did not sustain
14 Mr. Lee's objection.

15 We're going to take our one and only break for ten
16 minutes, and I want to see my lawyers in chambers.

17 (Whereupon, a brief recess was taken.).

18 THE COURT: Scott, I can't tell you how wonderful
19 it is to have bright young minds assisting us in a
20 trial of this case. I now have a four-page memo.

21 MR. LEE: Wow!

22 THE COURT: This is Federal Court inside the state
23 court.

24 MR. LEE: See, the last time you give me Justice
25 Toal as the law clerk, now you give me three.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 THE COURT: No, no, I didn't give it to you, but
2 I'll admit that's the way the ol' cookie crumbled.

3 MR. LEE: That's right.

4 THE COURT: And by the way, I talked to her
5 several times and she was extremely complimentary of
6 both you and she was extremely complimentary of Sean.
7 So, it turns out to be --

8 MR. LEE: And Brian.

9 THE COURT: Brian, were you there?

10 MR. HOLLEN: I sat second chair.

11 THE COURT: Well, she talked about both sides and
12 that was an education for her. And you're going to
13 love this. She disagreed -- y'all don't know this --
14 she disagreed with Tommy on two rulings and told him so
15 and he still ruled the way he thought. Scott thinks he
16 is under the gun. How would you like it if the chief
17 justice tells you you were one hundred percent wrong,
18 and he still goes out on the Bench and makes the
19 ruling. That is why I love Tommy Cooper, by the way,
20 who was my mentor, and who is, as you all know, just a
21 great judge, and we'll see, because I'm sure we will
22 get the chance to get that paper graded by the
23 appellate court.

24 All right. I understand that the parties are
25 ready. Bring us the jury, please, ma'am.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 KIMBERLY MEARS

2 was called as a witness, having been first duly sworn,

3 was examined and testified as follows:

4 THE COURT: State your full name for the record,
5 and spell your last name.

6 WITNESS: My name is Kimberly Mears. My last name
7 is spelled M-E-A-R-S.

8 THE COURT: Your witness, Counsel.

9 MS. JONES: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. JONES:

12 Q Agent Mears, where do you work?

13 A South Carolina Law Enforcement Division which is
14 commonly known as SLED.

15 Q And in what department do you work with SLED?

16 A The latent prints department.

17 Q And what are latent prints?

18 A If you look closely at the palm side of your hand,
19 you will see tiny little raised lines on your skin. Those
20 are what we call ridges, and they're lines of sweat pores.
21 Throughout your day you would exude sweat, you eat greasy
22 foods or touch your face, and once moisture gets on those
23 ridges, when you go to touch a surface, the moisture is
24 transferred to that surface corresponding to the ridges on
25 your skin. That is a latent print; the word latent meaning

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 hidden or invisible, needing some form of development and
2 enhancement to be seen.

3 Q How long have you been in latent print department?

4 A About six years.

5 Q And you had received specialized training
6 education?

7 A That's correct.

8 MS. JONES: Your Honor, the State would ask that
9 Ms. Mears be an expert in latent prints.

10 MR. LEE: So be it.

11 THE COURT: Ladies and gentlemen, the witness is
12 qualified without objection, recalling my earlier
13 instruction to you concerning expert testimony.

14 You may proceed.

15 MS. JONES: Thank you, Your Honor.

16 Your Honor, permission to approach the witness.

17 THE COURT: You may.

18 (Off-the-record discussion held.)

19 BY MS. JONES

20 Q Agent Mears, I'm handing you what has been marked
21 State's 64, 65, 66 and 67. Can you identify those?

22 A State's 60 --

23 THE COURT: Could you get a little closer to the
24 microphone, please.

25 WITNESS: Sorry. State's 64 through 66 are what

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 we call major case prints which are known -- or excuse
2 me, they are three versions of fingerprint cards which
3 are known standards taken from an individual under a
4 controlled environment on purpose instead of just
5 randomly touching an object at your house or when you
6 are out and about in town.

7 Do you want the names on the cards?

8 BY MS. JONES

9 Q Yes, please, who are those prints of?

10 A Let's see, two of the fingerprint cards are from
11 Antoine Drake and one fingerprint card is from Rohaime
12 Hopkins.

13 Q Okay. And those are the print cards you used to
14 compare the unknown prints you received?

15 A Yes, they are some of them.

16 MS. JONES: Your Honor, at this time, the State
17 moves 64, 65 and 66 into evidence.

18 THE COURT: Inclusive.

19 MS. JONES: Yes.

20 THE COURT: As to 64, 65, 66 and 67.

21 MR. LEE: No objections, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury,
23 State's Exhibit 64 through 67 inclusive will be
24 admitted into evidence in the trial of this case
25 without objections. You may publish.

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 *(Whereupon, State's Exhibit No(s). 64-67 marked*
2 *for identification and received in evidence.)*

3 MS. JONES: Thank you, Your Honor.

4 BY MS. JONES

5 Q Agent Mears, what is State's 67?

6 A It is what we call a latent lift which is where a
7 surface was processed with black powder and then a piece of
8 tape was placed over that surface and lifted and then placed
9 on this index card. And it's my item, it's number 2, and
10 it's from the driver door frame of the vehicle.

11 Q Okay. That's not the only latent lift you were
12 asked to analyze, was it?

13 A No, it was not.

14 Q How many were you asked to analyze?

15 A Eight.

16 Q Okay. And out of those eight, were some
17 inconclusive?

18 A Yes, they were.

19 Q And did a couple belong to Antoine Drake?

20 A Yes, they did.

21 Q Item 22, when you get that print card, what do you
22 do with it?

23 A I first look at it to see if there are any prints
24 on it that are of value to compare with a known standard.

25 In this case, there were. So that print is then

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 subitemized. So the print itself is my item 22.1. And then
2 I compare it to any possible or any known standards that I
3 received as well in the case.

4 Q Okay. And did you compare that print to Rohaime
5 Hopkins' prints?

6 A I did.

7 Q And what were your findings?

8 A The -- the latent prints on the lift was
9 identified to the card of Rohaime, Rohaime Hopkins.

10 Q Okay. So, that latent lift taken off the car is
11 Rohaime Hopkins' palm print?

12 A Correct.

13 MS. JONES: Okay, no further questions.

14 THE COURT: Cross examination.

15 MR. LEE: Can I see the exhibits?

16 CROSS EXAMINATION

17 BY MR. LEE

18 Q Do these cards have a date on them about when you
19 got them? Do you know when you got them?

20 A Which?

21 Q The ones for Drake.

22 A Drake, I received on -- let's see. That -- they
23 are not on the card, but as part of my case file, they would
24 have been received around November 20th, 2014.

25 Q Okay. And did you receive both of those sets at

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 the same time?

2 A Yes, I would have.

3 Q Okay. So, November 20th, 2014?

4 A Yes.

5 Q Okay. And then you -- it looks like you ran a
6 report dated December 1st, 2014?

7 A Okay.

8 Q Does that sound right?

9 A Yes.

10 Q And if you will look on item 18.3?

11 A Yes.

12 Q That -- that says a latent impression represented
13 on item 18?

14 A Correct.

15 Q Item 18 is the lift from the Toyota Camry front
16 driver side window?

17 A Yes.

18 Q And your findings on item 18.3 as to Antoine Drake
19 was inconclusive based on the quality of item 60, right?

20 A Correct.

21 Q And item 60 is the known print, right?

22 A Correct.

23 Q Okay. So, those weren't good enough -- I'm using
24 lawyer's terms rather than yours -- those weren't good
25 enough to be able to make that comparison, right?

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 A That's correct.

2 Q Okay. So, at the end of your report on Page 5 you
3 actually, it says, Please submit clear and complete known
4 finger and palm print for further examination?

5 A Yes, it does.

6 Q Okay. Does that -- would that logically mean the
7 ones that weren't very -- came across very good?

8 A Yes. Anytime we use an inconclusive based on the
9 quality of the known standard, we add that line to hopefully
10 get better quality.

11 Q And again, your report is dated December 1st,
12 2014?

13 A Yes, it is.

14 Q Okay. And your report was forwarded to whom?

15 A Richard Johnson.

16 Q Okay. Between December 1st, 2014, when this was
17 sent to Agent Johnson, did you ever receive any clear and
18 complete known finger and palm prints from Antoine Drake?

19 A No, I did not.

20 Q So you received no response to this?

21 A Correct.

22 MR. LEE: Okay. That's all I have, Your Honor.

23 THE COURT: Redirect.

24 MS. JONES: No, Your Honor.

25 THE COURT: As to the witness?

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 MS. JONES: She may be excused.

2 THE COURT: Any objection?

3 MR. LEE: No, sir.

4 THE COURT: Ms. Mears, thank you and you're
5 excused. Leave my exhibits. Take your file. You're
6 excused from trial in this case. You may leave the
7 courtroom.

8 Call your next witness.

9 MS. JONES: The State calls Donna Money.

10 Thereupon,

11 DONNA MONEY

12 was called as a witness, having been first duly sworn, was
13 examined and testified as follows:

14 THE COURT: Watch your step. Have a step up
15 there. Have a seat... Make yourself comfortable in that
16 chair. Pull the chair up. Adjust the microphone to
17 your height. You tell me when you're ready.

18 WITNESS: I'm good.

19 THE COURT: Good. Would you state your full name
20 and spell your last name for the court reporter.

21 WITNESS: Donna Money, M-O-N-E-Y.

22 THE COURT: I think I can spell that.

23 Your witness, Counsel.

24 MS. JONES: Thank you, Your Honor.

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q Agent Money, where do you work?

3 A I'm currently employed at the South Carolina Law
4 Enforcement Division also known as SLED.

5 Q And in what department do you work in SLED?

6 A I work in the DNA casework department.

7 Q And do you receive special education and training?

8 A Yes, I received my degree in forensic science from
9 Pennsylvania State University and then underwent a one-year
10 long training program at SLED.

11 Q And you now primarily work in DNA: Blood, saliva,
12 semen, touch, et cetera?

13 A Yes.

14 Q The Defense has previously stipulate -- stipulated
15 to your qualifications.

16 MS. JONES: At this point the State moves you in
17 as an expert in DNA.

18 MR. LEE: That is correct, Your Honor.

19 THE COURT: No objection?

20 MR. LEE: No objection.

21 THE COURT: Ladies and gentlemen, recalling my
22 earlier instruction to you concerning expert testimony,
23 the witness is qualified without objection.

24 You may proceed, Counselor.

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q What is touch DNA?

3 A Touch DNA is what happens when a person touches or
4 handles an object or person and the skin cells from them are
5 left behind.

6 Q Okay. Would you say that surfaces that are
7 touched very regularly, say, a remote control or radio
8 controls in a car, you maybe couldn't get a -7 a sample off
9 them?

10 A It depends more than just how often it's touched.
11 It just depends on how hard a person grabs or presses
12 against it. If it's something that's cleaned or if it's hot
13 or if it's cold.

14 Q Is touch DNA easily transferable?

15 A It is possible.

16 Q Okay. If I touch this and move my hand and then
17 it's cleaned, my touch DNA may not be there?

18 A Yeah, it is possible.

19 Q Okay. You were asked to analyze multiple items
20 for this case, weren't you?

21 A Yes.

22 Q Okay. First were some swabs from inside of the
23 car. And it looks like you were asked to analyze one, two,
24 three, four, five, six, seven, eight, nine, ten swabs from
25 inside the car. Is that correct?

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 A That's correct.

2 Q Okay. Your items 7, 10, 11, 12 and 14, what were
3 they swabs from?

4 A Item 7 was from the steering wheel of the vehicle.
5 Item 10 was the interior door handle of the front passenger
6 side door of the vehicle. Item 11 was the gear shift. Item
7 12 was the radio controls. And item 14 was the interior
8 door handle of the front driver's side door.

9 MS. JONES: Okay. Your Honor, at this time, State
10 moves State's 42, 44, 50, 49 and 47 into evidence. And
11 my apologies for them being out of order.

12 THE COURT: Counsel, do you want to take a look?

13 MR. LEE: Yes, please.

14 THE COURT: Hand them to him.

15 MR. LEE: No objection.

16 THE COURT: Ladies and gentlemen of the jury,
17 State's Exhibits 42, 44, 47, 49 and 50 will be admitted
18 into evidence in the trial of this case without
19 objections.

20 They are in evidence. You may publish, Counsel.

21 *(Whereupon, State's Exhibit No(s). 42, 44, 47*

22 *marked for identification and received in evidence.)*

23 *(Whereupon, State's Exhibit No(s). 49-50 marked*

24 *for identification and received in evidence.)*

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q And these were swabs from the steering wheel, the
3 door handle, gear shift and radio controls, correct?

4 A That's correct.

5 Q And what were your findings on those?

6 A Would you like me to go item by item?

7 Q Were you able to find any DNA on those items that
8 were suitable for comparison?

9 A Of those -- those five items, four had profiles
10 developed but they were not suitable for comparison, and the
11 fifth and final one did not have a DNA profile.

12 Q Okay. When you say it wasn't suitable for
13 comparison, what does that mean?

14 A Based on the DNA, it was low level DNA. And
15 because of that, we can't conduct comparisons because it's
16 possible that DNA -- not all of the DNA process was
17 detected.

18 Q Okay, I'm next going to move on to your item 6 and
19 your item 13. What are those?

20 A SLED item 6 was a swab from the rear driver side
21 seat of the vehicle. And then item 13 was from the front
22 passenger seat of the vehicle.

23 Q Okay. And you tested those as well?

24 A Yes.

25 MS. JONES: And, Your Honor, they have been marked

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 State's 41 and State's 46. And at this time, the State
2 moves State's 41, driver's side seat swab, and State's
3 46, blood collected from front passenger seat, into
4 evidence?

5 THE COURT: As to 41 and 46, Mr. Lee?

6 MR. LEE: No objection.

7 THE COURT: Ladies and gentlemen of the jury,
8 State's Exhibits 41 and 46 will be admitted into
9 evidence in the trial of this case without objections.

10 You may publish.

11 *(Whereupon, State's Exhibit No(s). 41, 46 marked*
12 *for identification and received in evidence.)*

13 BY MS. JONES

14 Q And what were your findings on those two items?

15 A Item 6 was a mixture of the two individuals. The
16 major contributor of that mixture matched to the DNA profile
17 of Terrance Johnson. The partial profile minor contributor
18 was insufficient for us to make that comparison. And the
19 DNA 13, the DNA profile of that item matched the DNA profile
20 of Terrance Johnson.

21 Q Okay. So, both of those were blood -- those were
22 both blood spots from Terrance Johnson?

23 A Yes.

24 BY MS. JONES

25 Q Next, I want to move on to item, your SLED item

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 15. And what was your SLED item 15?

2 A SLED item 15 was swabs from near the interior door
3 handle of the rear driver's side door.

4 Q And what were your findings for that?

5 A The profile developed from this item was a mixture
6 of at least two individuals. The DNA profile of the major
7 contributor of this mixture was an unidentified male.

8 Q Okay. So you don't know who it was?

9 A That is correct.

10 Q Okay. Was it blood?

11 A According to my report blood was identified.

12 Q Okay. But you don't know whose it was?

13 A That is correct.

14 Q And where was this collected from?

15 A Item 15 was near the interior door handle of the
16 rear driver side door.

17 Q Okay, so, the back seat behind the driver door?

18 A (Nods in the affirmative).

19 MS. JONES: Okay. Your Honor, at this time the
20 State moves State's 48.

21 MR. LEE: No objection.

22 THE COURT: As to State's 48?

23 MR. LEE: No objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit 48 will be admitted into evidence in

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 the trial of this case without objection. State's 48
2 in evidence.

3 *(Whereupon, State's Exhibit No(s). 48 marked for*
4 *identification and received in evidence.)*

5 BY MS. JONES

6 Q Okay. In order to determine that those items
7 matched Mr. Johnson, how did you do that?

8 A In order for a DNA analyst to conduct a
9 comparison, we need to have a known standard from an
10 individual. It could be a buccal swab from a person's mouth
11 or it could be a blood swab collected from a deceased
12 individual.

13 Q Okay. Did you have that in this case?

14 A Yes.

15 Q Okay. And I'm going to show you --

16 MS. JONES: Well, if I could beg the Court's
17 indulgence for the Court for a State sticker from the
18 court reporter. We have run out. My apologies. Thank
19 you.

20 BY MS. JONES

21 Q And you, in fact, received known standards in
22 this case?

23 A Yes.

24 Q Okay. Did you get one from Mr. Johnson?

25 A Yes.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 Q And you used that to compare?

2 A Yes.

3 Q Would that be SLED item 45?

4 A Yes.

5 MS. JONES: Okay. Your Honor, at this time State
6 moves State's 68 into evidence.

7 MR. LEE: No objection.

8 THE COURT: As to State's 68, no objection.
9 Ladies and gentlemen, State's Exhibit 68 will be
10 admitted into the trial of this case without objection.

11 *(Whereupon, State's Exhibit No(s). 68 marked for*
12 *identification and received in evidence.)*

13 BY MS. JONES

14 Q Did you also receive a known DNA standard from
15 Mr. Hopkins?

16 A Yes.

17 Q And what SLED number would that be?

18 A That was SLED item 64.

19 Q Okay.

20 MS. JONES: Your Honor, at this time State moves
21 State's 69 into evidence which is SLED item 64.

22 THE COURT: As to State's 69?

23 MR. LEE: No objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit 69 will be admitted into evidence in

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 the trial of this case without objection.

2 *(Whereupon, State's Exhibit No(s). 69 marked for*
3 *identification and received in evidence.)*

4 BY MS. JONES

5 Q Aside from the swabs were you asked to analyze
6 some other items?

7 A Yes.

8 Q Okay. What -- what else were you asked to
9 analyze?

10 A I received five cigarette butts.

11 Q Okay. You said five cigarette butts and those
12 would be SLED 16.1, 16.2, 16.3, 16.4 and 16.5?

13 A That's correct.

14 MR. LEE: Your Honor, at this time the State moves
15 State's 35, 36, 37, 38 and 39 into evidence.

16 THE COURT: As to 35, 36, 37, 38 and 39?

17 MR. LEE: No objection.

18 THE COURT: Ladies and gentlemen of the jury,
19 State's Exhibits, 35, 36, 37, 38 and 39 will be
20 admitted into evidence in the trial of this case
21 without objection.

22 *(Whereupon, State's Exhibit No(s). 35-39 marked*
23 *for identification and received in evidence.)*

24 BY MS. JONES

25 Q I want to first ask you about your SLED items 16.1

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 and is 16.4.

2 THE COURT: Which is State's Exhibits?

3 MS. JONES: 35 and 38.

4 BY MS. JONES

5 Q And what were your findings on those cigarette
6 butts?

7 A The DNA profiles for items 16.1 and 16.4 matched
8 the DNA profile of Terrance Johnson.

9 Q Okay. And is there a statistical value behind
10 that?

11 A Yes. The probability of marrying and selecting an
12 unrelated individual's active DNA profile matching these
13 items is approximately one in 180 quadrillion.

14 Q Lots of zeros?

15 A Yes.

16 Q Okay. The remaining three cigarette butts-- these
17 are all the cigarette butts?

18 A Yes.

19 Q Okay. Collected from his car that day. The
20 remaining three, we have your SLED 16.2, 16.3 and 16.5 which
21 are State's 36, 37 and 39. What were your findings with
22 regard to these cigarette butts?

23 A The DNA profiles of these SLED items 16.2, 16.3
24 and 16.5 matched the DNA profile of Rohaime Hopkins.

25 Q Okay. And was there a value behind that?

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 A Yes. The probability of randomly selecting and
2 marrying an individual of having a DNA profile is one in
3 your octillion.

4 Q Octillion?

5 A Yes.

6 Q Lots of zeros again?

7 A Yes.

8 Q Okay. So, all of these cigarette butts collected
9 from the car that day either belonged to Terrance Johnson or
10 Rohaime Hopkins?

11 A Yes.

12 MS. JONES: I have no further questions.

13 THE COURT: Exhibits to the court reporter.

14 CROSS EXAMINATION

15 BY MR. LEE:

16 Q Good afternoon.

17 A Good afternoon.

18 Q Are you aware that Mr. Hopkins agreed or consented
19 to a buccal swab to send to you guys for analysis?

20 A Yes.

21 MR. LEE: May I approach?

22 THE COURT: You may.

23 BY MR. LEE

24 Q It appears that there were two what I will call a
25 report examining -- a DNA analysis that you did as part of

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 this case. Does that sound right?

2 A Yes.

3 Q One dated April 10th, 2017; is that right?

4 A There was one that -- that was dated that day.

5 Q Okay. And then one dated May 12, 2017?

6 A Yes.

7 Q Okay. And the solicitor asked you about item 15
8 which was some kind of blood on the interior door handle on
9 the car and you said it was a mixture of two individuals,
10 right?

11 A At least two.

12 Q At least two. And there was a major contributor
13 that you said was an unidentified male?

14 A That is correct.

15 Q Okay. I'm --

16 MR. LEE: May I approach the witness?

17 THE COURT: You may.

18 BY MR. LEE

19 Q I'm handing you Defendant's -- for identification
20 Defendant's Exhibit No. 3. Do you recognize that?

21 A Yes.

22 Q Okay. And then Defendant's Exhibit No. 4, do you
23 recognize that?

24 A Yes.

25 Q Okay. One is dated April 10, 2017; is that

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 correct?

2 A Yes.

3 Q And one is dated May 12, 2017?

4 A Yes.

5 Q Okay. At the end of your report on both of those,

6 isn't it true that you specifically requested a known DNA

7 standard from Antoine Drake?

8 A Yes.

9 Q Okay. And your report was sent to the lead
10 investigator, Agent Johnson; is that correct?

11 A Yes.

12 Q Okay. Did you receive a known DNA standard for
13 Antoine Drake pursuant to your request?

14 A No.

15 Q Without a known standard are you unable to make a
16 comparison as to the unknown sample that you ran?

17 A No.

18 Q You are not able to; is that correct?

19 A Yes.

20 Q Thank you.

21 MR. LEE: That's all I have, Your Honor.

22 THE COURT: Redirect.

23 MS. JONES: No, Your Honor.

24 THE COURT: As to this witness?

25 MS. JONES: She may be excused.

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 THE COURT: Any objection?

2 MR. LEE: No, sir.

3 THE COURT: Ms. Money, you are excused from the
4 trial in this case. You may leave the courtroom. Take
5 your file. Leave my exhibits.

6 Call your next witness.

7 MS. JONES: The State calls Suzanne Cromer.

8 Thereupon,

9 SUZANNE CROMER

10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 THE COURT: Make yourself comfortable, Ms. Cromer.
13 Pull the chair up. Adjust the microphone to your
14 height. When you're ready, tell me.

15 WITNESS: I'm ready, sir.

16 THE COURT: All right. State your full name.
17 Spell your last name for the court reporter.

18 WITNESS: My name is Suzanne Cromer, C-R-O-M-E-R.

19 THE COURT: Your witness, counsel. Direct
20 examination.

21 MS. JONES: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. JONES:

24 Q Agent Cromer, you work for SLED, don't you?

25 A Yes, that's correct.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 Q And in what capacity do you work for SLED?

2 A I'm a firearm and tool marks examiner in the
3 forensics laboratory.

4 Q And what does that mean?

5 A What we do is called firearm examiner. I look at
6 ammunition components: Bullets, cartridge cases, shotgun
7 shells, wadding to determine whether they were fired by or
8 loaded into and extracted from a specific weapon.

9 Q Okay. And how long have you been with SLED?

10 A Seventeen years and five months.

11 Q Okay. So you had to have specialized training
12 throughout all that time?

13 A Yes, ma'am.

14 Q Okay.

15 MS. JONES: Mr. Lee has already stipulated to her
16 qualifications so --

17 THE COURT: Is that correct?

18 MR. LEE: That's correct.

19 THE COURT: Very well. Without -- in what field?

20 MS. JONES: Firearm examination.

21 THE COURT: Firearms examination, Counselor.

22 MS. JONES: Yes, Your Honor.

23 THE COURT: Recalling my earlier instruction,
24 ladies and gentlemen of the jury, concerning expert
25 testimony, the witness is qualified without objection.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 You may proceed.

2 MS. JONES: Thank you, Your Honor.

3 BY MS. JONES

4 Q Were you asked to analyze some items in this case?

5 A Yes, I was.

6 MS. JONES: Permission to approach, Your Honor.

7 THE COURT: You may.

8 BY MS. JONES

9 Q Agent Cromer, I'm handing you SLED 29 and 33 which
10 are State's 56 and 57.

11 MS. JONES: And, Your Honor, at this time State
12 would move State's 56 and 57 into evidence.

13 MR. LEE: No objection.

14 THE COURT: Well, could you get her to identify
15 them first?

16 MS. JONES: Yes.

17 BY MS. JONES

18 Q Agent Cromer, can you identify those for me?

19 A Yes. State's Exhibit 57 was my item 29. It is an
20 unfired, 9 millimeter, Luger caliber cartridge.

21 State's Exhibit 56 was my item 33. Again,
22 it's another unfired .9 millimeter Luger caliber cartridge.

23 THE COURT: You now wish to move introduction?

24 MS. JONES: Yes, Your Honor.

25 THE COURT: Without objection, Mr. Lee?

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 MR. LEE: Without objection.

2 THE COURT: Ladies and gentlemen, State's Exhibits
3 56 and 57 will be admitted into evidence in the trial
4 of this case without objection.

5 You may proceed.

6 MS. JONES: Thank you, Your Honor.

7 *(Whereupon, State's Exhibit No(s). 56-57 marked*
8 *for identification and received in evidence.)*

9 BY MS. JONES

10 Q And were you able to determine any findings based
11 on those two items?

12 A Just that they were unfired 9 millimeter Luger
13 caliber cartridges.

14 Q Okay. I'm next going to hand you --

15 MS. JONES: Permission to approach, Your Honor?

16 THE COURT: Absolutely.

17 BY MS. JONES

18 Q SLED item 39, I believe it says, as well as 36,
19 State's 61 and 62, can you identify those?

20 A State's 6 -- State's Exhibit 61 was my item 36.
21 This is a fired bullet most consistent with 9 millimeter
22 Luger caliber.

23 State's Exhibit 62 was my item 37. It is
24 another fired bullet most consistent with 9 millimeter Luger
25 caliber.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 Q And those are the ones the -- you had that you
2 tested?

3 A Yes, it is.

4 MR. LEE: Your Honor, at this time the State moves
5 State's 61 and 62 into evidence.

6 THE COURT: As to 61 and 62?

7 MR. LEE: No objection.

8 THE COURT: Ladies and gentlemen of the jury,
9 State's Exhibits 61 and 62 will be admitted into
10 evidence in the trial of this case without objection.

11 *(Whereupon, State's Exhibit No(s). 61-62 marked*
12 *for identification and received in evidence.)*

13 BY MS. JONES

14 Q Agent Cromer, I'm now going to show you what has
15 been marked as State's 58, 59 and 60 which are your items
16 39, 40 and 41.

17 MS. JONES: Permission to approach, Your Honor?

18 THE COURT: Absolutely.

19 WITNESS: Okay. State's Exhibit 59, 58 and 60
20 were my items 40, 41, and 39. Again, these are all
21 fired 9 millimeter Luger caliber most consistent with 9
22 millimeter Luger caliber bullets.

23 BY MS. JONES

24 Q Okay. And item 58 -- my apologies --

25 MS. JONES: State's Exhibits -- the State now

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 moves State's 58, 59 and 60 into evidence.

2 THE COURT: As to 58, 59 and 60?

3 MR. LEE: No objection.

4 THE COURT: Ladies and gentlemen of the jury,
5 State's Exhibits 58, 59 and 60 are admitted into
6 evidence in the trial of this case without objection.

7 *(Whereupon, State's Exhibit No(s). 58-60 marked*
8 *for identification and received in evidence.)*

9 MS. JONES: Thank you, Your Honor.

10 BY MS. JONES

11 Q Agent Cromer, as to items State's Exhibits 58, 59,
12 60, 61 and 62, which would be your SLED items 36, 37, 39, 40
13 and 41, what were your findings on those items?

14 A I found that they were all consistent with 9
15 millimeter Luger caliber projectiles, and I was inconclusive
16 as to whether they were all fired by one firearm due to poor
17 engagement of the rifling. Rifling is what is in the gun
18 barrel to fire the projectile. There just wasn't enough of
19 those individual riflings that I needed to draw a conclusion
20 either way. So it was inconclusive as to whether they were
21 all fired by one firearm or not.

22 Q But they are all 9 millimeter?

23 A That's correct.

24 Q Okay. Now moving on to -- Agent Cromer, these
25 would be your SLED items 30, 31, 32, 34 and 35, which have

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 been marked State's 51, 52, 53, 54 and 55.

2 MS. JONES: Permission to approach.

3 THE COURT: You may.

4 BY MS. JONES

5 Q And can you identify those items?

6 A State's Exhibit 55 is my item 32, and it's a fired
7 9 millimeter Luger caliber cartridge case.

8 State's Exhibit 54 was my item 30. Again, it
9 is another fired 9 millimeter Luger caliber cartridge case.

10 State's Exhibit 53 was my item 31. It's
11 another fired 9 millimeter Luger caliber cartridge case.

12 State's Exhibit 52 was my item 34. Again,
13 it's another fired 9 millimeter Luger caliber cartridge
14 case.

15 State's Exhibit 51 was my item 35. Again,
16 another fired 9 millimeter Luger caliber cartridge case.

17 MS. JONES: Your Honor, at this time the State
18 moves State's 51 through 55 into evidence.

19 THE COURT: As to 51 through 55 inclusive,
20 Counsel?

21 MR. LEE: No objection.

22 THE COURT: Ladies and gentlemen of the jury,
23 State's Exhibits 51, 52, 53, 54 and 55 will be admitted
24 into evidence in the trial of this case without
25 objection.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 *(Whereupon, State's Exhibit No(s). 51-55 marked*
2 *for identification and received in evidence.)*

3 BY MS. JONES

4 Q Now, Agent Cromer, what were your findings
5 regarding those shell cases that were collected?

6 A I microscopically compared them to each other and
7 determined that there was enough that in my
8 opinion, these were all fired by one firearm.

9 Q So, all of the shell casings that were collected
10 came from one gun?

11 A That is correct.

12 Q Okay. And you weren't able to come to any
13 conclusions with regards to the bullets, correct?

14 A That's correct.

15 Q Except for they were the same ammunition?

16 A Yes, they were the same caliber ammunition. The
17 bores all had the same general rifling. They were all 9
18 millimeter Luger caliber. They all had the same number of
19 lands and grooves in that rifling, and they all had the same
20 number of the same direction of twist, which is how the
21 bullet is going to spin when it comes out of the barrel.

22 Q Okay. You kind of got a little confusing there
23 with rifling and grooves and twists. What does that mean?

24 A Rifling is what's put in the gun barrel by the
25 manufacturer to put a rotary like spinning motion on it.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 Relating it somewhat to a quarterback who throws a football
2 who wants to have a tight spiral so that it goes more
3 accurately toward its target. Well, that's the premise
4 behind rifling. It'll put that bullet into a spiral so that
5 it's more accurate as it goes toward its target. So,
6 rifling is made up of lands and grooves, raised and
7 depressed areas. So, you can have any number and there's
8 different types of riflings.

9 So, when we talk about a general rifling
10 character exam, we're talking about looking at all those
11 different characteristics. So, first, are they the same
12 caliber? Yes.

13 Do they have the same type of rifling? There
14 are two types. There's conventional, and there is
15 polygonal. Conventional has right angles; polygonal is more
16 scalloped. They were all conventional.

17 How many number of lands and grooves are
18 there -- are displayed on those bullets? They were all
19 consistent with six.

20 What's the direction of twists? Which way is
21 that bullet going to spin? Will it spin to the left or the
22 right? They were all the same direction of twists.

23 Q Okay, so, throughout all of that part of your
24 examination they all matched?

25 A Well, up to that point.

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 Q Up to that point. Okay, and why couldn't you make
2 any more conclusions on those bullets?

3 A Because of the individual marks that were left on
4 the rifling, there just wasn't enough. I don't know if the
5 gun was not well rifled or it was poorly taken care of but
6 it didn't mark the bullets very well.

7 Q Okay. I want to ask you a little bit about these
8 9 millimeter guns in general. You didn't have a gun to
9 compare these bullets to, did you?

10 A No, I did not.

11 Q Had you had a gun would you have been able to --
12 to compare the two and see if they matched?

13 A I did not.

14 Q Okay. But you didn't get that opportunity here?

15 A That's correct.

16 Q Okay. Do 9 millimeter guns come in revolvers and
17 semiautomatic?

18 A They're commonly semiautomatic, but there are guns
19 or revolvers that are chambered for Luger caliber.

20 Q And what is the difference between a revolver and
21 semiautomatic?

22 A A semiautomatic is where you place a magazine full
23 of ammunition into the magazine well. You pull your slide
24 back. You pull the trigger. When you pull the trigger, it
25 fires one round, ejects the cartridge case, and loads the

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 next round. So, one pull, one fire.

2 Then a revolver is basically what you see in
3 your cowboy or western movies where you have a round device
4 with multiple chambers in it. It's called a cylinder. And
5 it rotates around one firing pin or one firing device. So
6 it doesn't eject cartridge cases. You have to actually
7 physically open the cylinder to dump out the cartridge
8 cases.

9 MS. JONES: Beg the Court's indulgence one second.

10 May we approach, Your Honor?

11 THE COURT: You may.

12 (Off-the-record discussion held.)

13

14 BY MS. JONES

15 Q After you were unable to get any further, your --
16 your analysis had to end on those bullets?

17 A That is correct.

18 Q Okay. I wanted to get back to the -- to the
19 semiautomatic and the revolver. You talked about the two
20 different types, and you talked about the semiautomatic
21 ejecting cartridge cases?

22 A That's correct.

23 Q Where did it eject from?

24 A It depends on the type of firearm it is.

25 Q Okay. So, you didn't have a firearm, so you don't

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 know in this case where it ejected from?

2 A That's correct.

3 Q Would you say that it's common that if a gun was
4 fired in a car the -- and it -- and it was semiautomatic,
5 the case would be found inside that car?

6 A As long as the gun ejected inside the car or --
7 with ejection patterns, which is what you're talking about
8 when you're talking about where a cartridge casing lands,
9 there are so many factors. How to -- the ejection port; is
10 it on the left or is it on the top? How the shooter is
11 holding the gun? Is he holding it pointing it out of a
12 window, if it's fired in the car, or is he holding it, you
13 know, face down or is he holding it in the proper
14 orientation. Also, cartridge cases are known to fly, so
15 they can hit things and bounce. So, really with the
16 ejection pattern, we just can't determine whether a firearm
17 was fired based on where the cartridge cases are.

18 Q Okay. If a gun is fired from a passenger seat
19 across the chest in a closed car, door shut, window shut to
20 the driver's side, would those cases be found inside the
21 car?

22 A I would assume so, yes.

23 Q And we have 9 millimeter ammunition here. How
24 many 9 millimeters are on the street today?

25 A 9 millimeter is very common. 9 millimeter Luger

DIRECT EXAMINATION OF SUZANNE CROMER BY MS. JONES

1 is a very common caliber. I would say hundreds of thousands
2 or even millions.

3 MS. JONES: Okay. Thank you. I have no further
4 questions for this witness, Your Honor.

5 THE COURT: Cross examination.

6 CROSS EXAMINATION

7 BY MR. LEE

8 Q So, you were never provided a gun to compare the
9 casings to, right?

10 A That's correct.

11 Q And your job is a lot easier when you do have
12 that, right?

13 A Sometimes, yes.

14 Q Okay. All right. Now -- so, you cannot point to
15 a specific gun that the casings were fired from or the
16 bullets came from, right?

17 A That's correct.

18 Q However, you can, based on some of the common
19 characteristics, you can narrow your list down to a certain
20 make of gun, correct?

21 A Correct. I give -- I can give regulators, a
22 potential list. And that list is not all inclusive. That
23 has other firearms in that same caliber with those same
24 rifling characteristics.

25 Q Okay. And you put that in your report that you'd

CROSS EXAMINATION OF SUZANNE CROMER BY MR. LEE

1 be able to do that, but that it's numerous so you're not
2 going to write it in this report?

3 A That's correct.

4 Q How numerous are we talking about? Forty, fifty,
5 sixty?

6 A It was 58.

7 Q Fifty-eight, okay.

8 A Manufacturers.

9 Q Manufacturers, okay. Taurus on the list?

10 A Taurus was not on the list; but again, that list
11 was not all inclusive.

12 Q Hi-Point?

13 A Hi-Point was on the list.

14 Q The Hi-Point 9 millimeter was on the list?

15 A That is correct.

16 Q And it appears based upon the cartridge cases
17 being found that it was not a revolver but a semiautomatic
18 weapon?

19 A It does appear that way.

20 Q With a magazine?

21 A With a magazine, yes.

22 Q Did Agent Johnson -- well, your report was done
23 April 15, 2015, correct?

24 A Correct.

25 Q And you sent it to Agent Johnson with SLED?

CROSS EXAMINATION OF SUZANNE CROMER BY MR. LEE

1 A That's correct.

2 Q Okay. Did Agent Johnson ever ask you for that
3 list or talk to you about the possible makes of guns?

4 A I need to check my notes if that's okay.

5 I spoke to Agent Johnson several times about
6 the case. But I don't know if I spoke to him about
7 specifics about the guns that were on the AEDRC list.

8 Q Okay. Did he ever bring you any guns for
9 comparison purposes?

10 A No, sir, he didn't.

11 Q Okay. Thank you.

12 MR. LEE: That's all, I have, Your Honor.

13 THE COURT: Redirect?

14 MS. JONES: No, Your Honor.

15 THE COURT: As to this witness?

16 MS. JONES: She may be excused.

17 THE COURT: Very well, Ms. Cromer. Now,
18 Ms. Cromer, your items are now my exhibits; so, leave
19 the exhibits here with my court reporter. You can take
20 your file, but don't take my exhibits.

21 WITNESS: Thank you, Your Honor.

22 THE COURT: You are excused. You may leave the
23 courtroom.

24 Call your next witness.

25 MS. JONES: The State calls Karen Milbrodt.

CROSS EXAMINATION OF SUZANNE CROMER BY MR. LEE

1 Thereupon,

2 KAREN MILBRODT

3 was called as a witness, having been first duly sworn,

4 was examined and testified as follows:

5 THE COURT: Good afternoon. Make yourself
6 comfortable. Adjust the chair to your comfort and
7 adjust the microphone to your height, and you tell me
8 when you're ready.

9 WITNESS: Ready, Your Honor.

10 THE COURT: All right. State your full name and
11 spell your last name for the court reporter.

12 WITNESS: Karen Milbrodt, M-I-L-B-R-O-D-T.

13 THE COURT: Very well. Your witness, Counsel.

14 Direct examination.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Ms. Milbrodt, where do you work?

19 A Verizon Wireless out of our Tampa office.

20 Q And how long have you been with Verizon Wireless?

21 A For 18 years.

22 Q And what is your title at Verizon?

23 A I am an senior analyst in Executive Relations, and
24 one of my responsibilities is as a records custodian for
25 business records.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES.

1 Q Okay. And as the business record -- as custodian
2 of records, what does that mean?

3 A Well, that means when records are going to be
4 entered into evidence at a trial, whether civil or criminal,
5 sometimes we are subpoenaed to come to trials and
6 authenticate the records, make sure that they are in fact
7 our records, and then answer any questions that anybody,
8 either party may have about them.

9 Q Okay. How does Verizon keep records?

10 A They are stored electronically.

11 Q And you have access to these records?

12 A Yes, ma'am.

13 Q And are they kept daily, day-to-day?

14 A Day-to-day, real time, as the event happens.

15 Q How long are they kept for?

16 A Various records are kept for various time frames.

17 Some for only a few, few days; some for as long as ten
18 years.

19 Q Okay. In order to -- to get these records, do you
20 only pull them pursuant to requests from law enforcement and
21 whatnot?

22 A Yes, we have to receive a court order or a
23 subpoena in order to release records.

24 Q Okay. And did you receive a subpoena or court
25 order in relation to this case today?

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES.

1 A Yes, Verizon Wireless did.

2 Q And were you asked -- you said Verizon. But you
3 as a custodian of records has access to these records?

4 A Yes, ma'am.

5 Q Okay. And you're familiar with the records?

6 A Yes, I have seen them.

7 Q And they're kept day-to-day business?

8 A Yes, ma'am.

9 Q They're always kept in the ordinary course of
10 Verizon's business?

11 A Yes.

12 Q Okay. And you in fact provided records pursuant
13 to a subpoena in this case?

14 A Yes.

15 Q Okay. What sort of information is obtained on the
16 records that you provided?

17 A Sure. There was -- subscriber information was
18 released, the incoming and outgoing text log, incoming and
19 outgoing call log, and text content was released, cell tower
20 address locations, the cell tower key and then various keys
21 that go along with those records.

22 Q Okay. And all of those records are Verizon's
23 records kept in the ordinary course of business?

24 A Yes.

25 THE COURT: Counsel approach.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES.

1 (Off-the-record discussion held.)

2 THE COURT: Ladies and gentlemen of my jury panel,
3 a matter of law has arisen affecting the introduction.

4 Folks, go ahead and do what I asked you to do.

5 You have got them premarked, do you not?

6 MS. JONES: I do, Your Honor. They are State's 7,
7 8 and 9.

8 MR. LEE: I object, Your Honor.

9 THE COURT: There is an objection to exhibits
10 which are being proposed which is going to require me
11 to do a little bit of work. I realize the time.
12 Rather than keep you here tonight, ladies and
13 gentlemen, while I complete that work, I'm going to
14 stop at this point. I'm going to ask you to be back in
15 your jury room at 9:30 in the morning.

16 Please do not discuss this case overnight with
17 anyone. If somebody tries to talk to you, just say, I
18 can't talk. The Judge asked me not to. And if they
19 persist, get their name, give it to me and I'll handle
20 that problem for you, ladies and gentlemen.

21 Thank you for your patience. Thank you for your
22 service.

23 We will complete this trial tomorrow. I hope
24 everyone gets some rest tonight. Report to the jury
25 room in the morning. Do not come to the courtroom.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES.

1 You may leave the courtroom at this time.

2 Everyone else remain seated while the jury is
3 leaving.

4 (Jury exits the courtroom.)

5 MR. LEE: Your Honor, I'm not sure you told them
6 what time to come back.

7 THE COURT: 9:30.

8 MR. LEE: Okay. Neither one of us heard it so I
9 was just checking.

10 THE COURT: I told them.

11 MR. LEE: Okay.

12 THE COURT: But thank you so much. Lord knows I
13 could forget.

14 Now, Ms. Milbrodt, the solicitor -- I'm in the
15 middle of a legal issue?

16 WITNESS: Yes, sir.

17 THE COURT: And although I'm sure you would be
18 fascinated to listen to the arguments of Mr. Lee, not
19 to mention the fact that my excellent staff has just
20 handed me a four-page memorandum citing at least nine
21 different cases that I have to look at in connection
22 with this, because the solicitor may need you in the
23 morning, if I rule on this to explain the document
24 which she's offered, if I rule it's admissible, I'm
25 going to ask you if you would be so kind, like the jury

COLLOQUY

1 to go get rest and come back in the morning at 9:30, at
2 which time we intend to complete the trial of this
3 case.

4 WITNESS: Yes, sir.

5 THE COURT: All right. Because you're in the
6 middle of your testimony, I'm going to have to ask you
7 not to talk to the Solicitor. Not to talk to anyone
8 about your testimony. You are subject to cross
9 examination in this court and you can't discuss your
10 testimony with anyone. That doesn't mean you can't go
11 get dinner and enjoy the evening in beautiful Jasper
12 County, South Carolina. Ask Richard over there. He'll
13 tell you how wonderful it is to be in the Lowcountry of
14 South Carolina. I know you enjoy it more.

15 By the way, I was in Tampa on January the 17th of
16 this year --

17 WITNESS: Yes.

18 THE COURT: -- and I want you to know how much I
19 enjoyed your city. Bern's Steak House was worth the
20 trip in and of itself.

21 WITNESS: Good dessert bar there.

22 THE COURT: Good. All right.

23 WITNESS: So, we will see you at 9:30?

24 THE COURT: Pardon?

25 WITNESS: See you at 9:30?

COLLOQUY

1 THE COURT: 9:30 in the morning.

2 WITNESS: Yes, sir.

3 THE COURT: I want you to come right back to this
4 witness stand in the morning at 9:30.

5 WITNESS: Yes, sir.

6 THE COURT: All right.

7 WITNESS: Okay, I'll be here.

8 THE COURT: You are now excused from the trial of
9 this case.

10 WITNESS: Thank you.

11 THE COURT: All right. Ladies and gentlemen, I'm
12 going to meet with my lawyers in chambers for a moment
13 and with my excellent staff and then I'm going to come
14 back and place a ruling on the record this evening
15 concerning the objection which has been made by counsel
16 for the Defendant.

17 So, Mona, I'm going to have to ask you to stay a
18 little bit but I'm going to get you home tomorrow.

19 COURT REPORTER: Okay.

20 THE COURT: Okay. For those of you that would
21 like to stay, please do so. I need my lawyers in
22 chambers with my staff now. Hold on to the exhibits,
23 Solicitor, that you have. I assume you've shown those
24 to counsel for the Defendant; is that correct?

25 MS. JONES: Yes, Your Honor.

COLLOQUY

1 THE COURT: Please join me in chambers.

2 Yes, ma'am.

3 (Off-the-record discussion held.)

4 THE COURT: Where is he?

5 You now can leave until 9:30 in the morning. Be
6 back in that seat at 9:30 in the morning.

7 ALTERNATE JUROR: Yes, sir.

8 THE COURT: Lawyers in chambers.

9 (Brief recess.)

10 THE COURT: Thank you. Please be seated. The
11 time is now 6:40 p.m.

12 Mona, I want to say I don't know of any more
13 current issue that's circulating in the courts of the
14 United States, both state and Federal, than the issue
15 that's been presented in the trial of this case
16 concerning text messages. And I have reviewed a number
17 of cases. So, first I want to frame this issue.

18 The State seeks to admit a text message. There's
19 been previous testimony from Agent Johnson that he was
20 told by the Defendant that this was his old text --
21 telephone number from which the records say that the
22 text message emanated. I also have testimony from, was
23 it Angel? Is that right, who said that was his number
24 or was that the wrong witness?

25 MS. JONES: Agent Johnson said that he got the

COLLOQUY

1 number from Angel Simmons.

2 THE COURT: Did she also confirm?

3 MS. JONES: She did not say that.

4 THE COURT: All right. I also have, first of all,
5 the issue of Mr. Lee objects first under the
6 confrontation clause, and then he objects as hearsay.
7 He concedes authenticity and does not object on that
8 ground.

9 However, the first issue for the court, and I'll
10 put it on the record, the confrontation clause. I find
11 that the text message clearly is not testimonial. And
12 I cite as authority what I cited in a trial five weeks
13 ago, United States versus Alvarado, at 816 F.3d 242 and
14 service was denied by the United States Supreme Court
15 at 137 S.Ct. 492. It is a fourth circuit opinion which
16 surveyed all of the Federal circuits in the United
17 States.

18 It is undisputed, according to the Alvarado court,
19 that testimonial evidence does not include statements
20 made to friends in an informal setting. So I find that
21 the text message was not testimonial and it does not
22 implicate the confrontation clause in any way.

23 I next turned to the objection of Mr. Lee on
24 hearsay. I might add that the lawyers have done a lot
25 of work and so have the law clerks who have just been

COLLOQUY

1 such a great asset to me in this trial. And the first
2 issue for the court, the State argues that this is not
3 hearsay. Mr. Lee argues that it is hearsay and he does
4 not think any exceptions to the hearsay rule apply
5 which would permit the admissibility of this evidence.

6
7 I have carefully considered this. I point out to
8 both of you that the South Carolina Rules of Evidence,
9 Rule 801(c) defines hearsay. Hearsay is a statement,
10 other than one made by the declarant while testifying
11 at the trial or hearing, offered in evidence to prove
12 the truth of the matter asserted. That is the exact
13 language of 801(c).

14 I also find that in that same rule, which is our
15 hearsay rule in our Rules of Evidence, I find that
16 there is 801(d)(2), admission by a party-opponent. I
17 believe and my ruling is that this is not hearsay and
18 that it is admissible because of 801(d)(2). And that
19 is my ruling.

20 As an alternative sustaining ground, I will for
21 purposes of argument assume that if this were hearsay,
22 as contended by Mr. Lee, which I do not believe that it
23 is, and that is my ruling and my ground, then I turn to
24 whether or not if it were hearsay for purposes only of
25 argument to Rule 804, which contains -- 803 contains

COLLOQUY

1 exceptions but 804 contains the exceptions that I think
2 would apply.

3 Mr. Lee, I ask you now for purposes of this trial,
4 it is my understanding that at this time, and you're
5 not bound by this and you know you're not because the
6 State hasn't rested, but it's my understanding the
7 Defendant doesn't intend to testify at this time. Is
8 that correct?

9 MR. LEE: That's correct at this time, Your Honor.

10 THE COURT: And, therefore, he would at this point
11 if I were using this ground be unavailable which his
12 failure to testify constitutes unavailability under
13 Rule 804 of the Rules of Evidence. And because of
14 that, I think what applies is 804(b)(3), which is a
15 statement against interest, assuming for purposes of
16 argument only that this is hearsay, but I find as a
17 matter of law that it is not.

18 Therefore, the text message, having been properly
19 authenticated, is admissible in the trial of this case,
20 and we will resume with that evidence at 9:30 a.m. in
21 the morning.

22 MR. LEE: Your Honor, I understand your ruling.
23 And I do have a couple of other positions as far as why
24 that language should not be admissible, aside from
25 hearsay, but it goes to relevance. I would say that it

COLLOQUY

1 is not relevant --

2 THE COURT: And I'm sorry, you did argue to me and
3 I told you I would give up a chance to put it on the
4 record, and I wasn't trying to keep you from it. You
5 did argue relevance to me, and I'll be happy to allow
6 you to put that on the record, Mr. Lee, and give the
7 State an opportunity to respond.

8 MR. LEE: It would be our position, regardless of
9 whether it's a hearsay or not, exception or not,
10 that -- that -- the statement in the text, which says,
11 dat's done. Need to hollar at you, which I think we
12 all agree on is -- is so amorphous and so ambiguous.

13 THE COURT: Don't use too big of words, Mr. Lee.

14 MR. LEE: Biggest word --

15 THE COURT: Although I do have excellent law
16 clerks here.

17 MR. LEE: And the jury is not here, so, we can do
18 that.

19 But anyway, it's so confusing. It is our position
20 that it's not relevant because they cannot tie what
21 that means to what they say that it means because they
22 can't --

23 THE COURT: And I think you certainly have every
24 right to bring that out. I'm talking about
25 admissibility and not the weight of the evidence.

COLLOQUY

1 MR. LEE: I understand. My position is that they
2 cannot establish who that was sent to. Their only
3 testimony is going to be that the number that it was
4 sent to was a phone in the box, or burner phone,
5 whatever you want to call it, and the only connection
6 that they can make --

7 THE COURT: There's no way anyone can establish
8 who it was sent to, according to Verizon's records,
9 which is the basis they seek to admit it because we're
10 talking about burner phones.

11 MR. LEE: But what they're going to try to do is
12 tie it -- tie it to Trey Graves because that's their
13 authority -- or that's their theory rather. They will
14 try to tie it to Trey Graves by saying a guy named
15 Willy Newton has another phone number on that same
16 account.

17 THE COURT: Well, that is an inference argument
18 from the evidence. I understand that you think that's
19 what they're trying to do, but it would be up to the
20 jury to make that determination. Once again, I think
21 that goes to weight rather than admissibility.

22 MR. LEE: I understand. I also would -- would
23 follow that up, as we usually do, under 403, saying
24 that --

25 THE COURT: The prejudice outweighs the probative

COLLOQUY

1 value.

2 MR. LEE: Clearly the prejudicial value in the
3 particular way they're going to use it and couch it is
4 that this is a -- saying, I did the hit essentially.
5 That is so prejudicial when there's nothing to back
6 that up.

7 THE COURT: I don't think that the text says, I
8 did the hit. I think you're mischaracterizing the
9 text.

10 MR. LEE: Dat's done. I have no -- that's exactly
11 what they're trying -- where they're trying to go with
12 that.

13 THE COURT: I thought the text message said -- and
14 I've got it written down so I want to make sure.

15 MS. JONES: It says, dat's done. I need to hollar
16 at you.

17 THE COURT: It's done or dat's done. Let me
18 hollar at you.

19 MR. LEE: I need to hollar --

20 MS. JONES: I need to hollar at you.

21 MR. LEE: It's absolutely --

22 THE COURT: There's no hit in there.

23 MR. LEE: But the thing dat's done means the hit
24 is done. That's what --

25 THE COURT: That's argument. That's not evidence

COLLOQUY

1 at this point. That's inference. I understand your
2 argument on relevance. I understand your argument on
3 403. You made them for the record. Thank you very
4 much.

5 Solicitor, do you want to be heard?

6 MS. JONES: Briefly, Your Honor. The State would
7 argue that it is relevant evidence. The State's theory
8 of this case is that it was a murder for hire and the
9 hit was called on Mr. Johnson and that hit was carried
10 through at 9:37 p.m. And 19 minutes after that hit was
11 through, a phone number, who the defendant said was his
12 old phone number, sends this message, dat's done. I
13 need to hollar at you.

14 We are certainly allowed to argue that it was in
15 reference to the hit being finalized, and I feel that
16 that is relevant. It tells the whole complete story of
17 why we're here this week.

18 THE COURT: All right. I overrule your objection
19 on relevance and on 403. I think it is relevant. I do
20 not think the prejudice outweighs the probative value
21 or substantially outweighs it. I have considered it.
22 The actual text says -- as I understand and I'm
23 paraphrasing a little bit because of contractions --
24 it's done, which I -- and let me hollar at you or words
25 to that effect is the subject of the text, and I find

COLLOQUY

1 that it is not hearsay and I find that, as I pointed
2 out earlier, however, if it is, I think that exception
3 applies which would allow it to be admitted, and I
4 overrule the objection as to relevance in 403.

5 Now, it is 7:00 at night. I've kept Mona late
6 tonight because I want to finish tomorrow. My
7 understanding is you have this witness, the Verizon
8 witness, and then you have Dr. Presnell.

9 MS. JONES: And Dylan Hightower, if his testimony
10 is allowed.

11 THE COURT: Well, that's a separate objection.

12 MS. JONES: Yes.

13 THE COURT: And I want you to understand that.
14 It's one thing to put in -- Mr. Lee has objected
15 separately to Mr. Hightower and I haven't reached that
16 objection yet. So I want you to understand, I can't
17 promise you that Mr. Hightower is going to be doing any
18 visual aides at this point. But you need to have him
19 here in case I determine it's admissible.

20 MS. JONES: He will be here.

21 THE COURT: Court is in recess until 9:30 a.m.
22 tomorrow morning. And I will give y'all after trial
23 the complete memo that has been written to me.

24 (Court adjourned for the day.)

25

* * *

TITLE PAGE

1 (The following proceedings take place on May 17,
2 2017.)

3 THE COURT: All right. Let me frame this issue.

4 Pretrial right at the last moment before we began
5 the trial, Mr. Lee made a motion concerning what has
6 been called sectional analysis in anticipation of
7 Mr. Hightower, who I don't see in the courtroom right
8 now, but who is here, testifying. I gave the lawyers
9 this morning -- I found Judge Norton's case from --
10 what year was it?

11 UNKNOWN SPEAKER: 2013.

12 THE COURT: 2013. I found a Tenth Third and
13 Seventh Federal Circuit case on sectional analysis, and
14 I believe you have brought to my attention a 2017 case
15 which -- hold on -- it is from the Second Circuit,
16 February 23rd, 2017, which is 849 F.3d 530. Which
17 holds the testimony about how a cell phone tower
18 operates must be offered by an expert witness. I
19 concur with those cases.

20 Because I concur, the State now seeks to qualify
21 this witness as an expert in compliance with the cases
22 that the lawyers and I have discussed in chambers this
23 morning. I have given, even though I instructed her
24 yesterday not to talk to anyone, I allowed the
25 Solicitor to talk to her because of this change in

COLLOQUY

1 strategy in light of the Defense's objection and I also
2 allowed the Defense attorney to talk to you, if you so
3 desired.

4 Have both of you had that opportunity?

5 MS. JONES: Yes, Your Honor.

6 MR. LEE: I have not, Your Honor.

7 THE COURT: Would you like to exercise it?

8 MR. LEE: I would, Your Honor, very briefly.

9 THE COURT: Step down, Ms. Milbrodt. Walk to the
10 back of the courtroom with Mr. Lee. Let him have a
11 discussion with you since this is a change in program,
12 and he's entitled to confront this situation. Talk to
13 him just as if you were talking to me, Ms. Milbrodt.
14 You are free to tell him anything you so desire.

15 WITNESS: Yes, Your Honor.

16 THE COURT: While we are waiting on that, because
17 I want to give the lawyers an opportunity in light of
18 this change, I need to tell the jury because this is
19 the second morning I have held them up. Do I have your
20 permission, Solicitor, to walk in the jury room and
21 just say, ladies and gentlemen, I have a matter of law
22 that's come up that I'm going to be required to take
23 testimony. Please be patient. I'm going to get to you
24 as soon as I can. Entirely my.

25 MS. JONES: Absolutely.

COLLOQUY

1 THE COURT: Open the door and tell Mr. Lee. I've
2 got to have his consent to do so.

3 (Brief recess.)

4 THE COURT: Scott, you don't need to come in.

5 I want to walk in the jury room. I have got
6 Mary's permission just to tell them that I have a
7 matter of law and that's going to delay us some. That
8 is entirely mine and I have got to take testimony.

9 Any objection?

10 MR. LEE: No objection.

11 THE COURT: Put it on the record, Mona. No
12 objection from either side.

13 (Judge talks to jury.)

14 THE COURT: This is the matter of law that I have
15 to proffer outside of the jury because the rules are
16 different in qualifying an expert. I am ordering food
17 for them at 12:45. Hopefully, we can conclude
18 testimony by then, even if I have to stop and let the
19 jury eat and then come back and do argument and charge.

20 All right. Ms. Milbrodt, I remind you that you
21 are still under oath. I remind you also that I have
22 ruled on the admissibility of State's -- what's the
23 exhibit number? And make sure Mona has it.

24 MS. JONES: They are State's 7, 8 and 9.

25 THE COURT: Wait a minute now. It is just one

COLLOQUY

1 document.

2 MS. JONES: All right.

3 THE COURT: Are we talking about the same thing?

4 Mona doesn't have it. No. No. No. No. No.

5 Yesterday, a document was presented for which there was
6 an objection.

7 MS. JONES: That was State's 7, 8 and 9. There
8 are three.

9 THE COURT: Oh, there were three numbers.

10 MS. JONES: Yes.

11 THE COURT: Show that to Mr. Lee.

12 MR. LEE: Yes, sir.

13 THE COURT: All right. Seven, eight and nine, all
14 right, are going to be admitted into evidence in the
15 trial of this case over objection. And I made my
16 ruling last night, kept you here to 7:00 to do so.
17 Please give 7, 8 and 9 to the court reporter.

18 *(Whereupon, State Exhibit No(s) 7-9 marked for*
19 *identification and received in evidence.)*

20 THE COURT: We now can begin a new issue. That
21 issue is Mr. Lee's motion to exclude evidence.

22 Although it raises other issues, this motion seeks to
23 exclude before the jury any testimony or evidence
24 related to the cell phone sector analysis, which was
25 created by, according to the Solicitor, Dylan Hightower

COLLOQUY

1 of the Solicitor's Office -- he is their
2 investigator -- and was sent to the Defense attorney
3 via email on May the 12th, 2017, at 3:17 p.m.

4 I am now going to hold a hearing on this matter,
5 which involves this witness, because Solicitor intends
6 to attempt to qualify this witness as an expert for
7 purposes of laying a predicate for the introduction of
8 the sectional analysis. And I have reminded them of
9 the case, which I have quoted. The one I put on the
10 record was Hector Natal, N-A-T-A-L, United States
11 versus Hector Natal, also known as Boom Boom, which was
12 849 F.3d 530.

13 All right. In light of that, Solicitor, this is
14 still direct examination concerning qualifications.
15 And, of course, Mr. Lee, I will give you an
16 opportunity, if you so desire, to cross-examine as to
17 qualifications so I can make a determination.

18 Proceed.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY MS. JONES:

22 Q Ms. Milbrodt, how long have you been with Verizon?

23 A It was 18 years in March.

24 Q And right now what is your title at Verizon?

25 A Yes, my title is I am a senior analyst in our

DIRECT EXAMINATION CONTINUED OF MILBRODT BY JONES

1 Executive Relations Department. And as I mentioned, one of
2 those responsibilities of a senior analyst is to be a
3 records custodian for business records.

4 Q As a senior analyst, what are some of your other
5 duties?

6 A I handle small claims lawsuits, so I would appear
7 and defend us in Small Claims Court. I also respond to
8 consumer complaints that have been sent through governmental
9 channels such as the SDC, Attorney General, Public Utilities
10 Commission and the like. I also do arbitrations, BBB and
11 help with ABA arbitrations.

12 Q Okay. And when you're helping with the claims,
13 what are some of the tasks that you have to complete?

14 A Sure. A consumer will file a complaint with an
15 experienced government agency, that is then routed to myself
16 or one of my coworkers. In doing so, I need to research, I
17 think, specifically, what I believe that is relevant to
18 this. It's similar to filing a complaint saying that they
19 cannot make a phone call at a specific place or that they
20 continue to drop calls. It is up to me to research that
21 information to find out what exactly is going on, what is
22 our network capability at any given location, respond back
23 to the consumer and also the governmental agency with my
24 finding and what, if anything, we can do to improve the
25 dispute.

DIRECT EXAMINATION CONTINUED OF MILBRODT BY JONES

1 Q And are these a lot of times resulting in cell
2 phone towers not working?

3 A Not necessarily not working, but what would happen
4 is that maybe the cell phone tower has a range of two and a
5 half miles and the particular address where the calls are
6 dropping is 3.2 miles. So, then, I would need to inform the
7 consumer that it is just out of the cellphone's range and
8 then I learn information from several things. We have
9 online tools that I use. I engage our tech support
10 department and the engineering department. We all come
11 together and determine what is happening. Maybe the phone
12 is out of date and needs to have an upgrade or an update to
13 its PRL, which is an acronym that means a primary roaming
14 list, et cetera. So, I engage these departments and that
15 way I can then inform the consumer and the government agency
16 what is happening.

17 Q Sorry to interpret you.

18 A No problem.

19 Q So, in order to get the right answer to the
20 government agency and consumers, you have to know how these
21 cell towers work?

22 A Absolutely.

23 Q And in order to have this information, have you
24 had to receive specialized training and education regarding
25 how cell phone towers work?

DIRECT EXAMINATION CONTINUED OF MILBRODT BY JONES

1 A Yes, ma'am. Throughout my entire 18 years, I
2 continue to receive training on our network. Our network
3 continues to evolve from 3G to 4G to LTE and to 5G. So, all
4 of that comes along with additional training to understand,
5 you know, a high overview of how the network works and in
6 some cases doesn't work.

7 Q Okay. And can you go into a little detail about
8 some of the training that was specifically related to how
9 cell phone towers work and specifically sectors of the cell
10 phone towers?

11 A Yes, I'll go -- to be your records custodian, I do
12 have to have an understanding of how the cell towers work
13 and what is a sector and how to look at my records and
14 determine to provide accurate information in trials. So, I
15 have had training, face to face with engineers. I have had
16 online training with certain, you know, I have to answer the
17 right questions that they place. I have had training with
18 our legal department on how to properly explain to a court
19 how -- what I can and cannot say. And so, I've had that.
20 Even from 18 years ago when I first answered phone calls, I
21 had to have training, which was classroom training, online
22 training, face-to-face training on how our network works, so
23 that if a customer calls me and says, Karen, my phone
24 doesn't work, I need to be able to help that customer.

25 Q So, for the past 18 years you have received

DIRECT EXAMINATION CONTINUED OF MILBRODT BY JONES

1 continuing training on all -- on most aspects of how the
2 network works, including cell phone tower analysis?

3 A Yes, ma'am.

4 Q And have you testified before the court?

5 A Yes.

6 Q Have you testified regarding how the towers
7 themselves work and different sectors of the cell phone
8 towers?

9 A Yes.

10 Q About how many times have you testified with that
11 information?

12 A Well, I have done this for probably more than
13 seven years. I'm in court at least once a week, sometimes
14 twice; so several hundred times I have testified about cell
15 towers, call detail, cell tower locations, and sector
16 locations and sector is a fairly simple explanation.

17 MS. JONES: Your Honor, I think right now that
18 would conclude her quali --

19 THE COURT: I can't hear you.

20 MS. JONES: I think right now that would conclude
21 my questions regarding just her qualifications.

22 MR. LEE: Very well. Cross examination.

23 CROSS EXAMINATION

24 BY MR. LEE

25 Q Ms. Milbrodt, how many times in court have you

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 ever, been qualified as an expert at -- in cell towers?

2 A I don't recall that I have ever been asked if I
3 have to be an expert. I come as a records custodian with
4 knowledge of the business, so, I can't remember ever -- this
5 has never happened.

6 Q Has anybody attempted to offer you as an expert?

7 A Initially, people will send -- I would say maybe
8 three or four times either the Prosecution or Defense,
9 regarding whoever asked us to appear, have asked if I will
10 testify as an expert and I will simply say, I am a person
11 with the knowledge. I do not have a college degree in
12 engineering, so, that's up to the court to determine if I'm
13 considered an expert.

14 Q If -- if a lawyer -- if the State or Defense
15 called you and got your number or whatever and said, hey,
16 Karen, I need -- I need an expert in how cell towers
17 operate, who would you refer them to, Engineering or I think
18 you said technical support?

19 THE COURT: I'm sorry, what was the last part?

20 MR. LEE: Technical support.

21 WITNESS: Neither.

22 BY MR. LEE

23 Q Neither?

24 A No, neither. I would explain that that would be,
25 you know, their burden to -- to find whoever they want to

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 qualify as an expert. It's not up to us to refer.

2 Q Okay. Are you personally familiar with any of the
3 cell towers in Jasper County?

4 A No, I have no personal knowledge other than the
5 records that we produce.

6 Q You ever driven by and seen one or gone out to
7 visit one or gone to inspect one?

8 A No, sir.

9 Q Have you physically climbed up on any cell tower?

10 A No, sir.

11 Q Do you know the topography of Jasper County,
12 particularly around cell tower 216?

13 A No, sir.

14 Q Okay. Do you know the height of the antennas on
15 216?

16 A No, sir.

17 Q Do you know the height of the actual tower?

18 A No.

19 Q Do you know the carrying capability of the towers
20 in Jasper County?

21 A I do not.

22 Q Do you know how many calls have to be on a tower
23 for it to become overloaded and shoot the call to another
24 tower?

25 A No, sir.

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 Q Do you know other things in Jasper County that may
2 be unique that may cause issues with tower reception?

3 A I do not.

4 Q Do you have any formal education in engineering?

5 A Just internal informa -- internal training
6 provided by Verizon Wireless.

7 Q Okay. And when you get a call from somebody
8 saying, hey, my call got dropped, you say you can do some
9 additional research, for example, if they're outside the
10 range of the tower, correct, you can do that?

11 A Yes, we have maps that we carry internally that I
12 can investigate.

13 Q But if it isn't kind of a -- I hate to say simple
14 issue -- you call either the engineers or the technicians,
15 right?

16 A When I get these complaints, because of the level
17 that they have come to me, even like I say, through FYCC or
18 Attorney General, I do an extensive research in order to be
19 able to provide accurate information to not only to a
20 consumer, but to agencies that require us to do so. So,
21 part of that means I do pull in other resources such as tech
22 support and our Engineering Department so that my answer is
23 accurate and truthful.

24 Q Okay. So, it sounds like you're kind of a
25 jack-of-all-trades over there. You're going to court

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 representing the company. You're doing arbitration. You're
2 doing consumer complaints. You are handling disgruntled
3 customers, I guess, resolving complaints and then you
4 also -- or you have resources that you can use if it's
5 something that is technical in nature or engineering in
6 nature, right?

7 A Yes, there is quite a lot -- there's a lot more to
8 my job than just going to court.

9 Q Certainly. These people that -- the engineers and
10 the technicians that you call frequently, would they be
11 better able to explain to -- to me or someone else
12 physically how a cell phone tower works, the ones that are
13 out there in the field? Would they be better able to answer
14 questions and be able to explain to me as a layman how these
15 things work and how the network works?

16 A I can't really answer whether they would be
17 better. Maybe I could give you a very solid overview of how
18 our network works. Sometimes, when engineers get in, they
19 overspeak it and people lose what's happening. So the word
20 "better," I can't say better or worse.

21 Q But again, those are the people you tend to rely
22 on when you have questions that can't be solved pretty
23 quickly, right?

24 A Those are the people that I engage to make sure
25 that my response to the agency is accurate. So, as far as

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 again, quickly, I want to make sure that my responses are
2 accurate and that I'm giving the consumer the best possible
3 solution that's available.

4 Q Sure.

5 MR. LEE: Beg the Court's indulgence.

6 (Pause.)

7 BY MR. LEE

8 Q You ever heard of a computer program called
9 MapPoint?

10 A No, sir.

11 Q You haven't?

12 A No.

13 Q So it's safe to say that Verizon doesn't use the
14 MapPoint program to produce sector analysis or printouts or
15 anything like that?

16 A Not to my knowledge.

17 Q You ever heard of MapPoint?

18 A I've never heard of MapPoint.

19 Q In 18 years you've never heard of it?

20 A Never heard of it, no.

21 MR. LEE: Judge, that's all the questions I have
22 for her as to this issue.

23 EXAMINATION OF THE WITNESS BY THE COURT

24 THE COURT: Ms. Milbrodt.

25 WITNESS: Yes, sir.

EXAMINATION OF THE WITNESS BY THE COURT

1 THE COURT: Tell me a little bit about your
2 educational background. Where did you -- before you
3 went to work, let's start with college, where did you
4 go to college, if any?

5 WITNESS: I -- I currently go to a community
6 college in Florida.

7 THE COURT: So you're working on your degree now?

8 WITNESS: Yes, sir.

9 THE COURT: So, you're a high school graduate?

10 WITNESS: Yes, sir.

11 THE COURT: And before you worked for Verizon, who
12 did you work for?

13 WITNESS: I drove for Pepsi-Cola. I was a truck
14 driver for Pepsi-Cola.

15 THE COURT: So did I, Ms. Milbrodt.

16 WITNESS: I have driven for Federal Express. Had
17 some restaurant jobs.

18 THE COURT: And your job description now is senior
19 analyst and records custodian; did I hear you
20 correctly?

21 WITNESS: Yes, sir, those are my titles.

22 THE COURT: All right. Now, you -- other than
23 on-the-job training where you have got the experience
24 of the job, what type of specialized training, if any,
25 have you received in the operation of cell towers while

EXAMINATION OF THE WITNESS BY THE COURT

1 you have been employed by Verizon?

2 WITNESS: There's been no specialized training
3 other than on the job.

4 THE COURT: On the job?

5 WITNESS: Yes, sir.

6 THE COURT: So, when you talk about that, you're
7 talking about the experience -- I listened to you
8 carefully, because you said, I need to know things in
9 order that my responses will be accurate. You're
10 talking about what you've learned as you've been in the
11 job for the past 18 years, sort of like on-the-job
12 training. Would that be a fair way of putting it?

13 WITNESS: Absolutely, yes, sir.

14 THE COURT: All right. Sit right there for me.

15 WITNESS: Yes, sir.

16 THE COURT: Don't move. Give me one minute,
17 Counselor. I don't need to hear any more argument at
18 this point.

19 (Whereupon, a brief pause was taken.)

20 THE COURT: All right. The issue before me is
21 whether or not this witness in a proffer is qualified
22 in the use of cell phone towers. And while I certainly
23 find that she's qualified as a records custodian, I
24 sustain the objection that she is not qualified in
25 giving opinion testimony on the use of cell phone

COLLOQUY

1 towers.

2 Now, I have already admitted 7, 8 and 9,
3 Solicitor, and that involves a predicate through
4 Ms. Milbrodt as to the text message. Do you understand
5 that or the text message?

6 MS. JONES: Yes, Your Honor.

7 THE COURT: Which is going to be admissible in the
8 trial of this case.

9 I would urge you to talk to Mr. Lee, because I'm
10 ready to bring the jury so we can go on with her.
11 Remember now, the jury has only heard a little bit of
12 her yesterday. They have not heard any of the other
13 things from her. You remember that, since sometimes
14 proffers can confuse people.

15 MS. JONES: Yes, sir.

16 THE COURT: I would urge you and Mr. Lee to take a
17 look, in light of my ruling, because I'm sustaining
18 Mr. Lee's objection on the basis of whether she's
19 qualified as an expert in the use of cell towers and
20 both of the documents you both showed me in my
21 chambers, one of which I will call a orange document,
22 which was a portion of one sector, because I perfectly
23 believe that Ms. Milbrodt has to make all sorts of
24 decisions in her job.

25 And the other was a document that showed all cell

COLLOQUY

1 phone towers from which there have been some ping, for
2 lack of a better term, involving this case. I would
3 consider, if offered, the introduction of a more
4 complete picture, which is assuming a proper predicate
5 is laid for MapPoint, which has not been laid at this
6 point for the introduction of that document. I base my
7 decision on this objection on the testimony that has
8 been proffered to me.

9 Do both of you understand my ruling? Solicitor?

10 MS. JONES: I do understand --

11 THE COURT: I don't want any more argument.

12 MS. JONES: I don't have argument. I have a
13 question, Your Honor.

14 THE COURT: Yes.

15 MS. JONES: On those documents that were admitted
16 yesterday, it does include the information as to what
17 tower --

18 THE COURT: I know it does. It has a tower
19 number.

20 MS. JONES: It has a tower number and --

21 THE COURT: And it also has the time.

22 MS. JONES: And it has the sector number as well.

23 THE COURT: Which is why I just said what I just
24 told you to talk to Mr. Lee about the documents. Do
25 you want a moment or are you ready to proceed?

COLLOQUY

1 MS. JONES: My question is the testimony from
2 Ms. Milbrodt, not for testimony from Mr. Hightower.
3 Would she be able to testify that this document as a
4 records custodian says at this time it was pinging off
5 of this tower and this sector?

6 THE COURT: Well, guess what? That would be
7 something I would have expected you to have asked her.

8 MS. JONES: That is the clarification.

9 THE COURT: All right. Talk to Mr. Lee first.
10 Counsel approach.

11 (Off-the-record discussion held.)

12 THE COURT: Ms. Milbrodt, they're never going to
13 finish with you. They like you so much, they want to
14 keep you here.

15 Without objection from counsel for the Defendant,
16 you permit her to ask an additional question concerning
17 the predicate for a document?

18 MR. LEE: Yes, sir.

19 MS. JONES: Permission to approach?

20 THE COURT: You may. Get 7, 8 and 9.

21 REDIRECT EXAMINATION

22 BY MS. JONES

23 Q I'm going to show you 7 and 8 -- State's 7 and 8,
24 which are the records providing the call logs. If you look
25 at those documents, State's 7 and 8, would you be able to

REDIRECT EXAMINATION OF MILBRODT BY JONES

1 look at this map and say that this map accurately reflects
2 the location of those towers indicated?

3 A There's one more document I would need. And this
4 is the document that we sent that has the cell tower address
5 location key. And with that I could then authenticate the
6 address corresponds with the information that we sent.

7 Q Okay. Thank you. So, no.

8 A The answer -- without that -- without the
9 supporting document I would need.

10 MS. JONES: Your Honor, based on your previous
11 ruling and her answer regarding that, we would not be
12 introducing any visual aids.

13 THE COURT: You're not going to introduce --

14 MS. JONES: I'm not going to use visual aids for
15 this. And Mr. Hightower will no longer be testifying.

16 THE COURT: Pardon?

17 MS. JONES: Mr. Hightower will no longer be
18 testifying.

19 THE COURT: Very well. All right. Are you ready
20 to proceed?

21 MS. JONES: Yes.

22 THE COURT: Bring us the jury, please.

23 (Jury enters the courtroom at 10:43 a.m.)

24 (Off-the-record discussion held.)

25 THE COURT: How long do we have?

REDIRECT EXAMINATION OF MILBRODT BY JONES

1 JUROR: We've got about an hour and a half.

2 THE COURT: I'll take care of that. I understand
3 completely. I'm diabetic.

4 JUROR: I forgot.

5 THE COURT: Counsel approach.

6 (Off-the-record discussion held.)

7 THE COURT: Mona, let the record reflect that I
8 have a situation with a juror in which he needs
9 medication. And with consent of the lawyers of both
10 parties, the juror has used the clerk's phone, called
11 his wife, who, like my wife, did not answer the
12 telephone. However, he left a voice mail message
13 asking her to bring him the medicine, which can be done
14 if she gets the message within a relatively short
15 period of time. I've advised the lawyers of that and
16 have no objection.

17 I have also advised the juror that if he begins to
18 feels ill in any way at any time, please let me know,
19 and I'll handle the situation in the event we don't
20 hear back from his wife. We have left a cell -- or a
21 telephone number for his wife to return his call to the
22 Clerk of Court of Jasper County to let them know that
23 she's going to bring the medicine.

24 In the meantime, we're going to proceed with the
25 trial of this case. However, the juror has been made

REDIRECT EXAMINATION OF MILBRODT BY JONES

1 aware if he needs assistance, he is to let me know.

2 And that is with consent of both sides.

3 (The jury enters the courtroom.)

4 All right. Counsel, this witness, ladies and
5 gentlemen, was previously sworn yesterday. She is
6 under oath and we are in direct examination of this
7 witness.

8 Thereupon,

9 KAREN MILBRODT

10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 THE COURT: You may proceed. Bearing in mind that
13 we've done some things, counsel, outside of the
14 presence of the jury which you may need to repeat.
15 Please proceed.

16 MS. JONES: Absolutely. Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MS. JONES

19 Q Ms. Milbrodt, we were talking yesterday about your
20 working at Verizon Wireless?

21 A Yes, ma'am.

22 Q And as you are working with Verizon, you respond
23 to subpoenas?

24 A We do. I do.

25 Q Okay. And were you asked to respond to some

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 subpoenas in this case?

2 A Yes.

3 MS. JONES: Permission to approach, Your Honor?

4 THE COURT: Absolutely.

5 THE COURT:

6 BY MS. JONES

7 Q Ms. Milbrodt, I am first going to hand you what
8 has been marked State's Exhibit 7 and previously admitted
9 State's Exhibit 7. Can you identify that?

10 A Yes, this is a portion of a record of what we call
11 incoming/outgoing cell phone log. So, this is a record of
12 calls made to or from a specific phone number.

13 Q Okay, And what is the phone number that that call
14 log is for?

15 A Phone number -3979.

16 Q 3979 previously testified to belong to Terrance --

17 THE COURT: Counsel, you can't talk to the board.
18 You've got to turn around.

19 THE COURT:

20 BY MS. JONES

21 Q Previously testified to belong to Terrance
22 Johnson.

23 MR. LEE: Is that I question, Your Honor?

24 THE COURT: Counsel, ask a question. Objection is
25 sustained. Don't make a statement. This is not

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 argument.

2 THE COURT:

3 BY MS. JONES

4 Q That phone, is there a -- a phone call to that
5 phone around 9:33 p.m. the night of November 12th?

6 A Can you ask your question once again just to make
7 sure I understand correctly?

8 Q Yes. Are there -- let me rephrase.

9 Are there -- is there an incoming phone call
10 to that phone number around 9:33 p.m. November 12th?

11 A Yes.

12 Q Okay. Is that call answered?

13 A Yes.

14 Q Okay. At 9:34 p.m., is there an incoming call?

15 A There is an incoming call, yes.

16 Q And is it answered?

17 A Yes.

18 Q At 9:37 p.m. is there an incoming call for that
19 phone number?

20 A There is an incoming call.

21 Q And what is the phone number from that incoming
22 call?

23 A Are you asking me what number dialed --

24 Q Yes.

25 A -- that number? Okay. The calling party number

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 is -5967.

2 Q Okay. How long does that phone call last?

3 A Twenty seconds.

4 Q And what phone tower is that call utilizing?

5 A The cell tower in use when the call began and
6 ended was 216. Hitting off of our Charleston switch.

7 Q Okay. And is there another -- on that record, is
8 there another indicator of where that -- what portion of
9 that tower the phone is utilizing?

10 A Yes. Our -- our cell towers have antennas on top
11 of them. They are known in our world as a sector and it
12 would be hitting off of sector one alpha.

13 Q After 9:37 the night of the 12th, are there any
14 more answered phone calls to that phone number?

15 A Can you ask your question once again? I just want
16 to make sure I respond factually.

17 THE COURT: Speak up.

18 WITNESS: I just want to make sure I respond
19 accurately.

20 WITNESS:

21 BY MS. JONES

22 Q For the night of November 12th, does that phone
23 number answer any more phone calls or do they go to voice
24 mail?

25 A There were a couple of calls that appear to have

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 been answered in between calls that are being forwarded to
2 voice mail. So, for example, at 2300 hours, 37 minutes, a
3 21-second phone call.

4 Q Could that have gone to voice mail?

5 A It is possible. But the record stops at that
6 time. So, yes, like -- in fact, looking at the records,
7 because these calls are identical to the phone at, let's
8 say, 2337 there's actually two, two records. One is the
9 direct -- the call and then going to voice mail. So, it
10 would be -- I would be assuming that it went to a voice mail
11 as opposed to being answered.

12 Q Okay. But you are able to tell the 9:37 was
13 answered?

14 A It is an identical time stamp of a call that was
15 forwarded to voice mail, so it is my assumption that it was
16 a call -- unanswered call that was routed to voice mail.

17 Q Okay. I want to show you now State's Exhibit 8.

18 MS. JONES: Permission to approach the witness,

19 Your Honor?

20 THE COURT: Absolutely.

21 THE COURT:

22 BY MS. JONES

23 Q Do you recognize what this is?

24 A Yes, ma'am.

25 Q And what is that?

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 A This is another incoming and outgoing call detail
2 record, different phone number, same time range.

3 Q What is the phone number?

4 A -9329.

5 Q And is that a fair and accurate copy of Verizon's
6 records for this phone number?

7 A Yes, ma'am.

8 MS. JONES: At this time State moves State's 8
9 into evidence previously admitted.

10 THE COURT: As to -- and in the presence of the
11 jury, you are also moving the introduction of 7?

12 MS. JONES: Yes, Your Honor.

13 THE COURT: As to 7 and 8, subject to your earlier
14 objection?

15 MR. LEE: Yes, sir.

16 THE COURT: Ladies and gentlemen of the jury,
17 State's Exhibit 7 and 8 will be admitted into evidence
18 in the trial of this case over objection.

19 Proceed.

20 (Previously admitted on Page 536.)

21 MS. JONES: Thank you, Your Honor.

22 BY MS. JONES

23 Q At 8:30 p.m. is there an outgoing call on those
24 records?

25 A Yes, ma'am.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 Q Okay. And what number is called?

2 A Area code -2198.

3 Q All right. At 9:37 is there a call?

4 A Yes, ma'am.

5 Q Okay. And what number is called at 9:37?

6 A -9189.

7 Q And what cell phone tower is being utilized for
8 that phone call?

9 A Cell phone tower 216 off of the Charleston switch.

10 Q Okay. And what side of the cell phone tower?

11 A Sector one alpha.

12 Q Are there -- is there an outgoing call on this
13 phone at 9:44 p.m., 9:52 p.m. and 9:56 p.m.?

14 A Yes, ma'am.

15 Q They are all outgoing calls?

16 A Yes, ma'am.

17 MS. JONES: Permission to approach?

18 THE COURT: Yes.

19 THE COURT:

20 BY MS. JONES

21 Q Ms. Milbrodt, I'm now showing you State's Exhibit
22 9. Without publishing that, can you identify that, please?

23 A I can.

24 Q What is that?

25 A This is one of a record of text message content.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 So, this is a record including -- of a text message that was
2 sent from a specific phone to another number and the actual
3 text content that was said in the message.

4 Q Okay. And is that a fair and accurate copy of
5 that text message from Verizon?

6 A Yes.

7 MS. JONES: Your Honor, at this time the State
8 moves Exhibit 9 into evidence.

9 THE COURT: As to State's 9?,

10 MR. LEE: Subject to my previous objection..

11 THE COURT: Ladies and gentlemen of the jury,
12 State's Exhibit No. 9 will be admitted into evidence in
13 the trial of this case over objection.

14 You may proceed, Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 *(Whereupon, State's Exhibit No(s). 9 marked for*
17 *identification and received in evidence.)*

18 BY MS. JONES

19 Q Ms. Milbrodt, what phone number sent that message?

20 A -9329.

21 Q At what time was this text message sent?

22 A We received the message 21:56, so 9:56 and six
23 seconds, and it was delivered to the recipient 21:56 and 11
24 seconds, so, 9:56 and 11 seconds.

25 Q Okay.

DIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 A And this date is November 12, 2014.

2 Q Thank you. What does that text message say? And
3 if you need to spell the words.

4 A Sure. Dats, D-A-T-S, done, need to Holla, capital
5 H, O-L-L-A at u, the letter "u," not spelled out.

6 Q That is it? That's the content of that text
7 message?

8 A Yes, ma'am. There's no period between the done
9 and need.

10 Q Okay. My apologies. Is that what it looks like?

11 A Yes.

12 Q Okay.

13 MS. JONES: Okay. Ms. Milbrodt, I have no further
14 questions for you at this time. Thank you.

15 WITNESS: Yes, ma'am.

16 THE COURT: Cross examination.

17 CROSS EXAMINATION

18 BY MR. LEE

19 Q Hello, Ms. Milbrodt.

20 A Hello.

21 Q Your testimony earlier said that at 23:17, which
22 is 11:17 p.m., on November 12, 2014, it appeared that there
23 was a phone call that was answered at that first number that
24 we talked about. Is that correct?

25 A Can you give me the time once again, please?

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 Q 23:17, which is 11:17 p.m.?

2 A To me, it appears as if this call was forwarded to
3 voice mail.

4 Q 'Didn't you testify earlier that it appeared that
5 it was answered?

6 A This is one of the calls that have the two time
7 stamps of a incoming call that is forwarded.

8 Q Uh-huh. (Indicating affirmatively.)

9 A So, if I said that it appears to be answered, I
10 apologize, but it is a -- like I said, there's two, two time
11 stamps, if I could show you, I --

12 Q Okay. But then you said --

13 A It is an incoming call at the same time of a
14 forwarded call, which would indicate forwarded to voice mail
15 or another number that call forwarding may be on.

16 Q I think you said that you're assuming these
17 answers as far as these calls going to voice mail. You're
18 assuming that just -- but you have no way of knowing, do
19 you?

20 A I don't know if it's forwarded to voice mail or
21 forwarded to -- the consumer has call forwarded set up on
22 his phone. But because there's an F in the directional
23 column, that would indicate it was forwarded.

24 Q Okay. That was 11:37 p.m. that night?

25 A Well, I thought you said 11:17.

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 Q Well, it's -- it's military. It says 23:17, but
2 for those not military --

3 A But now you're saying 11:37, so are you
4 speaking --

5 Q No.

6 A I just want to make sure I'm on the same call that
7 you are.

8 Q No, 11:17.

9 A Yes, 11:17 appears to be forwarded.

10 Q Okay. Okay. Now, this text message we talked
11 about, there's no way for you to look in your records and
12 know who -- who -- who typed that, is there?

13 A No, sir.

14 Q Okay. Who was it sent to?

15 A I have a phone number. It is -0776.

16 Q And whose phone number is that?

17 A Our records would not indicate the recipient of
18 that by name, just number.

19 Q Subscriber information would say that, wouldn't
20 it?

21 A If a subscriber was our customer, if this number
22 belonged to our customer and that was subpoenaed, we would
23 have subscriber information.

24 Q Okay. Did anybody subpoena that information from
25 you?

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 A I'm not aware of it. I'm not aware of any
2 subpoena for that record.

3 Q If they did it wouldn't go to you, right?

4 A It would go to someone in my office who does the
5 production, yes.

6 Q So, we don't know who typed that. We don't know
7 who it was to. And then obviously if there was any way to
8 show whether or not it was actually received on their phone?
9 I know the records don't. But is there any way to show it
10 actually showed up on their phone?

11 A Not -- not by a record that Verizon would be able
12 to produce.

13 Q The Solicitor elicited some testimony asking what
14 tower a couple of phone calls came off of; is that right?

15 A Yes, sir.

16 Q Just in general, if a tower -- if you don't know
17 the answer, don't answer it -- if a tower is overloaded for
18 some reason or not working, won't a cell phone call go to
19 the next available tower?

20 A Yes.

21 MS. JONES: Objection.

22 THE COURT: Ms. Jones? Yes, ma'am?

23 MS. JONES: Objection.

24 THE COURT: Sustained.

25 MR. LEE: All right. No further questions.

CROSS EXAMINATION OF KAREN MILBRODT BY MR. LEE

1 THE COURT: Redirect.

2 MS. JONES: Thank you, Your Honor, briefly.

3 REDIRECT EXAMINATION

4 BY MS. JONES

5 Q So, Ms. Milbrodt, I'm looking at a copy of what
6 was admitted. Do you still have your copy?

7 A Yes, ma'am.

8 Q Okay. So, when we're looking at the same records,
9 and we have all these columns, if next to the phone number,
10 an F means it was forwarded?

11 A Yes, ma'am.

12 Q Okay. So, if you look at the phone records for
13 the phone number ending in 3979 --

14 A Yes, ma'am.

15 Q -- does it appear that from 9:38 p.m. to 1:53 a.m.
16 the next morning those phone calls were forwarded?

17 A Yes, ma'am.

18 Q Every single one?

19 A Every one, yes, ma'am.

20 MS. JONES: Thank you. I have no further
21 questions, Your Honor.

22 THE COURT: Recross, limited to redirect, Counsel.

23 MR. LEE: No further questions, Your Honor?

24 THE COURT: As to this witness, Solicitor?

25 MS. JONES: She may be excused.

REDIRECT EXAMINATION OF KAREN MILBRODT BY MS. JONES

1 THE COURT: Any objection?

2 MS. JONES: No, sir.

3 THE COURT: Ms. Milbrodt, thank you. Leave my
4 exhibits with me. Just leave them right there on the
5 thing. The court reporter will take them. Thank you
6 for your patience. Thank you for your time. You are
7 excused from the trial of this case and you may leave
8 the courtroom at this time. Please travel safe.

9 WITNESS: Thank you, Your Honor. Thank you, jury.

10 THE COURT: Call your next witness.

11 MS. JONES: The State calls Dr. Erin Presnell.

12 Thereupon,

13 SUSAN ERIN PRESNELL

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE COURT: Good morning, ma'am. Watch your step.
17 Have a seat. Make yourself comfortable. Pull the
18 chair up. Adjust the microphone to your height. Get
19 your glasses. Get your file. State your full name.
20 Spell your last name for the court reporter, please.

21 WITNESS: My name is Susan Erin Presnell,
22 P-R-E-S-N-E-L-L.

23 THE COURT: Your witness, Counsel. Direct
24 examination.

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 DIRECT EXAMINATION

2 BY MS. JONES

3 Q Dr. Presnell, where do you work?

4 A I work at Medical University of South Carolina up
5 the road in Charleston.

6 Q And what do you do at MUSC?

7 A I am a forensic pathologist.

8 Q What does that mean?

9 A A forensic pathologist is a doctor that
10 specializes in pathology. And pathology is a study
11 of a disease. So, forensic pathology is a subspecialty of
12 that where, say, we are not looking at a tissue or biopsy
13 that your clinician would remove from a patient, but, we are
14 looking at the entire person that passed. That process
15 being the autopsy. We are looking for disease, but we also
16 evaluate trauma. And through that whole process, we are
17 ultimately coming up with a cause and manner of death.

18 Q How long have you been a pathologist?

19 A I've been a fingerprint pathologist board
20 certified since 1999.

21 Q Did you have to receive specialized education and
22 training to become a board certified pathologist?

23 A Yes, I went to college at Clemson, then medical
24 school at MUSC. Actually, I just stated at MUSC. After
25 that school I did my pathology training called residency at

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 MUSC and then an additional year, subspecialty in forensics,
2 and along the way I took an exam to have a medical
3 license -- a license to practice medicine in South Carolina
4 and general pathology as well as forensic pathology
5 subspecialty boards.

6 MS. JONES: Your Honor, at this time the State
7 moves Dr. Presnell in as an expert in forensic
8 pathology.

9 THE COURT: Any objection to her qualifications?

10 MR. LEE: No objection.

11 THE COURT: Ladies and gentlemen of the jury,
12 recalling my earlier instruction to you concerning
13 expert testimony, the witness is qualified without
14 objection in the field of forensic pathology.

15 You may proceed, Solicitor..

16 MS. JONES: Thank you, Your Honor.

17 BY MS. JONES

18 Q Dr. Presnell, did you have an opportunity to
19 perform an autopsy on Terrance Johnson?

20 A Yes. I did an autopsy on Mr. Johnson November 14,
21 2014, at MUSC.

22 Q Okay. How old was Mr. Johnson?

23 A He was 32 years old.

24 Q And how tall was Mr. Johnson?

25 A Let's see. He was six -- he was 70 inches, which

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 is 5, 10.

2 Q Okay. Thank you. What happens when you first
3 begin an autopsy?

4 A Well, the process of an autopsy pretty much
5 follows standards with certain ancillary study, depending on
6 what time the death is. So, what we will do is we will
7 receive a case referred to us by a coroner. We will do an
8 external exam, documentation, photographs as well and then
9 do a complete external exam, looking at, again, any kind of
10 disease, but also trauma.

11 Then, after that, we will do a complete
12 internal exam. We look at and remove all of the organs and
13 dissect them and then we also draw blood and urine for
14 toxicology. We may take sections of tissue that we may need
15 to look at under the microscope. It just depends on the
16 type of case, and then we put all of that information
17 together in a final autopsy report.

18 Q Did Mr. Johnson in this case have visible wounds
19 when he came to you?

20 A Yes, he did.

21 Q And what types of wounds were those?

22 A Well, he was shot and he had a couple of abrasions
23 or scrapes, but the predominant injuries were five gunshot
24 wounds to his body.

25 Q Okay. Were you asked to assist in a visualization

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 for this court?

2 A Yes.

3 Q And would that help aid your testimony?

4 A Yes, it would.

5 MS. JONES: Your Honor, I would ask Dr. Presnell
6 to step down from the stand.

7 THE COURT: Okay. Hold on a second. Margaret
8 is out of the courtroom. I need to get a portable
9 mike. Thank you.

10 You may come around to view anything that the jury
11 is going to be shown.

12 Now, hold on a second, Counsel. Step back, if you
13 would, please, sir.

14 Counsel approach.

15 (Off-the-record discussion held.)

16 BY MS. JONES

17 Q Prior to your testimony were you asked to place
18 these rods in?

19 A Yes.

20 Q Okay. And you actually put these in?

21 A Except for the one on the top that was supervised.

22 Q Okay. Okay. If you could go one by one, what
23 they are?

24 A Just in general. He had five gunshot wounds to
25 his body. Three were on the right and two were on the left.

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 And when we go through these, I'll talk about first, second,
2 third, fourth. It is not necessarily the order that he
3 received them in, but it is the way that we approached them.

4 So, one is to his right forearm. The
5 entrance wound is on the back of the right forearm and it
6 exits on the side, the inner side of his forearm. So it's
7 moving from his right to his left, in that direction.

8 And then he has two to the right side of the
9 chest. One enters in -- right at the top of the right
10 chest. It grazes the heart on the way through his body to
11 actually exit on the left side of his body. So, this is the
12 direction of the shot to the right upper chest.

13 The other one on the right side of the body
14 is also to the right of the mid chest. This time it is in,
15 goes through the heart, through the left lung and into the
16 right -- or the left armpit area where we retrieved the
17 bullet. Three to the right.

18 He also has the two to the left. One is
19 through to the left side of the abdomen. It goes in through
20 the intestines, through to the bladder and is to the right
21 buttock area where we retrieved the bullet.

22 The other, the fifth one, is to the right --
23 the left thigh. It goes through some soft tissue, soft
24 tissue of the thigh, and is also to the right buttock area.
25 So, the two on the left are going from his left over to the

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 right buttock area. The three to the right are going --
2 one's actually going downward, and the rest is going upward,
3 but both to the left.

4 Q Thank you, Dr. Presnell.

5 Dr. Presnell, these gunshot wounds, would any
6 of these be immediately fatal?

7 A Well, the one actually -- one skims the heart, and
8 the other one goes through to the heart. Yes, that would
9 be -- number three up there, that would not necessarily be
10 immediately fatal, but fatal with -- within minutes, perhaps
11 seconds.

12 Q Okay. After receiving these sort of wounds, would
13 a person be able to still move?

14 A For a short period of time, yes.

15 Q Okay. But they still would have movement in their
16 body?

17 A They -- they could. I mean, some -- some may not
18 but there's that potential, yes.

19 Q Okay. Does one's adrenaline start kicking in
20 during, say, when they're shot?

21 A It's called a fight -- fight-or-flight reaction,
22 and so, yes, it would.

23 Q Okay. During your autopsy of Mr. Johnson, did you
24 also find a large quantity of blood within his chest cavity?

25 A Yes, there was 1.4 liters, almost a liter and a

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 half in the left chest cavity. That's coming from the
2 gunshot wound labeled three over there that went through the
3 heart and the left lung.

4 Q Thank you. Sorry to interrupt you.

5 So, the majority of Mr. Johnson's blood loss
6 stayed internally?

7 A I don't know what was at the scene, but there was
8 a substantial amount inside.

9 Q Okay. How long does it take for the brain not
10 receiving oxygen to be declared dead?

11 A Well, so that general idea is when somebody's
12 heart stops or stops breathing is to resuscitate them and
13 get their oxygenation back within four minutes, and that is
14 just a soft number really, but in any case within four
15 minutes of not having oxygen to the brain, that brain
16 would -- death would occur.

17 Q And in these four minutes is when this adrenaline
18 could kick in?

19 A Yes.

20 Q Okay. A couple more questions.

21 Dr. Presnell, what was Mr. Johnson's cause of
22 death?

23 A I labeled the cause of death as gunshot
24 wounds to the torso and that the ones to the extremities
25 were contributory.

DIRECT EXAMINATION OF SUSAN ERIN PRESNELL BY MS.
JONES

1 Q And what was Mr. Johnson's manner of death?

2 A Homicide, meaning for us as a medical -- medical
3 sense, a death at the hands of another.

4 MS. JONES: I have no further questions for
5 Dr. Presnell.

6 THE COURT: Cross examination.

7 CROSS EXAMINATION

8 BY MR. LEE

9 Q There's no way for you to tell who shot somebody?

10 A No.

11 Q Or exactly when?

12 A No.

13 Q And I think that I understand the -- but
14 essentially, there's three coming from this side, bullets
15 going in this way and two coming this way?

16 A Correct.

17 Q Okay.

18 A Although, I will say that the one to the right
19 firearm, that may have been a separate gunshot wound or it
20 may have been in the path of one of the others.

21 Q Are you talking about this right here?

22 A Yes.

23 Q Okay. But then there's one coming this way, it
24 goes into the abdomen and one into possibly the leg is then
25 one that way?

CROSS EXAMINATION OF SUSAN ERIN PRESNELL BY MR. LEE

1 A Correct, two from the left to the right in the
2 torso and two -- two from the right to the left.

3 MR. LEE: That's all I have, Your Honor.

4 THE COURT: Redirect.

5 MS. JONES: None, Your Honor.

6 THE COURT: As to this witness?

7 MS. JONES: She may be excused.

8 THE COURT: Any objection?

9 MR. LEE: No, sir.

10 THE COURT: Ma'am, you're excused from the trial
11 of this case. Drive carefully.

12 WITNESS: Thank you.

13 THE COURT: Call your next witness.

14 MS. JONES: Your Honor, at this time, the State
15 rests.

16 THE COURT: Very well.

17 Madam foreperson, ladies and gentlemen of the
18 jury, I am going to ask you to step to the jury room.
19 We have gotten in touch, sir, with your wife.
20 Hopefully, she's on the way, Margaret.

21 THE CLERK: It should be shortly. She will be
22 leaving shortly.

23 THE COURT: She will be here shortly. So I'm
24 taking a break. Please don't discuss the case. I'll
25 be back with you just as soon as I can.

CROSS EXAMINATION OF SUSAN ERIN PRESNELL BY MR. LEE

1 (Jury exits the courtroom.)

2 THE COURT: Are there any matters of law that I
3 need to take up from the Defendant at this time since
- 4 the State has rested?

5 MR. LEE: Yes, sir, briefly. At this time I would
6 renew all of my previous motions that I've made. My
7 recollection would be simply the motion to exclude
8 Robin Simmons' testimony about the Defendant's alleged
9 possession of a gun. And we argued, I won't rehash it,
10 but you ruled against me on that, and Robin Simmons was
11 allowed to testify that she saw Mr. Hopkins earlier at
12 some point with a gun. So, I renew that -- that
13 motion.

14 I also would renew my motion to exclude the phone
15 records, particularly the text message that
16 Ms. Milbrodt just testified to for the reason we argued
17 yesterday for the exclusion of that. So, I would renew
18 those motions, any other motions that I made previously
19 which you ruled against us.

20 I also would make motion for directed verdict on
21 the issue of -- on the charge of murder under Rule 19
22 of Rules of Criminal Procedure in that the State has
23 failed to produce evidence establishing each and every
24 element of murder. They have raised a -- I guess,
25 speculation, but it is our position that they have not

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 THE COURT: Is the Defendant ready to proceed?

2 MR. LEE: Yes, Your Honor.

3 THE COURT: Bring us the jury, please, ma'am.

4 (Jury entered the courtroom.)

5 THE COURT: Madam foreperson, ladies and gentlemen
6 of the jury, you have heard the evidence in this case
7 from the State of South Carolina. We will now hear
8 from the Defendant.

9 Mr. Lee, you may call your first witness.

10 MR. LEE: Your Honor, at this time, the Defense
11 rests.

12 THE COURT: Very well. Ladies and gentlemen of
13 the jury, you have heard all of the evidence in this
14 case. You will now hear the closing arguments of the
15 attorneys followed by my charge to you on the law in
16 this case. I ask that you give the attorneys your
17 careful consideration.

18 Solicitor.

19 MS. JONES: Thank you, Your Honor.

20 A scam artist, that's what Antoine Drake is, a
21 trickster, scam artist. If a scam artist is going to
22 murder somebody, are they going to leave behind
23 marijuana? It is certainly worth something. Are they
24 going to leave behind a pocket full of cash? No. A
25 scam artist, somebody who lives off of other people's

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 money is not going to do that. Cash money, marijuana
2 worth money. He's a lot of things, trickster, cocaine
3 user, but Antoine Drake is not a murderer.

4 Rohaime Hopkins, on the other hand, had the means,
5 the motive, and the opportunity. He was the only
6 suspect from day one. Not Antoine Drake. Here is how
7 we know this.

8 Two weeks before T.J. is killed, Daytron Simmons
9 over here, that man right there, Rohaime Hopkins, not
10 Antoine Drake say, I'm waiting on them boys to sign the
11 contract. I'm waiting on them boys to sign the
12 contract. He means Trey Graves. And you heard who
13 Trey Graves is. Trey Graves was a big time drug dealer
14 in Jasper County. Not any more. He's serving a
15 28-year Federal prison sentence. Trey learned that
16 Terrance Johnson was a snitch and Trey, what he said
17 was snitches are not tolerated. So, Trey called -- he
18 called a hit. He called a 15,000-dollar hit. That is
19 the hit that that man right there is referencing when
20 he says it in front of Daytron Simmons while looking at
21 Terrance Johnson. Rohaime needs his opportunity. He
22 has the motive and mode he needs to opportunity.

23 And you've heard both from Antoine Drake and Byron
24 Singleton to confirm this, that Rohaime tried to do it
25 earlier. He tried to kill T.J. earlier than the 12th,

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 but he got a phone call and whoever he was on the phone
2 call with, he said, I'm with Rohaime. Rohaime's cover
3 is blown. He can't do it then. So, he waits.

4 The time came on November 12th. Now,
5 November 12th, he knew that was the day. That was the
6 day that he was going to kill T.J. He goes to his
7 family gathering, T.J.'s fiancée, and is T.J.'s
8 fiancée's family. They had just lost their
9 grandmother. He knows T.J. is going to be there and
10 with him he brings his handgun, his pistol. He has it
11 in his hip. You heard Robin Simmons testify to that.

12 Now, Robin Simmons got on that witness stand. You
13 saw her. You saw she was nervous. She didn't really
14 want to be here. And something she said was real
15 important. Rohaime Hopkins is family. She didn't want
16 to be up here testifying against her family. But she
17 did, and she told you the truth. She told you that he
18 had that gun on his hip that day.

19 She also told you that that afternoon, that man,
20 the Defendant, Kevin insisted, take me to Roseland.
21 Take me to Roseland. Take me to Roseland. He didn't
22 ask anybody else to take him. He insisted T.J. take
23 him and he insisted T.J. take him alone. She also said
24 that she heard him say to the Defendant, say, he has to
25 go make a play, and I asked her a little bit about what

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 that meant. She said for weed. Well, there is the
2 marijuana that they were selling. They were selling
3 marijuana that day. Here it is right here, or what is
4 left of it.

5 And you heard this from Robin Simmons, who we have
6 no reason not to believe, and we heard it from Byron
7 Singleton who said, yes, Rohaime told me that they had
8 been selling weed all day long. Well, there it is and
9 they go to Tutu's house that afternoon, that night at
10 8:30.

11 Now, Robin is not the only person that
12 overheard the Defendant insist that T.J. take him to
13 Roseland. Antoine told you that, and we'll get to
14 Antoine later. Don't worry.

15 Daytron also said that. He heard it too. He
16 said, man, if you don't want to take him, don't take
17 him. T.J. took him.

18 Now, I want to get back to Rohaime. The Defense
19 made a big deal, a big to-do about Rohaime changing to
20 black. Yes, he did. He changed to black shirt, black
21 pants, black shoes and black hat. He knew that he was
22 going into the woods. He knew he was going to have to
23 walk out, and he knew he was going to have to remain
24 hidden. He changed into all black clothes.

25 They want you to think that there's no way that he

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 could keep a gun in the side of those pants. Well, you
2 know what, if he wanted that gun, he was going to have
3 it. Those pants had pockets and those pants had ample
4 places for him to put that gun. If he wanted that gun
5 he was going to have it on him. He did. Not only does
6 he have that gun, but he takes T.J. He makes T.J. go
7 to his home turf, nobody else's. This is his turf.

8 This is the map of Roseland that y'all were shown.
9 This is the dirt road where T.J. was killed. This
10 Shardaja, Tutu. And you know who lives here, whose
11 house that is? That is the Defendant's house. That is
12 where Rohaime Hopkins lives. He knew that he had
13 somewhere to go on foot.

14 He knew that he could shoot T.J. in his car, get
15 him on that secluded dirt road, shoot him in his car
16 and walk away. He knew that people -- people shoot
17 guns in Roseland. You heard Mr. Kesselring say that.
18 You heard Shardaja talk about that. Because that night
19 you heard them say they heard the shots. They didn't
20 think nothing of it. What they also said was these
21 were all of the gunshots that they heard that time.
22 Between 9:00 and 10:00 that night they hear five to six
23 gunshots. He knew that he could fire that gun and
24 nobody would say a thing. Nobody would come outside.
25 He could shoot him and walk away as if nothing ever

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 happened. And that is exactly what he did.

2 Now, Antoine Drake, he doesn't live over here.

3 None of those are his houses. He is not from Roseland.

4 He doesn't live here. What's his one connection to

5 Roseland? Tutu. You saw her. You met her yesterday.

6 You also learned that Antoine Drake is currently in

7 jail on a domestic violence charge against Tutu. She's

8 not even covering for him on a domestic violence

9 charge. You think that she's going to cover for him on
10 a murder charge? No.

11 Tutu starts asking, she is -- she is at the scene.

12 because she lives so close to the scene. She starts

13 asking about a soda bottle. She's not concerned about

14 the soda bottle because it's Antwain's soda bottle.

15 You remember the pictures. This is a Mountain Dew

16 bottle on the passenger seat of T.J.'s car. You

17 remember her testimony. She got on that stand. She

18 didn't remember anything. You probably remember that.

19 So, I did ask her very specifically what she had

20 told the police. That is when Lieutenant Harley got on

21 the stand and he testified as to what she told him.

22 She's asking about the fingerprints on a soda bottle.

23 Because the Defendant has gone into her house and got a

24 soda bottle and he was concerned about it because it

25 came out of her house when the Defendant got it.

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 Now, Antoine Drake, I told you that we would talk
2 about him again. Antoine Drake had an alibi that
3 night. We know he had nothing to do with this murder
4 because other people placed him at other areas in the
5 county. He was at Simmons Hill after T.J. and the
6 Defendant left.

7 He then goes way across town, about a 10- or
8 15-minute drive, to Wagon Branch to his girlfriend's
9 house, where he stayed until about midnight or so. We
10 know that it's at least until after 11:14 that night.
11 Because that's when the text message comes through from
12 Javare saying that Javare is going to come pick him up,
13 and then they go to the club and they are there until
14 early morning hours and he comes back to Simmons Hill
15 and essentially passes out. He's woken up the next
16 morning with the news that T.J. is dead.

17 Antoine Drake is not in Roseland when T.J. was
18 shot and killed. T.J. was not shot and killed at 9:30
19 that night. Later on, I'll tell you how I know it was
20 9:37. But he was not in Ridgeland. He was a 10-minute
21 or 15-minute drive away in Wagon Branch with
22 Shaquandulynn, but she told you that. Judge her
23 credibility, judge her demeanor. She has no reason to
24 lie to you. She's telling you the truth.

25 Then, we have this problem of Trey Graves and the

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 club. Antoine Drake, going up to Trey Graves and
2 taking credit for this murder. If I could pick my
3 witnesses, things would be different; but when you deal
4 with drug dealers, and murder for hire, and deal with
5 cocaine users, that is what you get. Other cocaine
6 users. Other drug dealers.

7 And do I wish that Antoine didn't do that? Of
8 course. But he had. And he told you the reason that
9 he went to Trey Graves is because he wanted to find out
10 the truth, if Rohaime really did it, and he did because
11 Antoine didn't get paid that day. He got a drink. And
12 Trey told him, Hopkins did it and he did it alone and
13 he's already been paid. That statement came straight
14 from the mouth of the man who ordered the hit on T.J.

15 Now, we talked about Antwain's alibi. Now I want
16 to talk about Rohaime, Mr. Hopkins' alibi. Well, he
17 gave a written statement to the police. And in this
18 written statement, he says, T.J. took me to get clothes
19 from Roseland about 6:00 p.m. and that took about 20
20 minutes. Then he dropped me off at Janeika's house,
21 Defendant which was around 6:30 or 7. And Janeika
22 dropped me off around 11:30 to 11:45 at Baytree
23 Apartments. I did not go back to Simmons Hill anymore
24 that day.

25 And then, he left Simmons Hill at 6:30 to 7:00 or

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 6:00 and he was done with Simmons Hill and he never
2 went back. Well, we know that's not true because Robin
3 took them back there. Trey Daytron Simmons and Antoine
4 Drake puts him back there. He wasn't going back and
5 forth from the Dupont's to Simmonsville. No. He
6 wasn't at the Simmons at 6:30 or 7:00 that night.
7 Nobody puts him there but himself. Nobody was there.
8 Rohaime was not there. At 6:30 to 7:00 he's still in
9 Simmons Hill at the gathering enjoying himself waiting
10 for the opportunity to get T.J. alone.

11 When Michael Taylor is picked up at 9:00 from his
12 job and taken back home, Rohaime Hopkins is not there.
13 From his written statement it reads as if he says he
14 was. He is lying. This is a lie. He was not at the
15 Taylor's house, at Janeika Dupont's house. He wasn't
16 there. He needed an alibi and that is the first place
17 that came to mind. Michael Taylor was adamant he was
18 not there after work. He didn't get there until
19 Michael was next door and when he came home about 20
20 minutes later, that is when Rohaime was there. He does
21 come to Dupont's, to Janeika Dupont's house, though,
22 about 10:00. It is not 6:30 or 7:00.

23 And when he gets there, what does he do? Well,
24 that is the new information that we all learned
25 yesterday on the witness stand. He burns his clothes.

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 Now, he already asked for bleach from Tutu and she
2 wouldn't tell you that that's what he asked for. We
3 had to get Lieutenant Harley to tell you that that's
4 what he asked for. It wasn't to clean his clothes and
5 whatnot. That's what the Defendant wants you to think.

6 He knew that he had evidence on his hand and he
7 needed to get rid of it. The best way he could think
8 was bleach. And now he's taking care of his clothes.
9 He didn't tell anybody that, two and a half years ago
10 after this happened. He didn't tell anybody that. He
11 tells it yesterday and he said that it took him over
12 and over and over for him to remember every detail.
13 That makes sense. At the time he didn't think anything
14 of it. He had a few drinks. He didn't think anything
15 of it. It makes sense now, why did Rohaime burn his
16 clothes. It makes total sense now.

17 We have Byron Singleton. Byron Singleton is a
18 confessed murderer. You saw him in shackles in his
19 jail garb. You saw him yesterday on that stand and you
20 heard him say, I'm guilty. I'm guilty of my crime.
21 I'm guilty. And he is guilty and he is going to prison
22 for a very long time. And he is in jail as a murderer
23 in Charleston County. He is from Jasper County.

24 Well, he meets a man in jail, the only other
25 inmate from Jasper County, another murderer, Rohaime

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 Hopkins. So, a friendship emerges. They start talking
2 and they essentially become roommates in the same pod
3 together and over a few months they are close. And it
4 is during this time that Rohaime confides in Byron with
5 what happened. Byron got on that stand and told you
6 specifics about the crime that nobody could have known
7 but the killer.

8 And now the Defense wants you to think that he got
9 that information from Antoine Drake on that short bus
10 ride between jails. He didn't get that information
11 then. There's no way that somebody is going to confess
12 a murder to a stranger on a bus ride surrounded by the
13 jail transport people, other inmates. It is just not
14 going to happen. You tell that kind of information to
15 somebody you trust, somebody who you gained a
16 friendship with, somebody that you know was also in
17 jail on the same thing that you are, not a stranger on
18 a bus.

19 So, how do we know Byron is telling the truth?
20 Well, he knows things that he shouldn't know. He knows
21 that T.J. was killed in Roseland. Byron is from
22 Hardeeville. He doesn't know anything about Ridgeland.
23 He doesn't know anything about this area. He knows
24 that T.J. was killed in Roseland on a dirt road. He
25 knows also that someone very important lives nearby.

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 He told you that's why he did it there because that's
2 where Rohaime's mom lives. He is right. Right here.
3 Right at the end of the road. How else would he know
4 this? He wouldn't know this. He got that information
5 from Rohaime Hopkins. He knew about the 15,000-dollar
6 hit, and he knew that the hit was for T.J. being a
7 snitch. The only other time that we hear this
8 information is from that man right there when he says
9 it when Daytron overhears it. No other person ever
10 says that. That is how we know Byron is telling the
11 truth.

12 He also knew that T.J. was shot inside of his car.
13 Now, you saw the pictures. T.J. was found outside of
14 the car and inside of that car were shell casings and
15 you heard testimony from Suzanne Cromer, the expert of
16 firearms from SLED, who talked to you a little bit
17 about handguns and how semiautomatic guns eject shell
18 casings. And even though we don't have a gun in this
19 case, we can't tell you exact patterns, but they eject.
20 We know that it was a semiautomatic, they eject. And
21 we know that we found shell casings. They are inside
22 the car.

23 Now, they are inside the car because T.J. was shot
24 inside the car. Now somebody coming up on that scene
25 wouldn't know that. That is not information that the

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 public or onlooker would know. That is something that
2 the killer would know. T.J.'s body was outside of that
3 car but he was shot inside.

4 And Dr. Presnell came up and told you that three
5 of his wounds were right to left. And when Rohaime
6 Hopkins was in that passenger's seat, he held that gun
7 across his chest and fired. He hit him here. He hit
8 him here, and he hit him here before T.J. can react.
9 T.J. reacted. You heard Dr. Presnell say that your
10 adrenaline kicks in. You have four minutes until
11 oxygen is no longer available. You have four minutes
12 to react and he reacts.

13 And you hear Byron say, he kind of bowed up. He
14 kind of turned. Well, he turned all right. He turned
15 and those are the other two shots. You also heard
16 Byron say that he tried to get the gun. He did try to
17 get the gun. You heard about fight or flight. T.J. is
18 in shock. His adrenaline is pumping and he goes after
19 that gun. And we see that with the blood smears in the
20 car. It's on the back passenger's seat, on the back of
21 the seat. It is on the front. There's droplets in the
22 middle. He went across those seats and he went out
23 that passenger door after the man who was shooting him.
24 How do we know that he didn't get out of his door? It
25 was never opened. Because when crime scene got there,

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 they opened that door, shell casing fell down.

2 He was shot inside that car by Rohaime Hopkins who
3 was sitting in the passenger's seat and T.J. went after
4 him. But T.J. was dying. But T.J. let us know that he
5 was still moving when he got out of that car, because
6 if you look at this picture you can see where his hand
7 was moving in that dirt because he's slowly losing his
8 life.

9 Now, we talked about how Dr. Presnell's testimony
10 lines up with what Byron told you. Lines up with the
11 locations of the shell cases. But we also have the
12 Defendant's handprint, palm print on the car, on T.J.'s
13 car, and he says that he was in the car earlier. He
14 said that because he knew that his palm print,
15 fingerprint, DNA was going to be left behind. He's
16 covering his tracks.

17 And you also have, more importantly, the five
18 cigarette butts. Cigarette butts in that car. No
19 other cigarette butts in that car. They are from that
20 night. They are from the victim's DNA and the
21 Defendant's. They belong to two people and they belong
22 to the last two people in that car. They belong to
23 T.J. who was shot and killed and the man who killed
24 him.

25 Now, when I first said to you, I told you about

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 the people who would be testifying and how most of
2 them, they don't want to be here. They don't want to
3 cooperate. They certainly don't want to get on that
4 witness stand and confront a murderer. Now, I want you
5 to ask yourself why. Why don't these people want to
6 cooperate? Why would you -- you know something about a
7 murder case, you cooperate; you testify; you tell the
8 truth.

9 Think about it. T.J. was killed for being a
10 snitch. There's no way that those people are going to
11 get up on that stand on their own accord and testify
12 against a man who was hired to kill a snitch. What are
13 they doing up there now? They have now turned
14 themselves. They're snitches. They are terrified.
15 They are scared. They don't want to be here. We had
16 to force him to be here. You heard me ask if I had to
17 subpoena them. They're testifying in this entire case
18 against a hired hit man. Of course they're scared. Of
19 course they are not cooperating.

20 One of them, for example, Tutu, I think that she
21 was the most obvious that she didn't want to be here.
22 She was very defiant from her walk in the courtroom.
23 You can just tell that woman didn't want to be here.
24 But remember what Lieutenant Harley told us. She
25 didn't want to talk to them at the scene and she kept

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 motioning to some woman. She kept motioning over
2 there. Who did Lieutenant Harley tell you that she was
3 motioning to? The Defendant's mother.

4 Why on earth would she be scared to talk to a
5 police officer in front of the Defendant's mother?
6 There's only one reason, because she's about to give
7 the police information that her son committed the
8 murder that they are investigating. Of course she's
9 scared. She won't even talk to them at a later date in
10 Jasper County. She meets them in Walterboro at their
11 secure office, brings her mother with her. She's
12 terrified. She was defiant on that witness stand, but
13 she's scared.

14 And finally we have the cell phone records. We
15 know this is Terrance Johnson -- this was his phone
16 number, -3979. Angel told you that was his
17 phone number. We know that at 9:37 p.m. he gets a call
18 from Angel. She testified that was her phone number.
19 Here are the phone numbers. We know that it lasted 20
20 seconds and we also know that Angel told you that
21 around 9:30. She heard a scuffle and her and T.J. got
22 disconnected and she called back, over and over and
23 over with no answers. All of these Fs next to the
24 phone number starting at 9:38, 21:38, all went to voice
25 mail because T.J. is no longer alive to answer his

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 phone.

2 What else do we know? We know that at 9:37 the
3 last phone call he answers, he is pinging or utilizing
4 or hitting off of cell phone tower 216 and the one
5 alpha is the side of the tower that he's hitting off
6 of. Sector one alpha.

7 We also know Rohaime has phone records. This is
8 Rohaime's phone number. Agent Johnson told us this.
9 We know that at 8:30, he calls Tutu. That is Tutu's
10 number. She testified to it. Shaun Harley testified
11 to it. Now, he wants you to -- Rohaime wants you to
12 think that his little drug deal with Tutu was earlier.
13 It was at 8:30. It was at 8:30, right before he killed
14 T.J. We know that at 9:37, he calls another number and
15 ironically at 9:37 he is pinging off of the same tower.
16 Not only the same tower as T.J., but the same side of
17 the tower as T.J. They are together and they are alone
18 when Rohaime murders T.J.

19 And finally, we have the text message sent from
20 Rohaime's phone. We all know who it is sent to. We
21 don't know who it was sent to. But we know it came
22 from Rohaime's phone, the phone number he gave Richard
23 Johnson as his phone number. It's sent 19 minutes
24 after T.J. is killed and what did it say? Dats done,
25 need to Holla at u. Dats done. Dats done. I need my

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 money. I need to talk to you. Dats done. Nineteen
2 minutes. People don't even know T.J. is dead yet
3 before that man wants his money.

4 We know, between 6:30 and 7:00, Rohaime is not at
5 the Dupont house. We knew that at 8:30 he calls Tutu.
6 We know that around 9:15 to 9:30, they go to Tutu's
7 house alone. And we know that at 9:37 they are using
8 the same cell phone tower, the same side of the cell
9 phone tower, and they are using their phones. We know
10 that at 9:37 he disconnected from the phone. And after
11 9:37, he doesn't place calls. He doesn't text.
12 Because he's dead.

13 We know that about 9:40 or so, Rohaime is back at
14 Tutu's house on foot. We know he's on foot because she
15 doesn't see a car and we also know that he's on foot
16 because, if you remember Justin Kesselring, he said, I
17 heard the shots, looked out the window, but I didn't
18 see the car headlights. There's no car. There's no
19 headlights because the car that Rohaime was in was
20 T.J.'s car.

21 We know that between 9:44 and 9:56 Rohaime is at
22 Tutu's house making those phone calls, looking for a
23 ride. And then we know, that at 10:00, give or take,
24 Rohaime Hopkins is finally dropped off at Shaquina
25 Hopkins' house. It is not 6:30 or 7:00.

EXAMINATION OF ROHAIME JAMAR HOPKINS BY BY THE COURT

1 Rohaime Hopkins is guilty of the murder of
2 Terrance Johnson. No one else. Simplify it. All
3 signs point to him. He said that he was going to do
4 it. He waited for his opportunity. He got T.J. alone.
5 He did it in his home area where he can walk away, and
6 he shot him inside his car. And then he bragged about
7 it. He bragged about it to Byron Singleton and when
8 it's all said and done, all Rohaime wanted to do is get
9 paid. Dats done, need to Holla at u. Because, like I
10 said, from day one, Terrance Johnson was worth more to
11 Rohaime Hopkins dead than he was alive.

12 THE COURT: Mr. Lee.

13 CLOSING ARGUMENTS BY MR. LEE

14 MR. LEE: Yes, Your Honor. May it please the
15 Court, Ms. Jones, Mr. Hollen land.

16 Sorry, I don't want to trip over anything.

17 When we started 48 hours ago, it seems like a lot
18 longer than that we have been together, we started 48
19 hours ago, I came in front of you and I started talking
20 about Sherlock Holmes, and I got some real quizzical
21 looks on your face. And -- and what I said was this
22 story about the -- about the dogs barking and I told
23 you what is most important in finding the truth is not
24 what you see or hear, but what you don't see and you
25 don't hear. And I told you how that related to this

CLOSING ARGUMENTS BY MR. LEE

1 case.

2 And I think it's safe to say that a lot of what --
3 there is a lot of things that you didn't see and you
4 didn't hear from the State. The State with all of its
5 resources, you heard about the SLED resources, the law
6 enforcement resources, the -- everything. Subpoena
7 power, search warrant power, everything. You heard
8 about that, but what did you not hear about?

9 Well, I could -- the list could go on forever and
10 I'm sure that I'm going to forth something and I hope
11 that each of you jurors when you go back to the jury
12 room, say, if you will -- it's all about reasonable
13 doubt. Let's be talking about some reasonable doubts
14 we have and see if we can resolve them. And if we have
15 reasonable doubt, then obviously the correct verdict is
16 not guilty. So, I would encourage you when you go back
17 to start talking about some reasonable doubts.

18 So, so, let's start talking about some. Well, the
19 place to start in this case, clearly, the Hollywood,
20 Antoine Drake. Because, if you think about it,
21 everything goes through Hollywood. There is a
22 Hollywood filter on everything. And you know, why he's
23 named Hollywood, I can only speculate. Think about
24 Hollywood. Hollywood is a lot different than Jasper
25 County. Hollywood is the land of airbrush, plastic

CLOSING ARGUMENTS BY MR. LEE

1 surgery, special effects, smoke and mirrors. And we
2 know what comes out of Hollywood and it's not reality.
3 The whole place is not reality.

4 Hollywood Drake is not reality, if that's his last
5 name. You know, he lied about his last name trying to
6 scam a cop. He is not about reality. He can't be. He
7 admits that he can't be believed. He admits scamming.
8 I mean, he tried to scam the officer, gave him the
9 wrong name. He -- I would suggest, did a heck of a
10 scam job on Agent Johnson, which we'll talk about. I
11 mean who -- who is it, who is it in this court has an
12 active sentence waiting on him who says, hey, I'll talk
13 to you but you can't run me into jail on my active
14 warrant. Okay. That takes some -- takes some doing,
15 some real doing.

16 And there's even testimony that Detective Wright
17 saw him and said, hey, man, you know, you're wanted but
18 I'm not going to take you in. And that guy is the
19 entire foundation of the State's case. And if you
20 don't believe him, without question, without
21 hesitation, you cannot convict my client because
22 everything goes through Drake.

23 We know that he -- also when he lied to the -- he
24 lied to the cop when he had his cocaine charge, but he
25 didn't show up for court. But it didn't really matter

CLOSING ARGUMENTS BY MR. LEE

1 because the cops weren't going to run it. He was
2 supposed to turn himself in. He got caught again in
3 December, six weeks after this happened, with what? A
4 gun. What kind of gun was it? They don't know. Same
5 gun that was used to kill Terrance Johnson? We don't
6 know.

7 How would that have been examined? The SLED agent
8 or somebody, SLED agent would say, hey, this guy has
9 been -- we have been talking in this case. Antoine
10 Drake got arrested in Jasper County, the same place
11 where this murder happened with a gun. I could run --
12 they could run his name. And then they see that he's
13 arrested with a gun, wouldn't it have been nice to say,
14 why don't we go down there and see what gun was seized
15 from Hollywood six weeks later, and maybe that's the
16 murder weapon. He didn't do it.

17 To whom much is given, much is expected. Is that
18 expecting too much? I don't think so. Could that have
19 led to the solving of this case early on? Possibly,
20 but we don't know. The State wants you to ignore that,
21 among other things. They have got excuses. They don't
22 have reasons; they have excuses.

23 So then, Drake, when he gets in jail, he says,
24 well, I have some information on some other case. So,
25 he gets moved to Orangeburg. So, he's -- he's hanging

CLOSING ARGUMENTS BY MR. LEE

1 out at Orangeburg Detention Center and, I guess his
2 lucky day -- well, let's back up before he got
3 arrested.

4 A week after this happened, what happened? Well,
5 I was at Club Pluto, the strip club where they go until
6 4:00 in the morning, I guess. I was at Club Pluto and
7 I saw Trey Graves, and I scammed -- I tried to get
8 money off of him. Well, essentially, we look at -- I
9 mean, he's got a reason -- he's got an excuse for
10 everything. He's got an excuse for that.

11 Maybe somebody heard him. Maybe he was worried
12 about somebody saying, hey, we were all in the club
13 drinking, Rimmy and Martin, and Drake came in and
14 told -- told Trey Graves, hey, I did it. Where is my
15 money? He knew somebody might have heard that, but so
16 he has got to fix that. The scammer has got to fix
17 that. So his story is, man, I was just scamming him.
18 I was just trying to find out on my own, investigate
19 this murder, to find out whether Hopkins really did it
20 or not. He's got an answer for everything.

21 You know what else he's got an answer for? He has
22 got an answer for being at Michael Taylor's house --
23 I'm sorry, Phil Simmons' house, who was not called by
24 the Solicitor, even though in my opening I said, that
25 would be a really good witness. I hope they call him.

CLOSING ARGUMENTS BY MR. LEE

1 Although we got -- I got it in through one of the
2 officers.

3 Phil Simmons' house the day after the shooting,
4 Phil Simmons is there. Hollywood is there and a guy
5 named Anthony Singleton, who they didn't bother to put
6 on the stand either. Drake's story. Hollywood's
7 story. Yes, Singleton showed up with a black gun, and
8 he tried to sell it to me for -- for 250. I looked at
9 it and I handled it and I decided I didn't want it. So
10 I -- so then, of course, I wiped my fingerprints off of
11 it. Well, he's got a reason why about that. Why is he
12 saying that? Maybe because he knew Phil Simmons saw
13 him cleaning a gun, a -- described as a 9 millimeter
14 with two magazines gun the day after in his yard. Phil
15 Simmons saw that. Drake, the next day is cleaning a
16 9 -- cleaning his prints off of a 9 millimeter pistol.
17 What does Phil Simmons have -- he doesn't have any --
18 any -- any skin in the game. He doesn't have a dog in
19 the fight. And they -- they said that. They got up
20 there. So, Drake has an answer for that as well. But
21 everything comes back to him.

22 Oh, something else. Drake and T.J. two weeks
23 before this get in a fight. Of course, he said, oh, it
24 is just a dispute. Well, I don't have a lot of -- I
25 don't know a lot of disputes where knives are pulled.

CLOSING ARGUMENTS BY MR. LEE

1 And then Michael Taylor says, oh, there was a gun too.
2 Well, we don't -- who had a gun? So, they are at the
3 point where they are having a knife fight two weeks
4 before and possibly a gun involved. We don't know
5 because I think Taylor was -- was not in his right mind
6 or whatever, however he described that.

7 They have a -- they're having a knife fight two
8 weeks before. So, we know that Drake doesn't like T.J.
9 We know that. And the Solicitor just said, Antoine
10 Drake, Hollywood, was not a murderer. He's a scam
11 artist or shyster, whatever she said, but he's not a
12 murderer.

13 Because remember, the Solicitor, her entire case
14 is based on these witnesses that came in here and I
15 challenge you, other than the guy that made the 911
16 call, I challenge you to name one witness, other than
17 law enforcement, who you trust. Who, if they, if they
18 can -- if they applied for a baby sitter job, you'd
19 trust them. If they were trying to sell you something,
20 you'd trust them. Not a single one of those clowns
21 they put up on the stand.

22 And that's their evidence in a murder case. That
23 is their proof beyond a reasonable doubt. That's how
24 they get their time line. That's how they get their
25 theory about everything. It doesn't -- it doesn't add

CLOSING ARGUMENTS BY MR. LEE

1 up because it all comes through Drake. She said --
2 he's a -- he's a shyster and he's a scam artist and
3 everything, but he's not a murderer. Antoine Drake, I
4 guess, is just a loveable guy who just, you know, who
5 is out to help investigate and just be a good dude.
6 Antoine Drake, no murderer, good guy.

7 (Playing audio.)

8 MR. LEE: Why would Antoine Drake come in here? I
9 mean, you know, why would he come here and testify and
10 put himself up to, you know, to the scrutiny of the
11 Court and be a snitch and all that kind of stuff? Why
12 would he do that? That doesn't make any sense. Not --
13 not -- not Hollywood. Not Hollywood. Hollywood had
14 truth and justice and civic duty on his mind.

15 (Playing audio.)

16 MR. LEE: There's -- there's a bunch of different
17 ways to get people gone and what you're seeing here
18 is -- is what. None of it's true. Solicitor made a
19 big argument about, well, Byron Singleton, he's --
20 he's, you know, he's up in Charleston. Rohaime's up in
21 Charleston. They strike up a friendship. And -- and
22 according to Singleton, Rohaime -- who hadn't even been
23 charged with this by the way. Hadn't been charged with
24 anything until sometime in March.

25 Rohaime -- this guy is so convincing and so, you

CLOSING ARGUMENTS BY MR. LEE

1 know, Dr. Phil or -- he gets him to open up to admit to
2 a -- to a murder of his best friend who he'd been with
3 all day, who tons of people had seen them together.
4 It's his best friend. Everybody had seen them. And --
5 oh, he -- he -- he said it before. He said he's going
6 to kill the guy. He is going to do it right by his
7 house. Nobody is that dumb if they plan something.

8 And so, Singleton -- well, Singleton -- I wrote it
9 down. Singleton knew about Roseland, about a dirt
10 road, about Rohaime's mom lives down there. There was
11 15,000-dollar hit, that T.J. was a snitch, and he was
12 shot inside the car. And her reason why that's true is
13 because only the murderer could have known that
14 information and given it to Singleton. Well, I agree
15 with a lot of that but that doesn't prove that Rohaime
16 gave it to him. It proves that either somebody who did
17 it or knew an awful lot about it gave the information
18 to Singleton.

19 Where does it all come back to? Hollywood. And
20 remember, you talked -- we heard from Singleton. He
21 told his story. He did his little song and dance. He
22 says he's hoping to get help. He's got kids at home.
23 And he's hoping it's going to be a lot lesser charge.
24 He's really hoping, hoping, hoping to get some help.
25 Well, obviously, he is. When he finished testifying,

CLOSING ARGUMENTS BY MR. LEE

1 what did the Solicitor not tell you not to ask him?
2 What did he not volunteer about this statement? What
3 you don't see and you don't hear.

4 He said nothing about that bus ride with Antoine
5 Drake that happened six days before he talked to Agent
6 Johnson. Sure was lucky he knew Agent Johnson was the
7 guy to call. The one who's yucking it up with Antoine
8 Drake. But who's laughing it up about being a scam
9 artist, who isn't arresting him on a bench warrant.
10 The Solicitor seems to think that it doesn't make sense
11 because Antoine Drake -- Antoine Drake didn't confess
12 to Singleton.

13 So just, you know, it doesn't -- it doesn't make
14 any sense. Antoine Drake -- he didn't confess on a bus
15 with all of these people around to Singleton. That
16 isn't the point. Antoine Drake did not confess.
17 Antoine Drake who had already talked to the cops, who
18 already had the heat on him, who was already blaming
19 Rohaime Hopkins who couldn't stand the you-know-who and
20 wants to kill him and just wants him gone, by a stroke
21 of luck, I think, runs into Byron Singleton. They
22 start talking whatever. Hey, man, who are you up in
23 Charleston with? Rohaime Hopkins, you know, he's from
24 Ridgeland.

25 The scam artist starts working his magic. Hey,

CLOSING ARGUMENTS BY MR. LEE

1 man, I have already talked to the cops about an
2 unsolved murder and they're still putting heat on me.
3 This is Hollywood talking. They're still putting heat
4 on me. I need -- I just want him gone. We know that
5 he said that because it is on the tape.

6 Other than their people, based on what people who
7 we don't trust say. We've got it, his voice.
8 Singleton, you can help me out and I can help you out.
9 That's what scam artists do, isn't it? Here is what I
10 can do. You can help me, and I can help you. Here is
11 how you can help me, Singleton. I'll give you
12 information about an unsolved murder. And guess what,
13 we can blame Hopkins, and here is all the information
14 that you need, that I happen to know. It happened in
15 Roseland. It was for a hit. It was a snitch. It was
16 near Rohaime Hopkins' mom and all the stuff that he
17 said only a killer would know. I will give you that
18 information, Singleton. I know you're in trouble on a
19 murder charge. You call Agent Johnson, my buddy here,
20 and just tell him that you need to talk to him. He'll
21 talk to you and they will help you because, guess what,
22 they'll help you out.

23 I have dealt with the Solicitor's Office before.
24 They've done plenty of favors for me. They changed a
25 sealed sentence from three years in prison to

CLOSING ARGUMENTS BY MR. LEE

1 probation. They did -- dismissing a gun charge. It
2 all works out. Everybody wins.

3 That is -- not that we have to prove anything.
4 I'm not here to prove -- can't prove anything. But
5 that makes so much more sense than the tortured time
6 line that they rely on that is based beyond people
7 who -- I don't know of anybody out at that party wasn't
8 drunk and high and everything else. Nobody could
9 figure out any times. Nobody. You can't rely on any
10 of that stuff.

11 What the problem -- and the State's version and it
12 starts from the beginning and the Solicitor said he
13 goes, Rohaime Hopkins, subject from -- suspect from day
14 one. Isn't that the approach that they took, the
15 State, the investigators? They came with a theory and
16 they started putting their facts into it.

17 What you're supposed to do is take all of the
18 facts, investigate them fully, follow-up on things and
19 then you get all of your facts and then you come up
20 with a theory that is consistent with all of the facts
21 that you have developed, and you have done a fair
22 investigation and you have talked to people. You have
23 been skeptical about some things because getting a
24 theory and then having to put the facts in it is like
25 the toy, that thank goodness we threw out the other

CLOSING ARGUMENTS BY MR. LEE

1 day, because my four year old is too old for it. He
2 had this game, and he was try -- if you try to put a
3 round peg into a square with a hammer, it ain't going
4 to work. And that's exactly what they're trying to do.
5 It just -- they think the harder they hit it, the more
6 it's going to appeal to you and show up.

7 Let's talk about somebody else. Tutu.
8 Hollywood's girlfriend. They have a child with her,
9 has another one on the way. They're living together.
10 Yes, they had a domestic violence but they're living
11 together. When he gets his domestic violence charge
12 earlier this year, they search -- they go to arrest
13 him. What do they find? A 9 millimeter pistol. Where
14 is that? That's the same caliber that T.J. was shot
15 with. Yup, did you look into that? No. It doesn't
16 matter.

17 Well, okay, well, then let's get back to Tutu.
18 Tutu who's on the scene the next morning asking
19 questions about a soda bottle. Asking for Drake,
20 probably, or maybe herself. Who knows? But she's
21 there. Of course, she's high and everything else too.
22 So, yeah, I'm tweaking, you know, how much we can pay
23 attention to that.

24 Let's talk about the investigation. And I have
25 great respect for law enforcement. I deal with them

CLOSING ARGUMENTS BY MR. LEE

1 all of the time. Some of my best friends are law
2 enforcement. But when you get to this point when
3 you're in front of the jury and the State is asking you
4 to do a very, very difficult thing, which is return a
5 guilty verdict, particularly on a case like this. You
6 deserve and you should demand a lot more than what you
7 saw and what you got.

8 And it's not asking too much to do some of the
9 things that I had to point out that didn't come off the
10 stand, the things that you didn't see and didn't hear.
11 Because we put tremendous faith and power in the hands
12 of law enforcement. But we also are entitled to
13 something in return, and that is respect and that is
14 them doing a fair, impartial, unbalanced -- balanced
15 job. To whom much is given, much is expected.

16 But when you focus in on one thing and ignore
17 everything else, it's like a horse running with
18 blinders on going straight down the track, can't see
19 anything else. And that's the problem, a huge problem.
20 Stuff that causes reasonable doubt that causes you to
21 hesitate to act.

22 Two requests from the DNA lab, which arguably the
23 best evidence out there, two requests from the DNA lab,
24 please send Antoine Drake's DNA to us. Nope. Ignored
25 it. Cellphones, you have heard all of these cell phone

CLOSING ARGUMENTS BY MR. LEE

1 records and I'm not sure of the significance of them.
2 Cell phone records, cell towers, they -- he knew --
3 Agent Johnson knew Drake's, Hollywood's, phone number
4 when he talked to him on December 9th. He gave him the
5 phone number, December 9th, 2014.

6 Now, two and a half years later, has that -- have
7 the cell phone records ever been asked for or received
8 by SLED? No. For Antoine Drake. Come on. Who is he
9 talking to? Who is he texting? Where is his cell
10 tower, whatever that means, pinging off of? I don't
11 know how many cell towers they got in Ridgeland. I
12 never get good phone service here because, you know, if
13 you go through some areas, it's just like in Beaufort
14 County, you just lose. And so, who knows what cell
15 tower things are going off of. Well, we will never
16 know what Antoine Drake's was because they didn't
17 bother to go get it, and that's not asking -- that's
18 not asking too much. Not in a case like this.

19 Never followed up with a gun that was -- that
20 he -- that Drake was found with. Never followed up on
21 a 9 millimeter.

22 Never followed up about the -- the fight, the
23 knife fight two weeks before, showing motive. You want
24 to talk about motive? You had a knife fight with some
25 guy two weeks before. And he -- Drake certainly has

CLOSING ARGUMENTS BY MR. LEE

1 motive against Rohaime Hopkins. You don't use that
2 kind of language. You don't talk like that unless you
3 are serious.

4 And they're talking about, well, one of these guys
5 who didn't really want to be here, who we are -- they
6 are apologizing for the quality of their witnesses,
7 that guy, who also went to Club Pluto till 4:30 that
8 night, that guy said Hopkins told him two weeks ago,
9 I'm gonna -- I want to kill that guy. That is their
10 proof. We -- us, who have no burden of proof
11 whatsoever; we could sit there and be quiet. But we
12 didn't. Our proof about whether somebody is a threat
13 or threatened somebody is his own words, that he
14 admitted are his.

15 So, take -- look at the two. I mean, arguably,
16 there's a lot more, a lot more evidence against Antoine
17 Drake than there is anybody else, and he was completely
18 ignored from the get-go even though he knew he was a
19 scam artist and that is what is so crazy. Somebody
20 tells you that you're a scam artist and he still scams
21 you. He scammed police. SLED. Didn't get arrested
22 from two of them. He has scammed the Solicitor's
23 Office, getting these sweetheart deals, getting charges
24 dismissed. But you know where scamming stops and it's
25 no longer funny? And this -- because, again, this guy,

CLOSING ARGUMENTS BY MR. LEE

1 no job, no car, no money. He even said that's how I
2 make a living is scamming. That's fine, Hollywood.
3 Hollywood is fine if you like watching movies and you
4 know what it is. But Hollywood and games and scamming
5 have no place in this court, not in a case like this.

6 And y'all should be ticked off as jurors. You
7 have an oath to uphold. We have all got better things
8 to do. You ought to be ticked off that this is what's
9 put in your lap as an excuse for a case asking you to
10 do one of the most difficult things in the world, and
11 that is to find someone guilty of murder. You know,
12 that's not fair.

13 And they had -- they have all of the resources.
14 We saw doctors and chemists and fingerprints and
15 bullets and everything else, experts, and they have
16 access to all of that and they want to ignore the scam
17 artist. But you know what, the scamming stops right
18 here. It has to. Because Byron Singleton is going to
19 get his wish. He's going to be a winner. He's going
20 to get his wish for a reduced sentence so he can go see
21 his kids. And who's blaming him? If somebody gave me
22 an option like that, who's -- I mean, Byron Singleton,
23 he's doing what a lot of people would do, taking
24 advantage of an opportunity. The problem is that he's
25 lying about it. But he's got kids at home. He wants

CLOSING ARGUMENTS BY MR. LEE

1 to do it. So good luck to Byron. He's a winner.

2 Antoine Drake surely is a winner. He hasn't been
3 charged. He's gotten his charges dis -- a couple of
4 charges dismissed. He's gotten his sentence reduced
5 from three years to probation, and he's out walking
6 around, free as can be, scamming -- scamming whoever is
7 coming next.

8 You know, it's easy to talk about winners. You
9 know when South Carolina, we have been lucky. Clemson
10 won the National Football Championship. The men's
11 basketball team of Carolina got to the Final Four. The
12 women won the National Championship. So it's easy for
13 us to -- to kind of talk about winners. And sometimes
14 when you're in court, you need to think about, well,
15 who's going to be a winner and who will be the losers
16 based on what our verdict is.

17 So, I can tell you, me, and Ms. Jones, and
18 Mr. Hollen, Special Agent Johnson and Judge, when this
19 case is over, we're going to go do what we usually do,
20 try cases and whatever else, and the Judge is going to
21 have court next week somewhere else. And we're going
22 to do -- because this is what we do. But this isn't
23 what y'all do all the time. When y'all get out of
24 here, you can go back to your normal lives and
25 everything else, thank goodness.

CLOSING ARGUMENTS BY MR. LEE

1 But what you're going to have to think about is --
2 what you have to think about is how am I going to feel
3 about my verdict later on? Because I can tell you, if
4 the jury gets it wrong and it convicts somebody and
5 it's wrong, it doesn't get overturned. I mean, we --
6 we can technically do an appeal but it has to be a
7 mistake that the Judge made as a matter of law. You
8 can't appeal that a -- that a jury got something wrong.

9 So, what y'all do is going to have a lasting,
10 lasting effect on Mr. Hopkins. You know, you need to
11 feel good about it. There's no going back or there is
12 no saying I changed my mind. And that's why the
13 standard is so high that the State has to prove a case
14 beyond a reasonable doubt which is a type of doubt that
15 causes you to hesitate to act when making one of life's
16 important decisions.

17 I'm sure I've left out a lot of stuff and I would
18 ask that y'all think about the stuff that -- first of
19 all, text, Dats done, need to Hollar at u. We don't
20 know who that is to. We don't know what it means. We
21 don't know even who wrote it. But I would suggest to
22 you that kind of sounds like somebody might have just
23 sold somebody a little bit of weed or bought some.
24 Dats done.

25 And they want to say, oh, this is a great

CLOSING ARGUMENTS BY MR. LEE

1 admission that Hopkins either completed the contract --
2 which by the way the testimony of their witness said,
3 Hopkins was waiting for them -- for them boys to sign
4 the contract. I -- I wasn't aware that you had to sign
5 a hit contract. I mean, maybe you need to sign it so
6 that it if you go -- if you guys go to court -- I'm
7 being sarcastic. But you need to take it to court, and
8 say, well, he didn't live up to his end of the
9 contract. I have a signed contract right here. That
10 doesn't make any sense him saying that. It doesn't
11 make any sense at all.

12 So, in closing, let me tell you a couple of
13 things. Number one, reasonable doubt is the type of
14 doubt that causes a reasonable person to hesitate to
15 act. Let me walk you through something. You're
16 sitting in your house, go to a door, and who is there.
17 Hello, my name is Antoine Drake, otherwise known as
18 Hollywood. I'm a scam artist. I threaten people. I,
19 you know, but no one wants to know. He goes, let me
20 tell you what. Let me tell you the truth. I have this
21 great investment opportunity where I can double,
22 triple, maybe quadruple your money. Knowing what you
23 know about Antoine Drake, how much money are you going
24 to give him? Not a dime. Because why, because you
25 don't trust him and because you hesitate to act. I

CLOSING ARGUMENTS BY MR. LEE

1 understand that you may hesitate, you just met me.

2 Tutu, come on over here. So, she walks up to the
3 door. Hey, this is my -- this is my friend, Tutu.
4 And, you know what you know about Tutu. Tutu, tell
5 them what a great deal. Oh, it is a great deal. You
6 can trust me and you can trust Hollywood. How much
7 money are you going to give this great investment
8 opportunity? For this deal. Zero. Why? Because you
9 hesitate to act.

10 But the scam, he says, hey, this will do it. Hey,
11 Byron Singleton, come on over here. Byron, tell them
12 what a great investment opportunity. Oh, yeah, yeah,
13 we do. And Byron knows some things that people don't
14 normally know. So you can trust them. How much money
15 are you going to give those three clowns sitting at
16 your door? Not a penny. If you can't give them a
17 penny, how can you use their testimony to convict
18 somebody beyond a reasonable doubt? You can't. The
19 only verdict that upholds your oath is a verdict of not
20 guilty.

21 And the last thing I'll say is, this weekend my
22 four year old son loves to help me mow the grass and he
23 has a little plastic, push-along lawn mower that blows
24 bubbles out. So, I'm mowing the grass this Saturday
25 and he's pushing his little lawn mower behind me well

CLOSING ARGUMENTS BY MR. LEE

1 back and this grasshopper is going everywhere. He
2 loves to get them.

3 So, he's well behind me and he keeps grabbing
4 these grasshoppers. And he runs up to me, and I had to
5 shut the lawn mower off. He goes, Daddy, Daddy, Daddy,
6 guess what I got? Guess what I got. Guess what's in
7 my hand. A grasshopper. He says, Yeah, a grasshopper.

8 So he does that about three or four or five times.
9 You have to act kind of surprised, but I know he's
10 always got a grasshopper. So the last time he comes up
11 to me, and he's like, Daddy, Daddy, Daddy, guess what,
12 guess what I have in my hand. A grasshopper. And he
13 goes, Yes, but is it dead or is it alive? And I stood
14 back for a second and I said, Carter, the life of that
15 grasshopper is in your hands and he looked at it and,
16 of course, it was alive. But I told him that. I said,
17 Carter, the life of that grasshopper is in your hands.
18 So too, ladies and gentlemen, my client's life in your
19 hands. Thank you.

20 THE COURT: Solicitor.

21 MS. JONES: When y'all come out of that door with
22 your verdict, when that happens there are no winners in
23 this courtroom. Regardless of what the paper says,
24 T.J. is never coming home.

25 This case is not about Antoine Drake. I put

CLOSING ARGUMENTS BY MR. LEE

1 Antoine Drake on that witness stand because he had
2 information you deserved to know. You deserved to know
3 that Rohaime Hopkins said, I'm going to kill him. You
4 deserved to know there was the last -- that Rohaime
5 Hopkins was the last person with T.J. You deserved to
6 know that Rohaime Hopkins insisted they go alone to
7 Roseland. That's why I put him up there.

8 But it's not just Antoine. Other people
9 corroborated that: Robin Simmons, Daytron Simmons,
10 Janeika Dupont and Michael Taylor refute the alibi
11 given by Rohaime Hopkins.

12 Tutu doesn't want to cooperate. You saw her.
13 Defiant is the best word I can think of for her. But
14 her phone records are what we have that corroborate
15 what she initially told Shaun Harley. What she did not
16 want to tell you -- why didn't she want to tell you?
17 Because that man right there, a hired hit man is
18 staring her in the face while she testifies against
19 him. She's not going to tell you the truth.

20 So, we rely on her phone records. At 8:30 p.m.
21 that man calls her. Him and T.J. go to her house alone
22 in T.J.'s car. They are there for a little while.
23 They hang out. He goes inside. He gets a drink. They
24 leave in T.J.'s car. A few minutes later he comes back
25 on foot. That man right here. Not Antoine Drake.

CLOSING ARGUMENTS BY MR. LEE

1 Antoine Drake doesn't come back on foot because Antoine
2 Drake is across town in Wagon Branch with Shaquandulynn
3 Chaneyfield. And she told you that.

4 The reason Antoine Drake is not a suspect is
5 because he had an alibi. Because he didn't kill T.J.
6 That man did. He got him alone. He had a gun on him.
7 He took him to his home turf and shot him in his own
8 car.

9 Byron Singleton. You may be thinking the only
10 reason Byron got on that witness stand and that's what
11 he said is because he's looking for number one. He's
12 watching out for himself, nobody else. He doesn't care
13 about T.J. or anything. He just cares about getting
14 home to his kids. Maybe. Maybe so. He doesn't care
15 about anything else.

16 Why not just say, Hollywood told me this story?
17 Why blame it on somebody else? Because he didn't get
18 the information from Antoine Drake. He got the
19 information from the man who pulled the trigger. The
20 man who knows he shot T.J. in the car. The man who did
21 it. The hit man who was waiting on that contract.
22 That contract that only two people referenced, Byron
23 Singleton and this individual. Just think about that.
24 If Byron Singleton is looking out for himself, why
25 leave Antoine Drake out of the picture as the person