

 ORIGINAL

VOLUME I OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable G. Thomas Cooper, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TYRONE LORENZA ROBINSON,

APPELLANT

APPELLATE CASE NO. 2017-002233

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #4 (C.D. DASH CAM) AND
STATE’S EXHIBIT #6 (C.D. OFFICER CONANT INTERVIEW)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF BEAUFORT	)	DOCKET NO. 2012-GS-07-1935
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TYRONE ROBINSON	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

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

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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PROCEEDINGS

THE COURT: Ladies and gentlemen thank you for your patience throughout the morning and we're now ready to get to the issue of the jury qualification for the first case to be tried. Mr. Solicitor, is the State ready to proceed?

MR. STONE: The State is ready, Your Honor.

THE COURT: Mr. Bax, is the defense ready to proceed?

MR. BAX: Yes, Your Honor.

THE COURT: Thank you. Mr. Solicitor, you can call your case.

MR. STONE: Your Honor, indictment 2012-GS-07-1935 charging the defendant Tyrone Robinson with the offense of Murder. I'll hand that indictment up to you.

[Whereupon, Mr. Stone provides documents to the court]

THE COURT: Thank you. Ladies and gentlemen as you have heard the Solicitor has called the case of the State versus Tyrone Robinson. Mr. Robinson has been indicted by the grand jury of Beaufort County and charged with the crime of Murder. The indictment alleges that here in Beaufort County on or about September the 1st of 2012 while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully,

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1 unlawfully, and with malice aforethought cause the victim
2 [REDACTED] Minor to be shot and killed in the area of
3 Marshland Drive and Allen Road on Hilton Head Island and
4 that [REDACTED] Minor did die in Beaufort County as a
5 proximate result thereof on September the 1st 2012 in
6 violation of the law.

7 Now ladies and gentlemen the indictment which I have
8 just read to you is not evidence nor is it proof of the
9 charges that it contains. It is a charging document; a
10 legal document that tells you or me or anybody else who
11 reads it what this case is all about. So to the charges
12 contained in this indictment Mr. Robinson has pled not
13 guilty and has asked for a jury trial at your hands. Mr.
14 Robinson, will you please stand and face the jury?

15 [Whereupon, the defendant stands]

16 THE COURT: Thank you. You can be seated.
17
18
19
20
21
22
23
24
25

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1 THE COURT: Ladies and gentlemen I need to know if
2 any of you all are related by blood or connected by
3 marriage to Mr. Tyrone Robinson; that is are you kin to
4 him, or are you a friend of his or a business associate
5 of his, or a casual acquaintance of his, or a person who
6 has any direct or indirect contact with Mr. Robinson. If
7 so would you please stand?

8 [Whereupon, no one stands]

9 THE COURT: Thank you. According to the indictment
10 the victim in this case was [Minor]. I need to
11 know if any of you all are related by blood or connected
12 by marriage to [Minor]; that is are you kin to
13 him or are you a friend of his, a business associate, a
14 casual acquaintance or a person who has any direct or
15 indirect contact with [Minor] who I understand
16 was nine years of age at the time.

17 MR. STONE: Eight, Your Honor.

18 THE COURT: Any connection with the alleged victim
19 if so, please stand.

20 [Whereupon, no one stands]

21 THE COURT: Thank you. Ladies and gentlemen the
22 potential witnesses who may testify in the trial of this
23 case I'm going to read a list to you and I'm going to ask
24 you the same questions about these potential witnesses
25 that I've asked you about the parties; that is I want to

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1 know if you are kin to them or if you friends of theirs,
2 business associates, casual acquaintances or people who
3 have any direct or indirect contact with any of these
4 potential witnesses. I'll break the list up into two
5 parts because it's rather lengthy and if I read it all at
6 one time you may not be able to remember at the end of
7 the list whether you knew somebody at the first; at least
8 I wouldn't but you might.

9 Potential witnesses who may testify in the trial of
10 this case are Charlese Mitchell, Tyrone Delaney,
11 Dominique Griffin, Bennie Lee Hamilton, Martin Thomas of
12 the Beaufort County Sheriff's office, Wendy Conant of the
13 Sheriff's office, Ebony Campbell, Jontu Singleton,
14 Brittany Brinson, Melanie Smith from the Sheriff's
15 Office, Zachary Taylor from Beaufort County EMS, Doug
16 Seifert from the Sheriff's Office, John Adams from the
17 Sheriff's Office, Laurel Albertin from the Sheriff's
18 Office, Bob Bromage from the Sheriff's Office, Brandon
19 Cooler from the Sheriff's Office, James Padgett from the
20 Sheriff's Office, Derrick Nelson from the Sheriff's
21 Office, Jeff Moran from the Sheriff's Office, Jennifer
22 Snyder from the Sheriff's Office.

23 Anybody out there related by blood or connected by
24 marriage to any of those potential witnesses, or friends,
25 business associates, casual acquaintances or people who

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1 have any direct or indirect contact with any of those
2 potential witnesses if so please stand.

3 [Whereupon, individuals stand]

4 THE COURT: Someone right here on the front. Your
5 name and number please sir?

6 MR. DUNNING: Ben Dunning.

7 THE COURT: Mr. Dunning?

8 MR. DUNNING: Number 125.

9 THE COURT: Thank you Mr. Dunning. Tell me about
10 the association and connection. Who is it with?

11 MR. DUNNING: Brandon Cooler.

12 THE COURT: And what's the nature of that
13 association?

14 MR. DUNNING: We had an employee -- he took to jail
15 --

16 THE COURT: I'm sorry?

17 MR. DUNNING: We had an employee who was arrested by
18 him.

19 THE COURT: I see. All right.

20 MR. DUNNING: So we had a long investigation with
21 him.

22 THE COURT: Okay. Would that association Mr.
23 Dunning that you've just described make it difficult for
24 you to be fair and impartial as a juror in the trial in
25 this case in which he might testify?

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1 MR. DUNNING: I don't see how it would make a
2 difference.

3 THE COURT: Okay. Let me ask you another way.
4 Would you be able to put that relationship aside and
5 decide this case based on the evidence that you would
6 hear without regard to that relationship?

7 MR. DUNNING: I don't know him very well. He came
8 and arrested a guy who was stealing money from us.

9 THE COURT: I understand. The question that I need
10 to know is whether or not that relationship would make it
11 difficult for you to be fair and impartial?

12 MR. DUNNING: No.

13 THE COURT: You can set that aside okay.

14 MR. DUNNING: Yes.

15 THE COURT: Thank you Mr. Dunning. I appreciate
16 that. Yes sir, your name and number please?

17 MR. GRAVES: Robert Graves, 167. Brandon Cooler is
18 my cousin.

19 THE COURT: All right. Mr. Graves what sort of
20 cousin; first, second, third?

21 MR. GRAVES: Second.

22 THE COURT: Second cousin? All right. Would that
23 association make it difficult for you to be fair and
24 impartial in the trial of this particular case in which
25 he might testify?

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1 MR. GRAVES: I don't think so.

2 THE COURT: Would you be able to not worry about
3 your family relationship with him regardless of how you
4 would decide this case?

5 MR. GRAVES: No, sir.

6 THE COURT: You could set that association aside
7 then and decide this case based on the evidence?

8 MR. GRAVES: Yes, sir.

9 THE COURT: And will you do that please, sir?

10 MR. GRAVES: Yes.

11 THE COURT: Thank you, Mr. Graves. Yes sir, your
12 name and number please?

13 MR. OLANDER: Timothy Olander, 311.

14 THE COURT: Mr. Olander, who is the association
15 with please?

16 MR. OLANDER: There are several. Zachary Taylor,
17 he's actually an employee for Hilton Head Island Fire and
18 Rescue and I also work for Hilton Head Island Fire and
19 Rescue. And several of the deputies you mentioned I've
20 crossed paths with on different scenes, different paths.

21 THE COURT: And what connection have these paths
22 crossed with yours Mr. Olander?

23 MR. OLANDER: Just calls we've worked on, different
24 scenes as a paramedic and a firefighter.

25 THE COURT: That's what you do?

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1 MR. OLANDER: Yes.

2 THE COURT: Good. Thank you, Mr. Olander. Would
3 those associations you've just described to me since as
4 you say your paths cross with them from time to time
5 because what you do and what they do you come in contact
6 with them. Would any of those associations individually
7 or all of them collectively make it difficult for you to
8 be fair and impartial as a juror in this trial?

9 MR. OLANDER: No.

10 THE COURT: Could you set aside those associations
11 and decide this case based on the evidence that you hear
12 in the court without regard to those associations?

13 MR. OLANDER: Yes, sir.

14 THE COURT: Would you do that please sir?

15 MR. OLANDER: Yes, sir.

16 THE COURT: Thank you Mr. Olander. Other potential
17 witnesses who may testify in the trial of this case are
18 Doctor Lee Marie Tormos from the Medical University, Illa
19 Simmons from SLED, Dan DeFreese from SLED, Roger Heaton
20 from the 14th Circuit Solicitor's office, Mary Beth
21 Hefner, Patrick Young, Earnest Bryant, Cedric Campbell,
22 Melvin Campbell, Larry Forrest, Aaron Young, Sr., Aaron
23 Young, Jr., P.J. Tanner from the Sheriff's Office, Kelly
24 Fite, Tyrone Robinson. Are any of y'all related by
25 marriage -- blood or marriage; that is kin to those folks

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1 or friends, casual acquaintances, business associates or
2 people who have any direct or indirect contact with any
3 of those potential witnesses if so please stand.

4 [Whereupon, individuals stand]

5 THE COURT: Yes ma'am, your name and number please?

6 MS. JOLLEY: Kelly Jolley, 232. Sheriff Tanner was
7 a witness on a case that I had at one point, Your Honor.

8 THE COURT: And Ms. Jolley, tell me what you do?

9 MS. JOLLEY: I'm a litigator, Your Honor, sole
10 litigator.

11 THE COURT: I'm sorry; I haven't had a chance to
12 work with you. Would your involvement with Sheriff
13 Tanner in that connection that you just described to me
14 make it difficult for you to be fair and impartial as a
15 juror in this case?

16 MS. JOLLEY: No, Your Honor.

17 THE COURT: Could you set aside that association
18 and decide this case based on the evidence you hear in
19 court without regard to that?

20 MS. JOLLEY: Yes.

21 THE COURT: Would you do that please, ma'am?

22 MS. JOLLEY: Yes, Your Honor.

23 THE COURT: Thank you, Ms. Jolley. Yes ma'am, your
24 name and number please?

25 MS. HUGHES: Mary Hughes, 209.

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1 THE COURT: Ms. Hughes, tell me about the
2 association please?

3 MS. HUGHES: Well, I'm not real sure that I know Bob
4 and I wasn't sure when you first said his name if that
5 was his last name or not.

6 THE COURT: Who is that?

7 MR. STONE: Captain Bob Bromage who is sitting
8 beside me, Your Honor.

9 THE COURT: Okay. That's who we're talking about.

10 MS. HUGHES: Yes.

11 THE COURT: Okay. What's the association with
12 Captain Bromage?

13 MS. HUGHES: I don't know maybe 20 years ago just
14 out -- I didn't even know his last name.

15 THE COURT: Okay. All right. I think we know
16 all about that we need to know right this minute. Now I
17 need to ask you another question about that. Would that
18 association, however you would describe it and you
19 characterize it however you want to describe it. Would
20 that association make it difficult for you to fair and
21 impartial as a juror in the trial of this case in which
22 he is likely to testify?

23 MS. HUGHES: No.

24 THE COURT: Could you set aside that association
25 then and decide this case based on what you would hear in

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1 the courtroom without regard to that?

2 MS. HUGHES: Yes.

3 THE COURT: And would you do that please?

4 MS. HUGHES: Yes.

5 THE COURT: Thank you, Ms. Hughes. I appreciate
6 that. Yes, your name and number in the center please?

7 MR. MCMANUS: Tomme McManus, 287.

8 THE COURT: All right. Mr. McManus, tell me about
9 the association who it's with?

10 MR. MCMANUS: Sheriff P.J. Tanner.

11 THE COURT: And what's the nature of it?

12 MR. MCMANUS: I don't know him closely but I've
13 played a couple of golf tournaments with him --

14 THE COURT: Was he on your team?

15 MR. MCMANUS: No, but I beat him up pretty good in
16 one of them.

17 THE COURT: All right. You might get struck.

18 Putting that matter aside Mr. McManus would that
19 association make it difficult for you to be fair and
20 impartial as a juror in this trial?

21 MR. MCMANUS: I don't think so.

22 THE COURT: Could you set aside that association
23 then and decide this case based on the evidence that you
24 hear in the court without regard to that?

25 MR. MCMANUS: Absolutely.

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1 THE COURT: And would you do that please, sir?

2 MR. MCMANUS: Yes.

3 THE COURT: Thank you Mr. McManus. Yes, your name
4 please?

5 MS. LEVY: Mary Levy, 252.

6 THE COURT: Ms. Levy, tell me who the association
7 is with please ma'am.

8 MS. LEVY: It's with Bob also.

9 THE COURT: Okay. And tell me the nature of that
10 association.

11 MS. LEVY: And I also -- but anyway I just know Bob
12 from around Hilton Head.

13 THE COURT: Okay. Would you describe that as a
14 casual friendship?

15 MS. LEVY: Yes.

16 THE COURT: All right. Would that friendship then
17 as you've just described it Ms. Levy make it difficult
18 for you to be fair and impartial as a juror in the trial
19 of this case?

20 MS. LEVY: No, sir.

21 THE COURT: Could you set aside that association
22 and decide this case based on the evidence you hear here
23 in the court?

24 MS. LEVY: Yes, sir.

25 THE COURT: Would you do that please, ma'am?

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1 MS. LEVY: Yes.

2 THE COURT: Thank you, Ms. Levy. Ladies and
3 gentlemen, the lawyers who will be involved in the trial
4 of this case on behalf of the State the case will be
5 prosecuted by the Solicitor Duffy Stone who is the
6 Solicitor from the 14th Judicial Circuit, assisted by Mr.
7 Sean Thornton who is a Deputy Solicitor for the 14th
8 Circuit.

9 The defendant in this case is represented by Mr.
10 Arie Bax and assisted by Ms. Jessica Saxon; both of the
11 Public Defender's office here. I need now to know about
12 your association with any of these lawyers. First of all
13 are you kin to them; that is related to them by blood or
14 by marriage or are you friends of theirs, business
15 associates of theirs, casual acquaintances of theirs, or
16 have you ever been represented by any of them or sued by
17 any of them in the past? If you have would you please
18 stand?

19 [Whereupon, individuals stand]

20 MS. SHIPLEY: Misty Shipley, 369.

21 THE COURT: Tell me about the association again Ms.
22 Shipley?

23 MS. SHIPLEY: I work in a café where they come and
24 eat lunch.

25 THE COURT: Which ones? All of them?

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1 MS. SHIPLEY: Most of them.

2 THE COURT: Would that association that you've just
3 described make it difficult for you to be fair and
4 impartial as a juror in this case?

5 MS. SHIPLEY: No.

6 THE COURT: You could set that matter aside and
7 decide this case based on the evidence that you hear?

8 MS. SHIPLEY: Yes.

9 THE COURT: And you'll do that please ma'am?

10 MS. SHIPLEY: Yes.

11 THE COURT: Thank you, Ms. Shipley. Yes, ma'am?

12 MS. SHERRY: Susan Sherry, 367.

13 THE COURT: 3 -- what's that last number?

14 MS. SHERRY: 67.

15 THE COURT: 367 okay thank you. Ms. Sherry tell me
16 about the association please ma'am.

17 MS. SHERRY: I'm friends with Duffie Stone and his
18 wife.

19 THE COURT: Okay. Ms. Sherry, would you describe
20 that as a close friendship or casual relationship? How
21 would you describe it?

22 MS. SHERRY: Casual probably.

23 THE COURT: Okay. Would that association make it
24 difficult for you to be fair and impartial as a juror in
25 the trial of this case in which he is representing one

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1 side?

2 MS. SHERRY: No sir, it would not.

3 THE COURT: Could you set aside that relationship
4 and decide this case based on the evidence that you hear
5 in court without regard to that?

6 MS. SHERRY: Yes, sir.

7 THE COURT: And would you do that please ma'am?

8 MS. SHERRY: Yes, sir.

9 THE COURT: Thank you, Ms. Sherry. Now ladies and
10 gentlemen I read to you the indictment a few moments ago.
11 As I've said not because it is evidence or proof of
12 anything; it is a charging document that tells us what
13 this case is all about because I wanted you to know what
14 this case is all about because now I need to know if you
15 have seen or heard or read anything about this case or if
16 you have any knowledge about this case from conversations
17 with anybody else, social media, or from any source at
18 all.

19 This case has been highly publicized. The Island
20 Packet has written articles about it from time to time in
21 the past. I read to you the indictment so you understand
22 what the charges are and where this occurred and you
23 understand the names of the parties; the defendant and
24 the victim in this particular case. Hopefully those
25 things will be able to alert you as to whether you -- if

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1 this is the case that you actually know something about
2 because now I need to know if you have seen or heard or
3 read anything about this case or if you have any
4 knowledge about this case from any source at all I want
5 you to please stand right now so that we can simply get
6 your juror number and I'll ask you some more questions
7 later. But right now we just need to know your juror
8 numbers. If you will please stand if you have seen,
9 heard, read, or know anything about this case from any
10 source at all.

11 [Whereupon, individuals stand]

12 THE COURT: All right. We'll start over here on
13 this [indicates] side. Your name and number please
14 ma'am?

15 MS. SMITH: Dana Smith, juror 380.

16 THE COURT: I tell you what we just need the number
17 would be the easiest thing I think for us to get. That's
18 number 380?

19 MS. SMITH: Correct.

20 THE COURT: Thank you. And next to you?

21 MS. JEFFERSON: 221.

22 THE COURT: I'm sorry?

23 MS. JEFFERSON: 221.

24 THE COURT: 221. Okay. Yes, sir?

25 MR. DUNNING: 125.

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1 THE COURT: Okay. And once you have given me your
2 number you can sit back down. Thank you.
3 MS. STAAB: 388.
4 THE COURT: Thank you.
5 MR. ROBERTS: 345.
6 THE COURT: Thank you.
7 MS. JOLLEY: 232.
8 THE COURT: Thank you.
9 MS. HUTCHINS: 213.
10 THE COURT: Thank you.
11 MS. BATISTA: 25.
12 THE COURT: 25?
13 MS. BATISTA: Yes.
14 THE COURT: Thank you.
15 MR. GIBBS: 158.
16 THE COURT: Thank you.
17 MS. SEABROOK: 365.
18 THE COURT: Thank you.
19 MR. BURKE: 59.
20 THE COURT: Thank you.
21 MS. DENNARD: 111.
22 THE COURT: Thank you.
23 MS. BOLTON: 36.
24 THE COURT: Thank you.
25 MS. BROWN: 51.

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1 THE COURT: Thank you.
2 MS. KERR: 235.
3 THE COURT: Thank you.
4 MS. STURN: 395.
5 THE COURT: Thank you.
6 MS. PATALUCH: 316
7 THE COURT: Thank you.
8 MS. FRYMAN: 148.
9 THE COURT: Thank you.
10 MS. LEVY: 252.
11 THE COURT: Thank you.
12 MS. STANLEY: 389.
13 THE COURT: Thank you.
14 MR. WIGINGTON: 427.
15 THE COURT: Thank you.
16 MR. RECHIN: 341.
17 THE COURT: Thank you.
18 MS. NEWNHAM: 308.
19 THE COURT: Thank you.
20 MR. DAVIS: 102.
21 THE COURT: Thank you.
22 MR. LORENZ: 262.
23 THE COURT: Thank you.
24 MS. DOE: 116.
25 THE COURT: Thank you. Starting in the front?

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1 MS. SHIPLEY: 369.
2 THE COURT: Thank you.
3 MS. HUNTER: 211.
4 THE COURT: Thank you.
5 MR. POLLARD: 329.
6 THE COURT: Thank you.
7 MR. MATTE: 277.
8 THE COURT: Thank you.
9 MR. LANCASTER: 245.
10 THE COURT: Thank you.
11 MS. SHERRY: 367.
12 THE COURT: Thank you.
13 MR. GRAVES: 167.
14 THE COURT: Thank you.
15 MS. PAYNE: 318.
16 THE COURT: Thank you.
17 MS. GREEN: 169.
18 THE COURT: Thank you.
19 MR. MANNING: 273.
20 THE COURT: Thank you.
21 MS. LOVELL: 264.
22 THE COURT: Thank you.
23 MS. HAIR: 180.
24 THE COURT: Thank you.
25 MS. BROWN: 53.

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1 THE COURT: Thank you.
2 MR. CARR: 70.
3 THE COURT: Thank you.
4 MR. PRINGLE: 335.
5 THE COURT: Thank you.
6 MR. GRISWOLD: 177.
7 MR. ZAPP: 448, Your Honor.
8 THE COURT: Thank you.
9 MR. MCMANUS: 287.
10 THE COURT: Thank you.
11 MR. OLANDER: 311.
12 THE COURT: Thank you.
13 MR. EDLIN: 127.
14 THE COURT: Thank you.
15 MS. LAROCHE: 248.
16 THE COURT: Thank you.
17 MS. ENGGREN: 129.
18 THE COURT: Thank you.
19 MR. MCNICHOL: 288.
20 THE COURT: Thank you.
21 MS. GIAMPORTONE: 31.
22 THE COURT: Thank you.
23 MS. SINGLETON: 378.
24 THE COURT: All right. Thank you, folks. In a
25 few moments we're going to be bringing you up here

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1 individually to talk with you at sidebar about what
2 you've heard and read and what impact, if any, those
3 things would have on your ability to serve as a juror.
4 But before I do that I've got another series of questions
5 I need to ask you. And if these apply to you as well if
6 you'll give those numbers and some of the numbers might
7 be the same as these others, so that I can bring you up
8 here and talk to you about things at the same time; we
9 won't have to bring you back and forth.

10 Ladies and gentlemen, as I've said I read the
11 indictment to you because you need to know what this case
12 is all about. You understand that the allegations -- the
13 defendant is charged with the crime of murder. Murder is
14 a crime of personal violence obviously. There are other
15 crimes of personal violence like Assault and Battery of a
16 High and Aggravated Nature, Assault and Battery, Criminal
17 Domestic Violence, Criminal Sexual Conduct; Armed Robbery
18 is a crime of personal violence, Manslaughter. There is
19 a litany of crimes against a person which qualify as a
20 crime against a person, a personal crime like Murder.

21 I need to know if any of you all or any members of
22 your immediate family have ever had any involvement with
23 a crime of personal violence. So the question applies
24 not only to you individually; it applies to any members
25 of your immediate family. That normally is your

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1 household; close personal relatives. The possible
2 involvement that you or your family might have had in a
3 crime of personal violence could be either as a
4 defendant, that is the person who was charged with the
5 crime, you or your family member could have been the
6 victim; that is the person against whom the crime was
7 inflicted or committed, or you or your family member
8 could have been a witness to the crime.

9 So it's a broad range of involvement that could
10 possibly exist in those three areas. You or your family
11 member could have been charged with a crime. You or your
12 family member could have been a victim of a crime. You
13 or your family member could have been a witness to the
14 crime.

15 Now if any of those things apply to you once again I
16 want you to stand in place and then I'll get your numbers
17 just as we did before and then we'll bring you down
18 shortly to talk with you about this particular question
19 as well. So if that question applies to anyone would you
20 please stand at this time?

21 [Whereupon, individuals stand]

22 THE COURT: We'll start on this [indicates] side
23 first of all. Your name please ma'am?

24 MS. HUNTER: Janet Hunter.

25 THE COURT: I'm sorry ---

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1 MS. HUNTER: --- 211 ---

2 THE COURT: --- I forgot my own instructions. I'm
3 sorry. Number 211; thank you ma'am, you can be seated
4 again. Yes sir, the back in the green?

5 MR. EDLIN: 127.

6 THE COURT: Yes, sir?

7 MR. MCMANUS: 287.

8 THE COURT: Yes, ma'am?

9 MS. GONGALEZ: 162.

10 THE COURT: 162. Thank you. Yes, sir?

11 MR. ROBERT: 345.

12 THE COURT: Thank you.

13 MS. BOSTON: 41.

14 THE COURT: Yes ma'am, thank you.

15 MS. DENNARD: 111.

16 MR. BURKE: 59.

17 THE COURT: Thank you.

18 MS. ESPINOZA: 130.

19 THE COURT: 130. Thank you. I think the best way
20 to do this is divide the courtroom up in half. If any of
21 you all -- those of you who stood for either of those
22 questions on this side [indicates] would you please stand
23 at this point in time.

24 [Whereupon, individuals stand]

25 THE COURT: Why don't we take like the first three

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1 rows back there or the first half and get them in line.
2 The rest of you can sit back down. We'll get this first
3 crowd up here and then we'll work our way on back through
4 the house all right.

5 THE BAILIFF: Juror number 245, Your Honor.

6 [Whereupon, the juror comes forward]

7 THE COURT: Mr. Lancaster, you indicated that you
8 knew something about this case or had some knowledge
9 about it. Tell me what you know about the case.

10 MR. LANCASTER: Just the general news feed and the
11 paper feed is all I know.

12 THE COURT: The paper would that be the Island
13 Packet?

14 MR. LANCASTER: Yes, sir.

15 THE COURT: And the news would that be television
16 news?

17 MR. LANCASTER: Yes sir, it would be.

18 THE COURT: Was that just recently or did it occur
19 at the time of the event a couple of years ago? When did
20 you get the news ---

21 MR. LANCASTER: --- after the time it happened;
22 like right after it happened.

23 THE COURT: Since that time have you continued to
24 follow the case?

25 MR. LANCASTER: No sir, I have not.

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1 THE COURT: Based on what you saw or heard at the
2 time, Mr. Lancaster, did you form in your own mind or
3 express to anybody else any opinion that you might have
4 as to the guilt or the innocence of Mr. Robinson?

5 MR. LANCASTER: No sir, I did not.

6 THE COURT: If you were asked to serve as a juror
7 in this case could you put aside what you have seen and
8 heard and read ---

9 MR. LANCASTER: --- yes sir, I could ---

10 THE COURT: --- and decide this case based on the
11 evidence that you hear in court?

12 MR. LANCASTER: Yes, sir.

13 THE COURT: Would you do that please sir?

14 MR. LANCASTER: Yes, sir.

15 THE COURT: Thank you. You can go ahead and have a
16 seat Mr. Lancaster.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 277, Your Honor.

19 THE COURT: Thank you.

20 [Whereupon, the juror comes forward]

21 THE COURT: Mr. Matte, you indicated that you had
22 seen or heard or read something about this case and you
23 had some knowledge. Will you tell me where that
24 knowledge and information came from?

25 MR. MATTE: Sometime over the last year in the

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1 Island Packet --

2 THE COURT: Have you followed the case since it was
3 reported two years ago or ---

4 MR. MATTE: --- we just moved --

5 THE COURT: Sir?

6 MR. MATTE: We moved to South Carolina one year back
7 so just whatever was in the newspaper at that time.

8 THE COURT: At that time? Based on what you heard
9 or read at that time Mr. Matte did you form in your own
10 mind or did you express to anybody else any opinion that
11 you might have as to the guilt or innocence of Mr.
12 Robinson?

13 MR. MATTE: No, Your Honor.

14 THE COURT: If you were asked to serve as a juror
15 in this trial could you put aside what you have seen or
16 heard or read and decide this case based on the evidence
17 that you hear in court?

18 MR. MATTE: Yes, sir.

19 THE COURT: Would you do that please sir?

20 MR. MATTE: Yes, sir.

21 THE COURT: Thank you Mr. Matte. You can go back
22 and have a seat.

23 [Whereupon, the juror returns to the audience]

24 THE BAILIFF: Juror number 329, Your Honor.

25 THE COURT: Thank you.

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1 [Whereupon, the juror comes forward]

2 THE COURT: Mr. Pollard, you indicated that you
3 have seen or heard or read about this case.

4 MR. POLLARD: Yes, sir.

5 THE COURT: Tell me what you know about it.

6 MR. POLLARD: The first time I saw there was a
7 commemorative banner on my son's baseball field. We just
8 moved here two years so I didn't know who it was so I
9 googled and that's where I heard about it and then I've
10 seen it in the paper since that time.

11 THE COURT: Since that time?

12 MR. POLLARD: Yes, sir.

13 THE COURT: How old is your son?

14 MR. POLLARD: Nine.

15 THE COURT: Does he play baseball?

16 MR. POLLARD: Yes, sir.

17 THE COURT: Based on what you have seen or heard at
18 that time and what you followed since that time did you
19 form in your own mind or did you express to anybody else
20 any opinion that you might have as to the guilt or
21 innocence of Mr. Robinson?

22 MR. POLLARD: No sir because I don't know the facts
23 to it.

24 THE COURT: Would it have any impact on your
25 ability to decide this case as a fair and impartial juror

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1 to know that [REDACTED] Minor was a nine year old baseball
2 player?

3 MR. POLLARD: No, sir.

4 THE COURT: Would you be able to set aside those
5 things and decide this case based on the evidence that
6 you hear?

7 MR. POLLARD: Yes, sir.

8 THE COURT: Would you do that?

9 MR. POLLARD: Yes, sir.

10 THE COURT: Thank you Mr. Pollard. You can go back
11 and have a seat.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror number 211, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: You said you have some knowledge about
16 this case. Would you tell me what you know about it?

17 MS. HUNTER: Just reading in the Packet about it a
18 couple years ago and then recently about the upcoming
19 trial.

20 THE COURT: I see. Based on what you've heard or
21 read from any source; the Packet or whatever source did
22 you form in your own mind or express to anybody else any
23 opinion about the guilt or the innocence of Mr. Robinson?

24 MS. HUNTER: No, sir.

25 THE COURT: If you were asked to serve as a juror

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1 in this case could you set aside what you've heard or
2 read and decide this case based on what you hear in
3 court?

4 MS. HUNTER: Yes, sir.

5 THE COURT: Would you do that?

6 MS. HUNTER: Yes, sir.

7 THE COURT: You also indicated that you or a family
8 member had been involved in a crime of personal violence.
9 Was that you or a family member?

10 MS. HUNTER: That was me.

11 THE COURT: It was you? And...

12 MS. HUNTER: My son was -- it was eleven years ago
13 and my son was convicted of Criminal Domestic Violence
14 toward me and was sent to juvenile prison.

15 THE COURT: So you were the victim of criminal
16 domestic violence?

17 MS. HUNTNER: Yes, sir.

18 THE COURT: Would that involvement as a victim of a
19 crime make it difficult for you to serve fairly and
20 impartially in this case?

21 MS. HUNTER: No, sir.

22 THE COURT: Could you set aside that unfortunate
23 and probably tragic event in your life and decide this
24 case based on what you hear in court?

25 MS. HUNTER: Yes, sir.

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1 THE COURT: Would you do that please ma'am?
2 MS. HUNTER: Yes, sir.
3 THE COURT: Thank you. I'm sorry --
4 [Whereupon, the juror returns to the audience]
5 THE BAILIFF: Juror number 369, Your Honor.
6 [Whereupon, the juror comes forward]
7 THE COURT: Ms. Shipley?
8 MS. SHIPLEY: Yes.
9 THE COURT: Ms Shipley, you said you know something
10 about this case. Would you tell me what your knowledge
11 of this case is?
12 MS. SHIPLEY: From reading it in the newspaper?
13 THE COURT: The Island Packet?
14 MS. SHIPLEY: Uh Huh.
15 THE COURT: Was it at the time this happened a
16 couple of years ago or more recently or both?
17 MS. SHIPLEY: When it happened.
18 THE COURT: When it happened?
19 MS. SHIPLEY: Uh Huh.
20 THE COURT: Have you followed the case since that
21 time in the Packet?
22 MS. SHIPLEY: No.
23 THE COURT: Based on what you've heard or read at
24 any time about this case did you form in your own mind or
25 express to anybody else any opinion you might have as to

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1 the guilt or innocence of Mr. Robinson?

2 MS. SHIPLEY: No.

3 THE COURT: If you were asked to serve as a juror
4 in this case could you set aside what you've heard or
5 read and decide this case based on what you hear in
6 court?

7 MS. SHIPLEY: Yes.

8 THE COURT: Would you do that please ma'am?

9 MS. SHIPLEY: Yes.

10 THE COURT: Thank you, ma'am. You may have a seat
11 Ms. Shipley.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror number 264, Your Honor.

14 THE COURT: Thank you.

15 [Whereupon, the juror comes forward]

16 THE COURT: Ms. Lovell, you had indicated that you
17 had heard something about or read something about this
18 case in the past. Would you tell us what your knowledge
19 is about the case and where you got it from?

20 MS. LOVELL: T.V. news when the incident occurred.

21 THE COURT: A couple of years ago?

22 MS. LOVELL: Uh Huh.

23 THE COURT: Have you followed it since that time in
24 the Island Packet or any other source of news?

25 MS. LOVELL: No.

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1 THE COURT: Based on what you heard or read at that
2 time or any time since that time have you formed in your
3 mind or have you expressed to anybody else any opinion
4 that you might have as to the guilt or the innocence of
5 Mr. Robinson?

6 MS. LOVELL: No, I have not.

7 THE COURT: If you were asked to serve as a juror
8 in this case could you set aside the things that you've
9 seen or heard or read and decide this case based on what
10 you would hear in court?

11 MS. LOVELL: Yes, Your Honor, I can.

12 THE COURT: Would you do that please?

13 MS. LOVELL: Yes, sir.

14 THE COURT: Thank you Ms. Lovell. You can go back
15 and have a seat.

16 [Whereupon, the juror returns to the audience]

17 THE BAILIFF: Juror number 367, Your Honor.

18 [Whereupon, the juror comes forward]

19 THE COURT: You indicated that you had some
20 knowledge about this case. Will you share where you got
21 that information from?

22 MS. SHERRY: Just reading about it in the Island
23 Packet.

24 THE COURT: Was this when it happened or since that
25 time or both?

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1 MS. SHERRY: Both.

2 THE COURT: So you followed it since it occurred a
3 couple of years ago?

4 MS. SHERRY: Yes, sir.

5 THE COURT: Based on what you've seen or heard or
6 any information that you might have about this case from
7 any source at all did you form in your own mind or did
8 you express to anybody else any opinion that you might
9 have as to the guilt or innocence of Mr. Robinson?

10 MS. SHERRY: No, sir.

11 THE COURT: If you were asked to serve as a juror
12 in this case could you set aside what you have seen or
13 heard or read and decide this case based on what you will
14 hear in the courtroom?

15 MS. SHERRY: Yes, sir.

16 THE COURT: Would you do that please?

17 MS. SHERRY: Yes, sir.

18 THE COURT: Thank you. You can go back and have a
19 seat.

20 [Whereupon, the juror returns to the audience]

21 THE BAILIFF: Juror number 335, Your Honor.

22 [Whereupon, the juror comes forward]

23 THE COURT: You had indicated that you have some
24 knowledge about this case. Would you tell me where you
25 got that knowledge from?

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1 MR. PRINGLE: Newspaper and on the news.

2 THE COURT: The Island Packet and the T.V.?

3 MR. PRINGLE: The Beaufort Gazette and the
4 television.

5 THE COURT: Was that at the time that it happened
6 or since that time or both?

7 MR. PRINGLE: No, that was the time it happened.

8 THE COURT: Have you followed it since that time?

9 MR. PRINGLE: No.

10 THE COURT: Based on what you've heard or read or
11 have any knowledge about this case from any source at all
12 have you formed in your own mind or have you expressed to
13 anybody else any opinion you might have as to the guilt
14 or the innocence of Mr. Robinson?

15 MR. PRINGLE: At the time I felt that it's just too
16 much of that going on.

17 THE COURT: Right.

18 MR. PRINGLE: I feel that people involved should
19 just face up to their -- you do the crime you do the time
20 I feel.

21 THE COURT: I understand. And you still feel that
22 at this time?

23 MR. PRINGLE: Yes, sir.

24 THE COURT: I take it you would have some
25 difficulty setting aside those feelings to try this case

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1 if that correct?

2 MR. PRINGLE: Yes.

3 THE COURT: Okay. Mr. Pringle, I appreciate that
4 and I appreciate your candor and we will stand you aside
5 as a juror in this case. Don't leave. Stay with us but
6 you will not be in the pool in this particular case,
7 okay.

8 MR. PRINGLE: All right, sir.

9 THE COURT: Thank you. Juror number 329 [sic] will
10 be set aside in this particular case.

11 [Whereupon, the juror returns to the audience]

12 THE COURT: I'm sorry; its 335. Thank you.

13 THE BAILIFF: Juror 167, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: Mr. Graves is it?

16 MR. GRAVES: Yes, sir.

17 THE COURT: Mr. Graves, you indicated you had some
18 knowledge about this case? Could you tell us where you
19 got that knowledge?

20 MR. GRAVES: I subscribe to the Island Packet. And
21 whatever is written is what I know.

22 THE COURT: That's it? All right. Based on what
23 you did read or whatever you know about the case from any
24 source did you form in your own mind or express to
25 anybody else any opinion about the guilt or the innocence

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1 of Mr. Robinson?

2 MR. GRAVES: No.

3 THE COURT: If you were asked to serve as a juror
4 in this case could you set aside those things that you
5 heard or read and decide this case based on what you will
6 hear in court?

7 MR. GRAVES: Yes, sir.

8 THE COURT: Would you do that please?

9 MR. GRAVES: Yes, sir.

10 THE COURT: Thank you Mr. Graves. You can go back
11 and have a seat.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror number 318, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: Ms. Payne, you indicated you have some
16 knowledge about this case. Would you tell me where it
17 came from?

18 MS. PAYNE: Just in the paper; whatever articles
19 they had.

20 THE COURT: Okay. Did you read it at the time
21 this occurred a couple of years ago or since or both?

22 MS. PAYNE: When it occurred.

23 THE COURT: Okay. Based on what you know or read
24 or whatever you might know about this case have you
25 formed in your own mind or have you expressed to anybody

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1 else any opinion about the guilt or the innocence of Mr.
2 Robinson?

3 MS. PAYNE: No.

4 THE COURT: If you were asked to serve as a juror
5 in this case could you set aside those things and decide
6 this case based on what you will hear in court?

7 MS. PAYNE: Uh Huh.

8 THE COURT: Would you do that please?

9 MS. PAYNE: Yes.

10 THE COURT: Thank you. You can go back and have a
11 seat.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror 169, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: You indicated that you have some
16 knowledge about this case. Would you tell me where that
17 came from?

18 MS. GREEN: The Island Packet. I read it every day.

19 THE COURT: I understand that it's a good paper and
20 a lot of people read it. Ms. Green, based on what you
21 have heard or read about this case or anything you know
22 about the case have you formed in your own mind or
23 expressed to anybody else any opinion that you might have
24 as to the guilt or the innocence of Mr. Robinson?

25 MS. GREEN: No.

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1 THE COURT: If you were asked to serve as a juror
2 in this case could you set aside those things that you
3 heard, or read and decide this case based on what you will
4 hear in court?

5 MS. GREEN: Yes.

6 THE COURT: Would you do that please?

7 MS. GREEN: Yes.

8 THE COURT: Thank you.

9 MS. GREEN: I do need to mention; it dawned on me I
10 don't know if this is too old but my father was a State
11 Trooper and he was wounded in action. I didn't even
12 think about it when you asked that question.

13 THE COURT: How long ago was that?

14 MS. GREEN: A very, very long time ago.

15 THE COURT: All right. And what state was that
16 in?

17 MS. GREEN: West Virginia.

18 THE COURT: Well, let me ask you this. Would that
19 make any difference in your ability to be fair and
20 impartial in this particular case?

21 MS. GREEN: No, I don't think so.

22 THE COURT: Could you set aside -- how badly was
23 your father wounded?

24 MS. GREEN: Not badly; a leg wound.

25 THE COURT: Okay. Would you be able to set aside

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1 that experience and decide this case based on the
2 evidence you will hear without regard to that experience?

3 MS. GREEN: Yes, sir.

4 THE COURT: Thank you, Ms. Green. You can go back
5 and have a seat.

6 [Whereupon, the juror returns to the audience]

7 THE BAILIFF: Juror number 70, Your Honor.

8 [Whereupon, the juror comes forward]

9 THE COURT: Mr. Carr, you told me that you know
10 something about this case. Tell me where you got that
11 information?

12 MR. CARR: Just the news.

13 THE COURT: Did you read it at the time it happened
14 or since that time or both?

15 MR. CARR: No, just the time it happened.

16 THE COURT: Okay. Based on what you know about
17 this case from any source Mr. Carr have you formed in
18 your own mind or expressed to anybody else any opinion
19 about the guilt or the innocence ---

20 MR. CARR: --- no sir.

21 THE COURT: Would you be able to set aside what
22 you've heard or read and decide this case based on what
23 you would hear in court?

24 MR. CARR: Absolutely.

25 THE COURT: Would you do that please??

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1 MR. CARR: Yes, sir.

2 THE COURT: Thank you Mr. Carr.

3 [Whereupon, the juror returns to the audience]

4 THE BAILIFF: Juror number 53, Your Honor.

5 [Whereupon, the juror comes forward]

6 THE COURT: Tell me what you have heard or read
7 about this case; where it came from?

8 MS. BROWN: Media, television, I know the parents.

9 THE COURT: The newspaper? You said you know what?

10 MS. BROWN: I know the parents.

11 THE COURT: You know the parents?

12 MS. BROWN: Uh Huh.

13 THE COURT: Which parents do you know?

14 MS. BROWN: Both of them.

15 THE COURT: Both sides?

16 MS. BROWN: Both of them.

17 THE COURT: The Robinson's and the Singletons?

18 MS. BROWN: No, just the Singletons.

19 THE COURT: I'm sorry?

20 MS. BROWN: The Singletons.

21 THE COURT: The Singleton parents?, How well do you
22 know them?

23 MS. BROWN: They were members of my congregation at
24 church.

25 THE COURT: I see. You're number 53 is that right?

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1 MS. BROWN: Yes, sir.

2 THE COURT: I want to make sure I've got the right
3 number. They still members of your church?

4 MS. BROWN: No.

5 THE COURT: Were they members at the time this
6 happened?

7 MS. BROWN: No, sir.

8 THE COURT: What's your relationship to that church
9 and to them?

10 MS. BROWN: Just members.

11 THE COURT: You're a member and they're a member?

12 MS. BROWN: Yes.

13 THE COURT: Okay. Let's take this then in two
14 parts. Let's start with what you have heard or read
15 about the case. Based on what you've heard or read about
16 the case did you form in your own mind or did you tell
17 anybody else any opinion that you might have as to
18 whether Mr. Robinson was guilty or not guilty of these
19 charges?

20 MS. BROWN: No, sir.

21 THE COURT: Based on what you've heard or read
22 about the case would you be able to set aside those
23 things and decide this case based on what you hear in
24 court without regard to those things?

25 MS. BROWN: Yes, sir.

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1 THE COURT: Now talking about your connection with
2 the parents how close were you connected with the
3 parents?

4 MS. BROWN: We just interacted in the congregation
5 as members.

6 THE COURT: All right. How long ago was that?

7 MS. BROWN: I think early 2000. I became a member
8 in 2001 and they came around 2002 or 2003.

9 THE COURT: **Minor** would have been born about 2004?

10 MR. STONE: Yes, sir.

11 THE COURT: Round about. Did you know ---

12 MS. BROWN: --- no I didn't know him.

13 THE COURT: You did not know him?

14 MS. BROWN: I didn't have the opportunity of knowing
15 him.

16 THE COURT: When this event occurred these folks
17 were not members of your church at that time?

18 MS. BROWN: No, sir.

19 THE COURT: Would that combination of things Ms.
20 Brown the fact that you know the parents would those
21 things make it difficult to be fair and impartial as a
22 juror in this trial?

23 MS. BROWN: I can be impartial.

24 THE COURT: Ma'am?

25 MS. BROWN: Yes, I can be impartial.

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1 THE COURT: You can be impartial?

2 MS. BROWN: Uh Huh.

3 THE COURT: Could you set aside those relationships
4 that you've described to me and decide this case based on
5 the evidence that you will hear without regard to the
6 relationship you've had with the parents?

7 MS. BROWN: Yes, sir.

8 THE COURT: Would you do that please?

9 MS. BROWN: Yes, sir.

10 THE COURT: Thank you Ms. Brown.

11 [Whereupon, the juror returns to the audience]

12 THE BAILIFF: Juror number 180, Your Honor.

13 [Whereupon, the juror comes forward]

14 THE COURT: What source of information did you have
15 about this case? Where did you get your knowledge from?

16 MS. HAIR: Through the Island Packet.

17 THE COURT: Okay. Did you read that at the time
18 it occurred a couple of years ago or since that time or
19 both?

20 MS. HAIR: Both.

21 THE COURT: Both? So you've followed it since that
22 time. From whatever source you might have your
23 information Ms. Hair have you formed in your mind or
24 expressed to anybody else any opinion that you might have
25 as to the guilt or the innocence of Mr. Robinson?

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1 MS. HAIR: No.

2 THE COURT: If you were asked to serve as a juror
3 in this case could you set aside those things that you've
4 seen or heard or read and decide this case based on the
5 evidence that you will hear in court?

6 MS. HAIR: Yes.

7 THE COURT: Would you do that please?

8 MS. HAIR: Yes.

9 THE COURT: Thank you. You can go back and have a
10 seat.

11 [Whereupon, the juror returns to the audience]

12 THE BAILIFF: Juror number 273, Your Honor.

13 THE COURT: You had indicated that you have some
14 information about this case or some knowledge about the
15 case. Where did you get that knowledge from?

16 MR. MANNING: I read about the story when it
17 happened and I'm also a school teacher and staff members
18 talking about the events.

19 THE COURT: I see. Where do you teach school?

20 MR. MANNING: At McCracken Middle School.

21 THE COURT: And what grade do you teach?

22 MR. MANNING: Ninth grade.

23 THE COURT: What subject do you teach there?

24 MR. MANNING: English.

25 THE COURT: Bless your heart. I taught English for

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1 five years when I got out of college. I taught it like a
2 foreign language you know...

3 MR. MANNING: That's what I do.

4 THE COURT: Based on what you know about the case
5 Mr. Manning did you express to anybody else or have you
6 formed in your own mind any opinion as to whether you
7 think Mr. Robinson is guilty or not guilty of these
8 charges?

9 MR. MANNING: No, sir.

10 THE COURT: Could you set aside those things that
11 you have seen or heard or read or talked about with your
12 staff members and decide this case based on what you will
13 hear in court without regard to those things?

14 MR. MANNING: Yes, sir.

15 THE COURT: Would you do that please?

16 MR. MANNING: Yes, sir.

17 THE COURT: Thank you. You can go back and have a
18 seat.

19 [Whereupon, the juror returns to the audience]

20 THE BAILIFF: Juror number 311, Your Honor.

21 [Whereupon, the juror comes forward]

22 THE COURT: You told me that you had some knowledge
23 about this case. Would you tell me where you got that
24 knowledge from?

25 MR. OLANDER: Primarily through work as a

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1 firefighter and paramedic. My wife is an elementary
2 teacher and he was a student at -- I don't know if it was
3 her school or Creative Arts which is right next door so
4 it's sort of a small community. My son played baseball
5 which he was a baseball player. And obviously through
6 the Packet; I read the paper every day.

7 THE COURT: Let's kind of chop those things up
8 because that's a lot ---

9 MR. OLANDER: --- it's a lot, yes.

10 THE COURT: Did your son play on the baseball team
11 and one of the baseball leagues with him?

12 MR. OLANDER: No. He played -- he was not -- I want
13 to say he was a couple of years older than my son so it
14 was part of the -- the baseball whatever it is Rec league
15 that they have.

16 THE COURT: How old is your son now?

17 MR. OLANDER: He is seven now.

18 THE COURT: Does he still play baseball?

19 MR. OLANDER: No, unfortunately not. He chose
20 soccer instead; broke my heart.

21 THE COURT: My grandson did too. Did your wife
22 know him in connection with the school?

23 MR. OLANDER: She did not know him personally.

24 THE COURT: She knew about the event when it
25 happened?

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1 MR. OLANDER: Absolutely.

2 THE COURT: That would have been after the fact she
3 learned who he was?

4 MR. OLANDER: Yes.

5 THE COURT: All right. And you indicated earlier
6 you had had some interaction perhaps with some of these
7 folks who are first responders or police officers?

8 MR. OLANDER: Yes.

9 THE COURT: So now let me ask you about the
10 combination of those things that you described. What you
11 knew about the case, the fact that your son was a
12 baseball player and he was a baseball player, your wife
13 had some connection to the school near where he was a
14 student; based on any of those things or all of those
15 together did you form in your own mind or express to
16 anybody else any opinion that you might have as to the
17 guilt or innocence of Mr. Robinson?

18 MR. OLANDER: I'm going to say only through work I'd
19 say probably.

20 THE COURT: From what you learned at work?

21 MR. OLANDER: Yes.

22 THE COURT: Tell me what that opinion was?

23 MR. OLANDER: Well my opinion was that he probably
24 did it so.

25 THE COURT: If you were asked to serve as a juror

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1 in this case could you set aside that opinion that you
2 had and decide this case based on what you would hear in
3 court?

4 MR. OLANDER: I would do the best I could.

5 THE COURT: All right. And I appreciate that
6 qualification. That's an honest answer and that's what
7 we ask of you. I can't tell you what the questions and
8 answers will be at this point in time.

9 MR. OLANDER: I understand.

10 THE COURT: And I can't be assured because you
11 can't be assured based on what little bit you know about
12 this case with the testimony in the court, whether the
13 best that you can do might be the standard that we have
14 to have to be completely fair and impartial. I
15 appreciate your candor and I respect your answers but I'm
16 going to stand you aside as a juror in this case.

17 MR. OLANDER: I understand.

18 THE COURT: Don't leave. You might get lucky and
19 get picked on another one.

20 MR. OLANDER: Right. I figured that might be the
21 case.

22 THE COURT: Thank you. Juror number 311 will be
23 stood aside as a juror in this case.

24 [Whereupon, the juror returns to the audience]

25 THE BAILIFF: Juror number 127, Your Honor.

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1 [Whereupon, the juror comes forward]

2 THE COURT: Mr. Edlin is it? Did I say it right?

3 MR. EDLIN: Yes.

4 THE COURT: Mr. Edlin, you indicated that you have
5 some knowledge about this case. Tell me where that
6 information came from.

7 MR. EDLIN: Basically just the local news,
8 newspapers, and then Sun City residents talking about the
9 case.

10 THE COURT: Based on what you've heard or read
11 about this case from any source that you might have
12 information did you form in your own mind or did you
13 express to anybody else any opinion that you might have
14 as to whether Mr. Robinson was guilty or not guilty of
15 these charges?

16 MR. EDLIN: No sir, I didn't even know the names.
17 It's just the general -- like you said when we first
18 started that's about what I knew.

19 THE COURT: If you were asked then to serve as a
20 juror in this trial could you set aside those things that
21 you knew and decide this case based on what you will hear
22 in court?

23 MR. EDLIN: Yes, sir.

24 THE COURT: Would you do that please?

25 MR. EDLIN: Yes, sir.

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1 THE COURT: Thank you. You also indicated that you
2 or a family member had been involved at some point in
3 time in a crime of personal violence. Would you tell me
4 what that's all about?

5 MR. EDLIN: My sister-in-law was attacked at
6 gunpoint in an attempted rape.

7 THE COURT: Where did that happen?

8 MR. EDLIN: Hilton Head Island.

9 THE COURT: How long ago?

10 MR. EDLIN: Probably a good 15 years or so ago.

11 THE COURT: Was anyone ever caught and prosecuted
12 for that ---

13 MR. EDLIN: --- yes.

14 THE COURT: What was the outcome of that case?

15 MR. EDLIN: I'm sorry?

16 THE COURT: What was the outcome of that case?

17 MR. EDLIN: He's currently serving multiple life
18 sentences.

19 THE COURT: I see. Would your experience through
20 your sister-in-law vicariously I suppose as a victim of a
21 crime of personal violence make it difficult for you to
22 be fair and impartial as a juror in this trial?

23 MR. EDLIN: No, sir.

24 THE COURT: Could you set aside that now and decide
25 this case based on what you would hear in court?

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1 MR. EDLIN: Yes, sir.

2 THE COURT: Would you do that please?

3 MR. EDLIN: Yes, sir.

4 MR. EDLIN: Thank you. You can go back and have a
5 seat.

6 [Whereupon, the juror returns to the audience]

7 THE BAILIFF: Juror number 248, Your Honor.

8 [Whereupon, the juror comes forward]

9 THE COURT: Ms. Laroche is it?

10 MS. LAROCHE: Yes.

11 THE COURT: You said that you have some knowledge
12 about this case from some source. Would you tell me
13 where that information came from?

14 MS. LAROCHE: I've followed the case by reading
15 daily newspapers as the articles have come across.

16 THE COURT: Was this both at the time when this
17 occurred a couple of years ago and since that time as
18 well?

19 MS. LAROCHE: Yes, sir.

20 THE COURT: Based on what you have heard or read
21 during that period of time Ms. Laroche have you formed in
22 your mind or have you expressed to anybody else any
23 opinion that you might have as to the guilt or innocence
24 of Mr. Robinson?

25 MS. LAROCHE: Not him specifically.

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1 THE COURT: When you say not him specifically would
2 you tell me what you mean by that?

3 MS. LAROCHE: The activity that occurred that
4 resulted in the death of this child I'm disgusted.

5 THE COURT: I understand that. We appreciate that
6 and we respect that. But the question however is do you
7 feel that your disgust at this event itself would make it
8 difficult for you to serve fairly and impartially as a
9 juror in response to Mr. Robinson who is charged with
10 that offense?

11 MS. LAROCHE: I do not.

12 THE COURT: You think you could set that issue
13 aside and decide this case based on the evidence that
14 you'd hear in court?

15 MS. LAROCHE: I believe so, sir.

16 THE COURT: Would you do that please ma'am?

17 MS. LAROCHE: Yes.

18 THE COURT: Thank you.

19 [Whereupon, the juror returns to the audience]

20 THE BAILIFF: Juror number 129, Your Honor.

21 [Whereupon, the juror comes forward]

22 THE COURT: Ms. Enggren?

23 MS. ENGGREN: Yes.

24 THE COURT: You said that you have some knowledge
25 about this case from some source. Would you tell me

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1 where that information came from?

2 MS. ENGGREN: Mostly from the Packet but probably
3 from T.V. news as well.

4 THE COURT: I understand. Was that at the time it
5 occurred or since that time or both?

6 MS. ENGGREN: Both.

7 THE COURT: Based on what you know about this case
8 from any source Ms. Enggren did you form in your own mind
9 or did you express to anybody else any opinion that you
10 might have as to the guilt or the innocence of Mr.
11 Robinson?

12 MS. ENGGREN: I don't know that I expressed the
13 guilt or innocence but I did discuss it with other
14 people.

15 THE COURT: Okay. Did you form in your own mind
16 then any opinion about the guilt or the innocence of him?

17 MS. ENGGREN: Probably leaning one way, yes.

18 THE COURT: Would that way be in favor of guilt?

19 MS. ENGGREN: Yes.

20 THE COURT: Would you be able to set aside that
21 leaning and decide this case based on the evidence that
22 you hear in court?

23 MS. ENGGREN: I think I could do that with the
24 facts.

25 THE COURT: Would you require that Mr. Robinson

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1 prove to you that he is not guilty of these charges in
2 order for you to change your mind?

3 MS. ENGGREN: Yes.)

4 THE COURT: Okay. I can understand that and I
5 appreciate your leanings and I appreciate your candor.
6 But I'm going to stand you aside. I'm not going to put
7 you through the conundrum of having to make a decision in
8 this situation. You stay with us. Don't leave but we'll
9 stand you aside as a juror in this case.

10 MS. ENGGREN: Thank you.

11 THE COURT: Number 129 will be stood aside as a
12 juror in this case.

13 [Whereupon, the juror returns to the audience]

14 THE BAILIFF: Juror number 162, Your Honor.

15 [Whereupon, the juror comes forward]

16 THE COURT: Ms. Gonzalez, you indicated that you or
17 a family member had been a victim of a crime of personal
18 violence. Was it you or a family member?

19 MS. GONZALEZ: Family member.

20 THE COURT: Ma'am?

21 MS. GONZALEZ: Family member.

22 THE COURT: And what was the relation to you please?

23 MS. GONZALEZ: It's actually not a victim of a
24 crime. My uncle -- serving in prison.

25 THE COURT: I'm sorry?

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1 MS. GONZALEZ: My uncle is currently serving in
2 prison for a vehicular homicide involving a two year old.

3 THE COURT: Vehicular homicide?

4 MS. GONZALEZ: Yes.

5 THE COURT: I see.

6 MS. GONZALEZ: I'm going to be honest. I don't know
7 if I could be fair.

8 THE COURT: You said you don't think you could be
9 fair in this particular case?

10 MS. GONZALEZ: Yes.

11 THE COURT: Could you tell me what is it about that
12 would give you some difficulty in being fair?

13 MS. GONZALEZ: The fact that it is involving an
14 eight year old --

15 THE COURT: I see. Do you have children?

16 MS. GONZALEZ: No.

17 THE COURT: But I was very, very close to my uncle.
18 He was more like my brother.

19 THE COURT: All right Ms. Gonzalez, we can
20 appreciate that. I appreciate you sharing that
21 information with us. We'll stand you aside as a juror in
22 this case.

23 MS. GONZALEZ: Okay.

24 THE COURT: Don't leave; you might still get picked
25 on the other jury.

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1 MS. GONZALEZ: Thank you.

2 THE COURT: Juror number 162 will be stood aside as
3 a juror in this case.

4 [Whereupon, the juror returns to the audience]

5 THE BAILIFF: Juror number 378, Your Honor.

6 [Whereupon, the juror comes forward]

7 THE COURT: Ms. Singleton?

8 MS. SINGLETON: Yes.

9 THE COURT: Ms. Singleton, you said you have some
10 knowledge about this case. Would you tell me where you
11 got information from?

12 MS. SINGLETON: The Beaufort Gazette and from WTLC,
13 the T.V station.

14 THE COURT: Okay. Have you followed this thing
15 since it happened a couple of years ago or did you just
16 read about it and hear about it then?

17 MS. SINGLETON: Since it happened.

18 THE COURT: Since it happened? Did you in your own
19 mind based on all these things you've been seeing and
20 hearing about it form any opinion as to or did you
21 express to anybody else for that matter any opinion that
22 you might have as to whether or not you feel Mr. Robinson
23 is guilty or not guilty of these charges?

24 MS. SINGLETON: No, I haven't.

25 THE COURT: If you were asked to serve as a juror

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1 in this case could you decide this case based on what you
2 will hear in court and not on what you've heard or read
3 about this case at some point in the past?

4 MS. SINGLETON: It might be difficult because I
5 heard about the last mistrial and the police conduct so I
6 don't know if I can based on that.

7 THE COURT: I understand that. I can appreciate
8 that. We won't put your conscience to that struggle
9 okay.

10 MS. SINGLETON: Okay.

11 THE COURT: We'll stand you aside in this case Ms.
12 Singleton. Is it 378; is that your number?

13 MS. SINGLETON: Yes, sir.

14 THE COURT: We'll stand you aside but don't leave;
15 you may get picked in the other jury next door, okay. Go
16 back and have a seat.

17 [Whereupon, the juror returns to the audience]

18 THE COURT: Juror number 378 will be stood aside.

19 THE BAILIFF: Juror number 177, Your Honor.

20 THE COURT: You've got some knowledge about this
21 case from some source. Would you tell me where that came
22 from?

23 MR. GRISWOLD: It was -- I believe I read about it
24 in the paper at the time that it happened.

25 THE COURT: At the time it happened? Have you

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1 followed it since that time?

2 MR. GRISWOLD: No.

3 THE COURT: Based on what you know about this case
4 from any source Mr. Griswold did you form in your own
5 mind or did you express to anybody else any opinion that
6 you might have as to the guilt or the innocence of Mr.
7 Robinson?

8 MR. GRISWOLD: No, I did not.

9 THE COURT: If you were asked to serve as a juror
10 in this case could you be fair and impartial and set
11 aside what you know about this case and decide this case
12 on the basis of what you would hear in court?

13 MS. GRISWOLD: I believe I could, Your Honor.

14 THE COURT: Would you do that please?

15 MR. GRISWOLD: Yes, sir.

16 THE COURT: Thank you sir, Mr. Griswold.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 448, Your Honor.

19 [Whereupon, the juror comes forward]

20 THE COURT: You said that you have some information
21 about this case. Would you tell me where that came from
22 please, sir?

23 MR. ZAPP: The Island Packet.

24 THE COURT: Have you followed this case since it
25 happened two years ago?

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1 MR. ZAPP: I have.

2 THE COURT: Based on what you know about the case
3 have you formed in your mind or have you expressed to
4 anybody else any opinion that you might have as to the
5 guilt or innocence of Mr. Robinson?

6 MR. ZAPP: No I have not, Your Honor.

7 THE COURT: If you were asked to serve as a juror
8 in this case could you set aside those things that you
9 heard or read ---

10 MR. ZAPP: --- I believe I could, yes Your Honor ---

11 THE COURT: --- and decide this case based on what
12 you will hear in court?

13 MR. ZAPP: Yes, Your Honor.

14 THE COURT: Would you do that please?

15 MR. ZAPP: I would love to do that, yes, Your Honor.

16 THE COURT: Thank you, Mr. Zapp.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 287, Your Honor.

19 [Whereupon, the juror comes forward]

20 THE COURT: You indicated that you have some
21 information or knowledge about this case from some
22 source. Would you tell me what you know about the case?

23 MR. MCMANUS: Not a whole lot. I just read about it
24 in the newspaper and heard about it from other people.

25 THE COURT: Was this when it happened a couple of

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1 years or since that time?

2 MR. MCMANUS: When it happened a couple of years
3 ago.

4 THE COURT: You haven't followed it since that
5 time?

6 MR. MCMANUS: Not a whole lot.

7 THE COURT: Based on what you heard or read at that
8 time Mr. McManus did you form in your own mind or did you
9 express to anybody else any opinion that you might have
10 as to whether you think Mr. Robinson is guilty or not
11 guilty of these charges?

12 MR. MCMANUS: Not really to anybody else but to
13 myself I guess.

14 THE COURT: Okay.

15 MR. MCMANUS: Would you like me to tell you what
16 that is?

17 THE COURT: Exactly. You're under oath.

18 MR. MCMANUS: I thought he was guilty but that's
19 just my conclusion but...

20 THE COURT: That was your conclusion based on what
21 you heard at the time or read at the time?

22 MR. MCMANUS: Mostly.

23 THE COURT: All right. If you're asked to serve
24 as a juror could you set aside those preconceived ideas
25 that you have and decide this case based on what you hear

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1 in court?

2 MR. MCMANUS: Yes?

3 MR. MCMANUS: If you were asked to serve as a juror
4 since you've had those opinions before would you require
5 that Mr. Robinson prove to you that he did not commit
6 this crime?

7 MR. MCMANUS: Yes.

8 THE COURT: All right, sir. I appreciate that and
9 I appreciate your opinions and your candor Mr. McManus.
10 We're going to stand you aside as a juror in this case.
11 If you'll go back and have a seat; you might get picked
12 on the other one...

13 MR. MCMANUS: Thank you.

14 THE COURT: Juror number 287 is stood aside as a
15 juror in this case.

16 [Whereupon, the juror returns to the audience]

17 THE BAILIFF: Juror number 31, Your Honor.

18 [Whereupon, the juror comes forward]

19 THE COURT: You indicated that you have some
20 information about this case. Would you share that with
21 us please?

22 MS. GIAMPORTONE: Yes. I had seen it on the news
23 right after it happened.

24 THE COURT: Have you followed it since that time
25 two years ago?

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1 MS. GIAMPORTONE: No.

2 THE COURT: Based on what you saw at that time did
3 you form in your mind or did you express to anybody else
4 any opinion that you might have as to whether Mr.
5 Robinson you think is guilty or not guilty of this
6 charge?

7 MS. GIAMPORTONE: Yes.

8 THE COURT: What was that?

9 MS. GIAMPORTONE: Just being in a public place like
10 that with guns is you know and small children so -- I
11 have kids of my own so.

12 THE COURT: I understand. How old are your kids?

13 MS. GIAMPORTONE: Nineteen now.

14 THE COURT: They were eight or nine at one time.

15 MS. GIAMPORTONE: Yes, yes.

16 THE COURT: You indicated you expressed that
17 opinion at one time or had that opinion at one time. If
18 you were asked to serve as a juror in this case would you
19 be able to set aside that opinion and decide this case
20 based on the evidence that you hear in court?

21 MS. GIAMPORTONE: Yes, I probably could.

22 THE COURT: Since you had that preconceived
23 opinion, which certainly you're entitled to have would
24 you require that Mr. Robinson prove to you that he is not
25 guilty of these charges in order to overcome that

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1 presumption that you have?

2 MS. GIAMPORTONE: Yes.

3 THE COURT: I understand and appreciate that. I'm
4 going to stand you aside as a juror in this particular
5 case.

6 MS. GIAMPORTONE: Okay.

7 THE COURT: But don't leave because you might get
8 picked for a jury next door.

9 MS. GIAMPORTONE: Okay.

10 THE COURT: And you might get picked on another
11 jury somewhere else.

12 MS. GIAMPORTONE: Okay. Thank you.

13 THE COURT: Juror number 31 will be stood aside as
14 a juror in this case.

15 [Whereupon, the juror returns to the audience]

16 THE BAILIFF: Juror number 288, Your Honor.

17 [Whereupon, the juror comes forward]

18 THE COURT: Tell me where you got your information
19 about this case?

20 MR. MCNICHOL: The Island Packet.

21 THE COURT: Okay. Did you -- is that both at the
22 time it happened a couple of years ago and since that
23 time?

24 MR. MCNICHOL: Yes, sir. I worked there for fifteen
25 years.

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1 THE COURT: At the Island Packet?

2 MR. MCNICHOL: Yes, sir.

3 THE COURT: When did you last work there?

4 MR. MCNICHOL: It's probably been about eight years
5 ago. My wife worked there for 20. So I follow the
6 newspaper every day online.

7 THE COURT: I understand. Your publisher or your
8 editor was on the potential jury last time we had it.

9 MR. MCNICHOL: Oh really? Tara [phonetic] was.

10 THE COURT: At least the last time I was here
11 presiding; sometime two, three, or four months ago.
12 Based on what you have read in the Island Packet or paper
13 that you have some affinity for because you worked for it
14 did you form in your own mind or did you express to
15 anybody else any opinions that you might have as to the
16 guilt or the innocence of Mr. Robinson in this case?

17 MR. MCNICHOL: I have a pretty good idea, yes.

18 THE COURT: And what would that idea be?

19 MR. MCNICHOL: I think he's guilty.

20 THE COURT: All right. Would you be able to set
21 aside that idea and decide this case based on the
22 evidence that you would hear in this courtroom?

23 MR. MCNICHOL: I don't believe so.

24 THE COURT: I understand and I appreciate that.

25 Thank you, sir. We'll stand you aside but don't leave

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1 because you might get picked on another jury.

2 MR. MCNICHOL: Okay. Thank you.

3 THE COURT: Juror number 288 will be stood aside as
4 a juror in the trial of this case.

5 [Whereupon, the juror returns to the audience]

6 THE COURT: Let's ask the first half of these folks
7 to get over to the other side and then I need to talk
8 with Judge Early just a minute. We'll stay in place; I'm
9 not going to take but a second.

10 [Off the record momentarily]

11 THE COURT: Folks, I'm sorry. We're trying to
12 coordinate two court rooms here and so I had to go talk
13 with Judge Early.

14 THE BAILIFF: Juror number 235, Your Honor.

15 [Whereupon, the juror comes forward]

16 THE COURT: Ms. Kerr, you said you indicated you
17 have some information about this case. Will you tell me
18 where that information came from?

19 MS. KERR: The Island Packet.

20 THE COURT: Did you read it just at the time it
21 happened or have you followed it since that time?

22 MS. KERR: More just the time it happened.

23 THE COURT: Based on what you know about it from
24 any source at all have you formed in your own mind or
25 have you expressed to anybody else any opinion that you

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1 might have as to whether Mr. Robinson is guilty or not
2 guilty of this charge?

3 MS. KERR: No.

4 THE COURT: If you were asked to serve as a juror
5 in this case would you be able to set aside what you
6 heard or read about the case and decide the case based on
7 what you will hear in court?

8 MS. KERR: Yes.

9 THE COURT: Would you do that please?

10 MS. KERR: Yes.

11 THE COURT: Thank you. You can go back and have a
12 seat.

13 [Whereupon, the juror returns to the audience]

14 THE BAILIFF: Juror number 51, Your Honor.

15 [Whereupon, the juror comes forward]

16 THE COURT: Ms. Brown?

17 MS. BROWN: Yes, sir.

18 THE COURT: You indicated you had some knowledge
19 about this case. Would you tell me where that came from?

20 MS. BROWN: In just reading the Island Packet.

21 THE COURT: At the time it happened or since that
22 time or both did you read ---

23 MS. BROWN: --- just at the time.

24 THE COURT: At the time?

25 MS. BROWN: Uh Huh.

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1 THE COURT: Based on what you read then have you
2 formed in your own mind or did you express to anybody
3 else any opinion that you might have as to the guilt or
4 innocence of Mr. Robinson?

5 MS. BROWN: No, I have not. Something I did want to
6 voice out I was a dance instructor at the Creative Arts
7 school in Hilton Head and I don't know if I might have
8 taught **Minor** or not.

9 THE COURT: Right.

10 MS. BROWN: I would have to see a picture. Teaching
11 so many children you just don't know.

12 THE COURT: Right.

13 MS. BROWN: So I just wanted to voice that.

14 THE COURT: If we showed you a picture would you
15 know whether you taught him or not?

16 MS. BROWN: Uh Huh.

17 THE COURT: Do you have a picture?

18 MR. STONE: No sir, but I can get one if you could
19 give me just a few minutes.

20 THE COURT: Did you teach eight and nine year olds
21 creative dance at that time?

22 MS. BROWN: Uh Huh.

23 THE COURT: If we showed you a picture would you be
24 able to recognize him if you taught him?

25 MS. BROWN: Uh Huh.

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1 [Whereupon, Ms. Brown is shown a photograph]

2 MS. BROWN: No, I don't recognize him.

3 THE COURT: You said you didn't form or express any
4 opinion as to whether you thought Mr. Robinson was guilty
5 or not guilty of the charge. Would you be able to set
6 aside what you did hear or read and decide this case
7 based on what you would hear in court?

8 MS. BROWN: Sure.

9 THE COURT: Would the fact that you taught at the
10 school where he attended make it difficult for you --
11 where [REDACTED] Minor [REDACTED] attended would that make it
12 difficult for you to be fair and impartial as a juror in
13 the trial of this case?

14 MS. BROWN: I don't think so.

15 THE COURT: Could you set aside that factor and
16 decide this case based on what you would hear in the
17 court?

18 MS. BROWN: Certainly.

19 THE COURT: Would you do that please?

20 MS. BROWN: Uh huh.

21 THE COURT: Let me get your number again.

22 MS. BROWN: 51.

23 THE COURT: Thank you, ma'am.

24 [Whereupon, the juror returns to the audience]

25 THE BAILIFF: Juror number 295, Your Honor -- oh

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1 395.

2 [Whereupon, the juror comes forward]

3 THE COURT: Tell me the source of this information
4 about this case?

5 MS. STURM: Mainly the newspaper and then a little
6 bit of Facebook comments just about the little boy.

7 THE COURT: Was that when it happened or since that
8 time or?

9 MS. STURM: Both.

10 THE COURT: Based on any of those things or all of
11 them together Ms. Sturm did you form in your own mind or
12 did you express to anybody else any opinion that you
13 might have as to the guilt or innocence of Mr. Robinson?

14 MS. STURM: No.

15 THE COURT: No?

16 MS. STURM: No.

17 THE COURT: Okay. If you were asked to serve as a
18 juror in this case could you set aside those things that
19 you heard or read or talked about with anybody and decide
20 this case based just on what you will hear in court?

21 MS. STURM: Yes.

22 THE COURT: Would you do that please?

23 MS. STURM: Yes.

24 THE COURT: Thank you. You can go back and have a
25 seat.

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1 [Whereupon, the juror returns to the audience]
2 THE BAILIFF: Juror number 388, Your Honor.
3 [Whereupon, the juror comes forward]
4 THE COURT: Ms. Staab, you have some knowledge about
5 this case you said. Tell me where you got that
6 information from?
7 MS. STAAB: The Island Packet.
8 THE COURT: Okay. Was that at the time it
9 happened or since that time or both?
10 MS. STAAB: Both.
11 THE COURT: Okay. Based on all that you know
12 about this case from any source Ms. Staab did you form in
13 your own mind or did you express to anybody else any
14 opinion about whether you think he's guilty or not guilty
15 of these charges?
16 MS. STAAB: No, I did not.
17 THE COURT: If you were asked to serve as a juror
18 in this case could you set aside those things that you
19 heard or read and decide this case based on what you will
20 hear in court?
21 MS. STAAB: Yes.
22 THE COURT: Would you do that please?
23 MS. STAAB: Yes, sir.
24 MS. STAAB: Thank you. You can go back and have a
25 seat.

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1 [Whereupon, the juror returns to the audience]

2 THE BAILIFF: Juror number 365, Your Honor.

3 [Whereupon, the juror comes forward]

4 THE COURT: Tell me where you got your information
5 about this case?

6 MS. SEABROOK: The newspaper --

7 THE COURT: The Island Packet?

8 MS. SEABROOK: Yes.

9 THE COURT: Okay. Was that at the time that it
10 happened or since that time or both?

11 MS. SEABROOK: Both.

12 THE COURT: So you followed it since it occurred a
13 couple of years ago. Based on all of those things or any
14 information that you have about the case have you formed
15 in your own mind or have you expressed to anybody else
16 any opinion that you might have as to whether you think
17 he is guilty or not guilty of these charges?

18 MS. SEABROOK: No.

19 THE COURT: If you were asked to serve as a juror
20 could you set aside what you have heard or seen about the
21 case and decide this case based on what you will hear in
22 court?

23 MS. SEABROOK: Yes.

24 THE COURT: Would you do that please?

25 MS. SEABROOK: Yes.

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1 THE COURT: Thank you. You can go back and have a
2 seat.

3 [Whereupon, the juror returns to the audience]

4 THE BAILIFF: Juror number 380, Your Honor.

5 [Whereupon, the juror comes forward]

6 THE COURT: Tell me the source of your information
7 about this case.

8 MS. SMITH: At the time of the incident I was
9 working in the court office. A lot of the girls in that
10 office have been on Hilton Head, they're from here and
11 I'm not. They are one of the families that have been on
12 Hilton Head for a long time and they're all kind of tied
13 within -- they know the Singletons let's just say that.

14 THE COURT: Right. Based on those conversations
15 and what you heard your co-workers telling you or what
16 you've read about the case have you formed in your own
17 mind or have you expressed it to anybody else any opinion
18 about the guilt or the innocence of Mr. Robinson?

19 MS. SMITH: No.

20 THE COURT: If you were asked to serve in this case
21 could you set aside those things that you've heard and
22 read and decide this case based on what you will hear in
23 court?

24 MS. SMITH: Yes.

25 THE COURT: Would you do that please?

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1 MS. SMITH: Yes.

2 THE COURT: Thank you. You can go back and have a
3 seat.

4 [Whereupon, the juror returns to the audience]

5 THE BAILIFF: Juror number 36, Your Honor.

6 [Whereupon, the juror comes forward]

7 THE COURT: Ms. Bolton?

8 MS. BOLTON: Yes.

9 THE COURT: Tell me the source of your information
10 about this case.

11 MS. BOLTON: I originally remember reading the
12 original article that came out in the Hilton Head paper.

13 THE COURT: Okay. Have you followed it since that
14 time?

15 MS. BOLTON: No.

16 THE COURT: Based on what you did hear or read at
17 that time have you formed in your own mind or did you
18 express to anybody else any opinion that you might have
19 as to whether you think Mr. Robinson is guilty or not
20 guilty of this charge?

21 MS. BOLTON: No, I don't even remember his name
22 being in the article.

23 THE COURT: That's good. If you were asked to
24 serve as a juror in this case could you set aside those
25 things and decide this case based on what you will hear

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1 in court?

2 MS. BOLTON: Yes, of course.

3 THE COURT: Would you do that please?

4 MS. BOLTON: Yes.

5 THE COURT: Thank you. You can go back and have a
6 seat.

7 [Whereupon, the juror returns to the audience]

8 THE BAILIFF: Juror 111, Your Honor.

9 [Whereupon, the juror comes forward]

10 THE COURT: Ms. Dennard?

11 MS. DENNARD: Yes.

12 THE COURT: Thank you. Ms. Dennard you said first
13 of all that you have some knowledge about this case.
14 Tell me where you got that information from.

15 MS. DENARD: From the Beaufort Gazette.

16 THE COURT: Okay. At the time?

17 MS. DENNARD: At the time and I think there was an
18 article on Sunday about it..

19 THE COURT: Okay. Based on any of that
20 information that you have about the case have you
21 expressed it to anybody else or have you formed in your
22 own mind any opinion that you might have as to whether
23 he's guilty or not guilty?

24 MS. DENNARD: No.

25 THE COURT: Could you set aside those things and

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1 decide this case based on what you hear in court?

2 MS. DENNARD: I should be able to.

3 THE COURT: Would you do that please?

4 MS. DENNARD: Yes.

5 THE COURT: You also indicated that you or a family
6 member had been involved in a crime of violence at one
7 time. Was it you or a family member?

8 MS. DENNARD: It was my brother.

9 THE COURT: Your brother? And what was that
10 involvement?

11 MS. DENNARD: He was on disability and he was
12 addicted to pain meds. He was going off of them and one
13 night he called information and dialed 911 in error. So
14 to make a long story short he got accused of trying to
15 kill a police officer for coming into his house.

16 THE COURT: He did what?

17 MS. DENNARD: Attempting to kill a police officer
18 for coming into his home.

19 THE COURT: I see.

20 MS. DENNARD: Anyway, I was there at the trial.

21 THE COURT: Right. Was that here in Beaufort?

22 MS. DENNARD: No, it was in Florida.

23 THE COURT: And what was the outcome of that case?

24 MS. DENNARD: They convicted him.

25 THE COURT: Did he serve time?

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1 MS. DENNARD: Yes.

2 THE COURT: Would your involvement through your
3 brother then as a victim or -- you felt victimized by it
4 I'm sure.

5 MS. DENNARD: Yes.

6 THE COURT: Would that make it difficult for you to
7 be fair and impartial as a juror in this case?

8 MS. DENNARD: I would like to think I could be fair
9 and impartial, but I lived through that and I saw how it
10 ended up and I just don't think it was fair.

11 THE COURT: I understand. Do you think that would
12 make it difficult for you to be fair and impartial in
13 this case?

14 MS. DENNARD: I would like to say no. I think I'm a
15 smart enough person that I can listen to the evidence and
16 determine...

17 THE COURT: Right. So then let me put it to a fine
18 point.

19 MS. DENNARD: Nobody raised that.

20 THE COURT: That's right. Will you be able to set
21 aside that experience through your brother and decide
22 this case based just on the evidence that you will hear
23 in the courtroom?

24 MS. DENNARD: Yes, I could do that.

25 THE COURT: And you will do that?

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1 MS.DENNARD: Yes, I will.

2 THE COURT: Thank you. You can go back and have a
3 seat.

4 [Whereupon, the juror returns to the audience]

5 THE BAILIFF: Juror number 59, Your Honor.

6 [Whereupon, the juror comes forward]

7 THE COURT: Mr. Burke you said you have some
8 knowledge about this case. Would you tell me where that
9 information came from?

10 MR. BURKE: Newspaper, T.V., media. I had an
11 interest in reading it. I just read it ---

12 THE COURT: --- that's good ---

13 MR. BURKE: --- I saw an opportunity and recently
14 there was some information that came up last week in one
15 of the local media that may not have been involved or may
16 not have pulled the trigger. That's what I read. It
17 wasn't...

18 THE COURT: So you followed it with a great deal of
19 interest. That's fine; that's what a citizen should do.
20 Based on all the information that you have swirling
21 around in your head based on all those accounts that
22 you've read have you formed in your own mind or have you
23 expressed to anybody else any opinion that you might have
24 as to whether or not Mr. Robinson is guilty or not guilty
25 of these charges?

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1 MR. BURKE: No sir, absolutely not because I don't
2 know.

3 THE COURT: So you would be willing to set aside
4 those things you've heard and read and decide this case
5 based on what you would hear in court?

6 MR. BURKE: I would be.

7 THE COURT: And you will do that?

8 MR. BURKE: Absolutely.

9 THE COURT: You also indicated that some family
10 member had been involved in a crime of personal violence.

11 MR. BURKE: Yes, sir.

12 THE COURT: Was it you or a family member?

13 MR. BURKE: It was my nephew. I had a nephew three
14 years ago unfortunately it's not my music -- he was an
15 uprising rap star -- and he was told he couldn't do -- go
16 independent and he went independent and he was gunned
17 down in the city of New York.

18 It's been on Jon Walsh a couple of times. We've
19 never found out who did it. And last year there was a
20 shooting in Brooklyn. My niece was picking up her
21 daughter from daycare and there was a big gunfight in the
22 street and my niece's daughter was just grazed. Thank
23 God she wasn't hurt seriously. Those were the incidents.

24 THE COURT: Would those events, your nephew and
25 your niece's daughter, would either of those events or

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1 all of them together make it difficult for you to be fair
2 and impartial as a juror in the trial of this case?

3 MR. BURKE: No because in my niece's daughter's case
4 justice was prevailed and the jury did what they had to
5 do. And we're all happy with that. In my nephew's case
6 we're never going to know the truth because we have not
7 been able to apprehend the shooters and there is nothing
8 we can do about that.

9 THE COURT: Right. Would the fact that the charges
10 in this particular case, the allegations in this
11 particular case that there was a gunfight, like there was
12 in Brooklyn and that a young child died as a result of
13 that and your niece of course was wounded by a stray
14 bullet up in Brooklyn. Would the similarity of those two
15 things make it difficult for you to be fair and impartial
16 in a trial with those allegations?

17 MR. BURKE: No, I would have to be fair. I couldn't
18 hold any grudge or anything. I would have to go
19 according to what the evidence and the law mandates.

20 THE COURT: I appreciate that. I appreciate your
21 interest Mr. Burke. You can go back and have a seat.

22 [Whereupon, the juror returns to the audience]

23 THE BAILIFF: Juror number 221, Your Honor.

24 [Whereupon, the juror comes forward]

25 THE COURT: Ms. Jefferson, tell me where you got

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1 your information about this case.

2 MS. JEFFERSON: Just the newspaper and news.

3 THE COURT: The news -- did you stay in front of
4 the T.V?

5 MS. JEFFERSON: Yes.

6 THE COURT: Was this at the time it happened or
7 since that time or both?

8 MS. JEFFERSON: Since it happened.

9 THE COURT: Since it happened?

10 MS. JEFFERSON: Uh Huh.

11 THE COURT: So you followed it since it happened a
12 couple of years ago?

13 MS. JEFFERSON: No, just when they print something
14 else.

15 THE COURT: I understand. Based on what you know
16 about the case Ms. Jefferson from any source have you
17 formed in your own mind or have you expressed to anybody
18 else any opinion that you might have as to whether Mr.
19 Robinson is guilty or not guilty of this charge?

20 MS. JEFFERSON: No.

21 THE COURT: If you're asked to serve as a juror in
22 this trial could you set aside those things that you've
23 seen or heard and decide this case based on the evidence
24 that you hear in court?

25 MS. JEFFERSON: Yes.

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1 THE COURT: Would you do that please?

2 MS. JEFFERSON: Yes.

3 THE COURT: Thank you. You can go back and have a
4 seat.

5 [Whereupon, the juror returns to the audience]

6 THE BAILIFF: Juror number 158, Your Honor.

7 [Whereupon, the juror comes forward]

8 THE COURT: Mr. Gibbs how are you?

9 MR. GIBBS: Freezing.

10 THE COURT: It is cold in here. Mr. Gibbs you
11 indicated that you had some information about this case.
12 What was the source of that information?

13 MR. GIBBS: Through the newspaper and the media;
14 mainly Facebook.

15 THE COURT: I see. Social media and the sort?

16 MR. GIBBS: Yes.

17 THE COURT: Was that at the time it happened or
18 since that time or both?

19 MR. GIBBS: Since that time.

20 THE COURT: You followed it since that time?

21 MR. GIBBS: Yes.

22 THE COURT: Based on all of those things have you
23 formed in your own mind or have you expressed to anybody
24 else any opinion that you have as to whether you think
25 Mr. Robinson is guilty or not?

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1 MR. GIBBS: I have not.

2 THE COURT: If you're asked to serve as a juror
3 could you set aside those things and decide this case
4 based on what you would hear in court?

5 MR. GIBBS: Yes.

6 THE COURT: Would you do that please?

7 MR. GIBBS: Yes.

8 THE COURT: Thank you Mr. Gibbs I appreciate it.
9 Hopefully we find where that thermostat is and not freeze
10 you out in this case.

11 [Whereupon, the juror returns to the audience]

12 THE BAILIFF: Juror number 25, Your Honor.

13 [Whereupon, the juror comes forward]

14 THE COURT: Ms. Batista is it?

15 MS. BATISTA: Yes.

16 THE COURT: Tell me where you got your information
17 about the case Ms. Batista?

18 MS. BATISTA: Reading in the newspaper, radio,
19 television.

20 THE COURT: Have you followed it since it happened
21 a couple of years ago or did you just follow it at the
22 time it occurred?

23 MS. BATISTA: No, I followed it since it first
24 occurred?

25 THE COURT: Since that time?

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1 MS. BATISTA: Uh Huh.

2 THE COURT: Based on the things you have read and
3 heard about this case have you formed in your own mind or
4 have you expressed to anybody else any opinion that you
5 might have as to whether you think Mr. Robinson is guilty
6 or not guilty of these charges?

7 MS. BATISTA: Yes, I have.

8 THE COURT: And what is that opinion?

9 MS. BATISTA: I believe that his actions are a
10 result of this crime.

11 THE COURT: You believe what?

12 MS. BATISTA: That his actions are a result of this
13 crime.

14 THE COURT: You believe that he was at fault in
15 causing the death of the young man?

16 MS. BATISTA: Yes, Uh Huh.

17 THE COURT: If you're asked to serve as a juror in
18 this trial could you set aside those opinions and decide
19 this case based on the evidence that you hear in court?

20 MS. BATISTA: Yes, I could.

21 THE COURT: You could set that aside?

22 MS. BATISTA: Yes.

23 THE COURT: Since you had those preconceived ideas
24 about whether he was guilty or that he was guilty of the
25 charge would you require that he prove to you that he did

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1 not do this in order for you to...

2 MS. BATISTA: Yes.

3 THE COURT: Ms. Batista I appreciate that and I
4 appreciate your candor. And we -- your opinions I'm
5 going to stand you aside as a juror in this trial okay?

6 MS. BATISTA: Okay. Thank you.

7 THE COURT: Don't leave. You might get picked in
8 the other case okay.

9 MS. BATISTA: I'll sit down.

10 THE COURT: Juror number 25 will be stood aside as
11 a juror in this case.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror 125, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: Tell me the source of your information
16 about the case?

17 MR. DUNNING: Newspaper. It's right down the street
18 from my office like two blocks and I have a couple of
19 guys that live off Island Drive too and they were talking
20 about it a bunch at work when it first happened.

21 THE COURT: When it first happened?

22 MR. DUNNING: Uh Huh.

23 THE COURT: What about since that time? Have you
24 followed it since that time?

25 MR. DUNNING: Not until I heard this and it made me

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1 go back in my brain.

2 THE COURT: I understand. Based on those things at
3 any time Mr. Dunning have you formed in your own mind or
4 have you expressed to anybody else any opinion that you
5 might have as to whether Mr. Robinson is guilty or not
6 guilty?

7 MR. DUNNING: No.

8 THE COURT: If you're asked to serve as a juror
9 could you set aside those things that you've seen and
10 heard and decide this case based on what you'd hear in
11 court?

12 MR. DUNNING: Uh Huh.

13 THE COURT: Would you do that please?

14 MR. DUNNING: Yes.

15 THE COURT: Thank you. You can go back and have a
16 seat.

17 [Whereupon, the juror returns to the audience]

18 THE BAILIFF: Juror number 213, Your Honor.

19 [Whereupon, the juror comes forward]

20 THE COURT: Ms. Hutchins, tell me where you got
21 your information about the case.

22 MS. HUTCHINS: I worked with Janet Young who is the
23 Young's -- the other side of the case. I worked with her
24 for three years.

25 THE COURT: Now Janet Young...

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1 MS. HUTCHINS: Is the mother and she has a grandson.

2 THE COURT: Oh, Aaron Young; that side? Aaron
3 Young, Sr. and Jr.?

4 MS. HUTCHINS: Yes. I worked with her for three
5 years.

6 THE COURT: I see. I understand.

7 MS. HUTCHINS: And she told me a lot you know a lot
8 of things.

9 THE COURT: I see.

10 MS. HUTCHINS: And I think I would be impartial.

11 THE COURT: You think you would be what?

12 MS. HUTCHINS: I would be impartial.

13 THE COURT: You think you could be impartial?

14 MS. HUTCHINS: Yes.

15 THE COURT: You could set aside those things that
16 Ms. Young told you and be fair and impartial in this
17 case?

18 MS. HUTCHINS: No, no I don't.

19 THE COURT: I understand. I thought I had
20 misunderstood you. And I can appreciate that. What's
21 your number again?

22 MS. HUTCHINS: 213.

23 THE COURT: I can appreciate that and the fact that
24 you do have information, whether it's correct information
25 or not is another matter, but you've got information and

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1 you've relied on it and that could make it difficult for
2 you to disregard those things.

3 MS. HUTCHINS: Right.

4 THE COURT: We'll stand you aside as a juror in
5 this case Ms. Hutchins but please do not leave the court.
6 You might get picked on another jury before it's all
7 over.

8 MS. HUTCHINS: Okay.

9 THE COURT: Thank you Ms. Hutchins.

10 MS. HUTCHINS: Thank you.

11 THE COURT: Juror number 213 will be stood aside as
12 a juror in this case.

13 [Whereupon, the juror returns to the audience]

14 THE BAILIFF: Juror number 41, Your Honor.

15 [Whereupon, the juror comes forward]

16 THE COURT: Ms. Boston, you indicated that you or a
17 family member had been involved in a crime of personal
18 violence. Was it you or a family member?

19 MS. BOSTON: My stepson.

20 THE COURT: Your stepson? And what was his
21 involvement?

22 MS. BOSTON: He was charged with domestic violence
23 by his then girlfriend and I actually came here with him
24 about three years ago a couple of times. The case was
25 eventually dismissed.

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1 THE COURT: It was dismissed?

2 MS. BOSTON: Yes, sir.

3 THE COURT: Would that experience through your son
4 as being charged with a crime that was dismissed would
5 that make it difficult for you to be fair and impartial
6 as a juror in this particular case?

7 MS. BOSTON: No, sir.

8 THE COURT: You could set aside that experience and
9 decide this case based on what you hear in court?

10 MS. BOSTON: Yes, sir.

11 THE COURT: Would you do that please?

12 MS. BOSTON: Yes.

13 THE COURT: Thank you. You can go back and have a
14 seat.

15 [Whereupon, the juror returns to the audience]

16 THE BAILIFF: Juror number 232, Your Honor.

17 [Whereupon, the juror comes forward]

18 THE COURT: Ms. Jolley, you have some information
19 about the case. Would you tell me where it came from?

20 MS. JOLLEY: It came from the Island Packet, Your
21 Honor.

22 THE COURT: Was that at the time it happened or
23 since that time or both?

24 MS. JOLLEY: It was just at the time it happened.

25 THE COURT: Did you form in your own mind or did

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1 you express to anybody else any opinion that you might
2 have as to the guilt or innocence of Mr. Robinson at that
3 time?

4 MS. JOLLEY: No, Your Honor.

5 THE COURT: If you're asked to serve as a juror in
6 the trial of this case could you set aside those things
7 that you have seen and heard and decide this case based
8 on the evidence that you will hear in this courtroom?

9 MS. JOLLEY: Yes, Your Honor.

10 THE COURT: Would you do that please?

11 MS. JOLLEY: Yes, Your Honor.

12 THE COURT: Thank you. You can go back and have a
13 seat.

14 [Whereupon, the juror returns to the audience]

15 THE BAILIFF: Juror number 345, Your Honor.

16 [Whereupon, the juror comes forward]

17 THE COURT: Mr. Roberts, tell me where you got the
18 information that you have about this case?

19 MR. ROBERTS: From the Island Packet articles.

20 THE COURT: Was that at the time it happened or
21 since that time or both?

22 MR. ROBERTS: Both.

23 THE COURT: Based on those things you read in the
24 Packet or wherever you got your information did you form
25 in your own mind or did you express to anybody else any

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1 opinion as to the guilt or the innocence of Mr. Robinson?

2 MR. ROBERTS: No.

3 THE COURT: If you're asked to serve as a juror in
4 this case could you set aside those things that you've
5 seen or heard and decide this case based on the evidence
6 that you hear in court?

7 MR. ROBERTS: Yes, I could.

8 THE COURT: Would you do that please?

9 MR. ROBERTS: Certainly.

10 THE COURT: Thank you, sir. Now you also indicated
11 that you or a family member had been a victim of a crime
12 of personal violence. Was it you or a family member?

13 MR. ROBERTS: Both.

14 THE COURT: Let's start with you first of all.
15 What was your involvement?

16 MR. ROBERTS: You said robbery and I had my house
17 robbed.

18 THE COURT: Were you in the home at the time it
19 happened?

20 MR. ROBERTS: No.

21 THE COURT: Was anybody ever caught and convicted
22 for that?

23 MR. ROBERTS: No.

24 THE COURT: Was it here in Hilton Head -- in
25 Beaufort County?

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1 MR. ROBERTS: No.

2 THE COURT: Somewhere else?

3 MR. ROBERTS: Somewhere else.

4 THE COURT: And then who was the other family
5 member?

6 MR. ROBERTS: I have a step-son he wasn't convicted
7 but a burglary. He was accused.

8 THE COURT: Whatever became of that case?

9 MR. ROBERTS: The case was dropped due to lack of
10 evidence.

11 THE COURT: Okay. Was that here in Beaufort
12 County?

13 MR. ROBERTS: Yes.

14 THE COURT: How long ago was that?

15 MR. ROBERTS: Three years ago maybe.

16 THE COURT: How old was your step-son at the time?

17 MR. ROBERTS: 17.

18 THE COURT: Was he living with you all the time?

19 MR. ROBERTS: Yes.

20 THE COURT: Would either of those experiences that
21 you've just talked about you being a victim and your
22 step-son being accused of a crime would those things make
23 it difficult for you to be fair and impartial as a juror
24 in this case?

25 MR. ROBERTS: No.

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1 THE COURT: Could you set aside those things and
2 decide this case based on what you would hear in court?

3 MR. ROBERTS: Yes, I could.

4 THE COURT: Would you do that please?

5 MR. ROBERTS: I will.

6 THE COURT: Thank you. You can go back and have a
7 seat.

8 [Whereupon, the juror returns to the audience]

9 THE BAILIFF: Juror number 427, Your Honor.

10 [Whereupon, the juror comes forward]

11 THE COURT: Mr. Wigington, tell me about the
12 information you have about this case where it came from.

13 MR. WIGINGTON: I saw the headline in yesterday's
14 Island Packet.

15 THE COURT: Okay.

16 MR. WIGINGTON: I might have read the first
17 paragraph but I just saw it.

18 THE COURT: When this thing occurred a couple of
19 years ago did you follow it at that time?

20 MR. WIGINGTON: No, sir.

21 THE COURT: Okay. Based on what you have read or
22 what you know about it from any source at all have you
23 formed in your own mind or have you expressed it to
24 anybody else any opinion about the guilt or the innocence
25 of Mr. Robinson?

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1 MR. WIGINGTON: No, sir.

2 THE COURT: If you're asked to serve as a juror in
3 this case could you set aside those things that you've
4 seen or heard and decide this case based on what you hear
5 in court?

6 MR. WIGINGTON: Yes, sir.

7 THE COURT: Would you do that please?

8 MR. WIGINGTON: Yes, sir.

9 THE COURT: Thank you. You can go back and have a
10 seat.

11 [Whereupon, the juror returns to the audience]

12 THE BAILIFF: Juror number 389, Your Honor.

13 [Whereupon, the juror comes forward]

14 THE COURT: Tell me the information that you have
15 about this case. Where did it come from?

16 MS. STANLEY: Well I live at Haig Point community
17 and I believe the victim's aunt was an employee there.

18 THE COURT: Right.

19 MS. STANLEY: And a lot of the women and I rallied
20 around her because it was a horrible, horrible event.

21 THE COURT: That was [REDACTED] Minor's aunt right?

22 MS. STANLEY: Uh Huh.

23 THE COURT: And of course you read about it or
24 followed it in the news media to some extent.

25 MS. STANLEY: Uh Huh.

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1 THE COURT: Would the scope of the information that
2 you have from both of those things; both reading it in
3 the paper and having some connection with the victim's
4 family would either or both of those things make it
5 difficult for you to be fair and impartial as a juror in
6 the trial of this case?

7 MS. STANLEY: The newspaper not but knowing the
8 aunt...

9 THE COURT: Did you get personally involved with
10 the aunt?

11 MS. STANLEY: No, I would see her about every day
12 though.

13 THE COURT: I see.

14 MS. STANLEY: But I'm not real close with her but I
15 know people that are.

16 THE COURT: I understand. Would any of those
17 things or all of them together make it difficult for you
18 to be fair and impartial as a juror in this trial?

19 MS. STANLEY: Yes.

20 THE COURT: All right. We'll stand you aside as a
21 juror in this case Ms. Stanley. You might still get
22 picked on the other one. I don't know what happened with
23 that one yet but don't leave us just yet.

24 MS. STANLEY: Okay.

25 THE COURT: Thank you. Number 389 stood aside as a

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1 juror in this trial.

2 [Whereupon, the juror returns to the audience]

3 THE BAILIFF: Juror number 341, Your Honor.

4 [Whereupon, the juror comes forward]

5 THE COURT: You indicated you have some information
6 about this case. Tell me where you got the information.

7 MR. RECHIN: Probably the Island Packet and maybe a
8 little bit of gossip hearsay through work and church.

9 THE COURT: Where do you work?

10 MR. RECHIN: Sonesta Resort, formerly Crown Plaza.

11 THE COURT: Okay. Based on any of the information
12 that you have about the case have you formed in your own
13 mind or have you expressed to anybody else any opinion
14 that you might have as to the guilt or the innocence?

15 MR. RECHIN: I don't think so.

16 THE COURT: If you were asked to serve as a juror
17 in this case could you set aside those things that you
18 have seen and heard?

19 MR. RECHIN: I think so.

20 THE COURT: And decide this case based on what you
21 would hear here in court?

22 MR. RECHIN: Yes.

23 THE COURT: Would you do that please?

24 MR. RECHIN: Uh Huh.

25 THE COURT: Thank you. You can go back and have a

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1 seat.

2 [Whereupon, the juror returns to the audience]

3 THE BAILIFF: Juror number 252, Your Honor.

4 [Whereupon, the juror comes forward]

5 THE COURT: Tell me where you got your information
6 about the case?

7 MS. LEVY: Well, I live in Hilton Head and everybody
8 was talking about it.

9 THE COURT: Right. Did it come from conversation
10 or from the Island Packet or some combination of those
11 things?

12 MS. LEVY: I actually saw his picture on the front
13 page of the Packet. And my nephew played baseball and he
14 was the same age so he...

15 THE COURT: Your nephew was eight or nine?

16 MS. LEVY: Yes, when that happened.

17 THE COURT: I see. Did your nephew know him?

18 MS. LEVY: Not really. I mean he knew who he was.

19 THE COURT: I see.

20 MS. LEVY: I mean he had seen him.

21 THE COURT: I see. Didn't play on the same team or
22 anything like that as far as you know.

23 MS. LEVY: I don't think so.

24 THE COURT: Based on any of that information --
25 lets start with what you knew about the case from the

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1 people on Hilton Head who were just talking about it did
2 you form in your mind or did you express to anybody else
3 any opinion as to whether you think he's guilty or not
4 guilty of this charge?

5 MS. LEVY: Oh no. I mean it was never -- no.

6 THE COURT: Could you set aside those things and
7 decide this case based on what you would hear in court?

8 MS. LEVY: Absolutely.

9 THE COURT: Would you do that please?

10 MS. LEVY: Yes, sir.

11 THE COURT: Now based on the fact that your nephew
12 is or was nine years old and played baseball or eight
13 years old [Minor] was about the same age and
14 played baseball. Would that impact on your ability to be
15 fair and impartial as a juror in this trial?

16 MS. LEVY: No.

17 THE COURT: Could you set aside that matter and
18 decide this case based on what you hear in the courtroom?

19 MS. LEVY: Uh Huh.

20 THE COURT: Thank you. You can go back and have a
21 seat.

22 MS. LEVY: What about the -- that I knew about.

23 THE COURT: What's that?

24 MS. LEVY: That I just remembered????

25 THE COURT: Oh, that's fine. Thank you.

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1. [Whereupon, the juror returns to the audience]

2 THE BAILIFF: Juror number 237, Your Honor.

3 [Whereupon, the juror comes forward]

4 THE COURT: Ms. King, I didn't have you down on my
5 note --

6 MS. KING: You had stated the question and I was
7 thinking about it when this side over here stood up and
8 you said if you were a victim. Maybe this is not
9 pertinent but I almost had a home invasion at my house in
10 August of 2012. And my husband was at work and I told
11 the perpetrator that I had weapons and I know how to use
12 them; I'm former military.

13 And I called 911 of course and they came and took
14 footprints and this and that but they did say that
15 someone was there but there was no home invasion. But I
16 just wanted to -- like I said it has nothing to do with
17 this.

18 THE COURT: I appreciate that.

19 MS. KING: I just don't want to get in any kind of
20 trouble.

21 THE COURT: No, you won't. Did anybody -- I take
22 it nobody was ever caught.

23 MS. KING: There was two people involved. There was
24 a black gentleman and a white gentleman. They both were
25 killed in drug deals in Aiken. So, there it is.

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1 THE COURT: All right. Would what you just
2 described to me would any of that make it difficult for
3 you to be fair and impartial as a juror in this trial?

4 MS. KING: Absolutely not.

5 THE COURT: You can set aside those things and
6 decide this case based on what you hear in court?

7 MS. KING: Absolutely.

8 THE COURT: Would you do that please?

9 MS. KING: Absolutely.

10 THE COURT: Thank you. You can go back and have a
11 seat.

12 [Whereupon, the juror returns to the audience]

13 THE BAILIFF: Juror number 116, Your Honor.

14 [Whereupon, the juror comes forward]

15 THE COURT: Ms. Doe tell me where your information
16 came about this case.

17 MS. DOE: My husband has told me because he likes to
18 watch the news.

19 THE COURT: I'm sorry?

20 MS. DOE: My husband had told me about it. He likes
21 to watch the news.

22 THE COURT: I got you. Was that when it happened
23 some time ago a couple of years ago when it happened?

24 MS. DOE: Uh Huh.

25 THE COURT: Have you and your husband followed it

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1 since that time?

2 MS. DOE: No.

3 THE COURT: Based on what you know about the case
4 from talking with our husband or wherever you got your
5 information from have you made up your own mind or have
6 you told anybody else any feelings that you might have as
7 to whether you think he's guilty or not guilty of these
8 charges?

9 MS. DOE: No.

10 THE COURT: If you're asked to serve as a juror in
11 this trial would you forget those things that you have
12 heard and read and decide this case based on the evidence
13 that you hear in court?

14 MS. DOE: Yes, sir.

15 THE COURT: Would you do that please?

16 MS. DOE: Yes, sir.

17 THE COURT: Thank you. You can go back and have a
18 seat.

19 [Whereupon, the juror returns to the audience]

20 THE BAILIFF: Juror number 308, Your Honor.

21 [Whereupon, the juror comes forward]

22 THE COURT: Ms. Newnham you said you have some
23 information about this case. Where did you get it from?

24 MS. NEWNHAM: I heard it first on the news, Savannah
25 news WSAB.

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1 THE COURT: When it happened a couple of years ago?

2 MS. NEWNHAM: Yes.

3 THE COURT: Have you followed it since that time?

4 MS. NEWNHAM: Just what I've heard on the news.

5 THE COURT: Okay. Do you read the island Packet?

6 MS. NEWNHAM: Occasionally but I haven't read it
7 lately.

8 THE COURT: Okay. That's fine. Based on those
9 things that you've heard and read wherever you got your
10 information from Ms. Newnham have you formed in your own
11 mind or have you expressed to anybody else any feeling
12 that you might have as to the guilt or innocence of Mr.
13 Robinson?

14 MS. NEWNHAM: No, sir.

15 THE COURT: If you're asked to serve as a juror in
16 this trial could you make your decision based on what you
17 would hear in court without regard to those things that
18 you've seen and heard?

19 MS. NEWNHAM: Yes, sir.

20 THE COURT: Would you do that please?

21 MS. NEWNHAM: Yes.

22 THE COURT: Thank you. You can go back and have a
23 seat.

24 [Whereupon, the juror returns to the audience]

25 THE BAILIFF: Juror number 102, Your Honor.

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1 [Whereupon, the juror comes forward]

2 THE COURT: Mr. Davis, tell me the source of your
3 information about the case.

4 MR. DAVIS: The Island Packet. I've just seen a
5 couple. I haven't spoken to anybody or really know the
6 details; just seeing the names in the Island Packet when
7 it happened.

8 THE COURT: When it happened?

9 MR. DAVIS: Uh Huh. And then again I think it the
10 last week or so there was something that...

11 THE COURT: Based on those things have you formed
12 in your own mind or have you expressed to anybody else
13 any opinion that you might have as to whether you think
14 he's guilty or not guilty of this charge?

15 MR. DAVIS: I have not.

16 THE COURT: If you're asked to serve as a juror in
17 this trial could you set aside those things that you've
18 seen or heard and decide this case based on the evidence
19 that you hear in court?

20 MR. DAVIS: Absolutely.

21 THE COURT: Would you do that please?

22 MR. DAVIS: Yes, sir.

23 THE COURT: Thank you. You can go back and have a
24 seat.

25 [Whereupon, the juror returns to the audience]

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1 THE BAILIFF: Juror number 148, Your Honor.

2 [Whereupon, the juror comes forward]

3 THE COURT: You indicated you have some information
4 about this case. Where did you get that information
5 from?

6 MS. FRYMAN: From the Beaufort Gazette.

7 THE COURT: Okay. Was it at the time that it
8 happened or since that time or both?

9 MS. FRYMAN: Both.

10 THE COURT: Based on those things you read in the
11 Gazette Ms. Fryman have you formed in your own mind or
12 have you expressed to anybody else any opinion that you
13 might have as to the guilt or the innocence of Mr.
14 Robinson?

15 MS. FRYMAN: No.

16 THE COURT: If you're asked to serve as a juror in
17 this trial could you set aside those things that you've
18 seen or heard and decide this case based on the evidence
19 that you hear in court?

20 MS. FRYMAN: Yes, I could.

21 THE COURT: Would you do that please?

22 MS. FRYMAN: Yes, sir.

23 THE COURT: Thank you. You can go back and have a
24 seat.

25 [Whereupon, the juror returns to the audience]

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1 THE BAILIFF: Juror number 262 Your Honor.

2 [Whereupon, the juror comes forward]

3 THE COURT: Tell me where you got your information
4 about this case.

5 MR. LORENZ: Newspaper and television reports.

6 THE COURT: At the time it happened or since that
7 time or both?

8 MR. LORENZ: Both.

9 THE COURT: Both? Based on that information that
10 you do have, have you formed in your own mind or have you
11 expressed to anybody else in any opinion that you might
12 have as to the guilt or the innocence of Mr. Robinson?

13 MR. LORENZ: No, sir.

14 THE COURT: If you're asked to serve as a juror in
15 this trial could you set aside those things that you've
16 seen or heard and decide this case based on the evidence
17 that you hear in court?

18 MR. LORENZ: Yes, sir.

19 THE COURT: Would you do that please?

20 MR. LORENZ: Yes, sir.

21 THE COURT: Thank you. You can go back and have a
22 seat.

23 [Whereupon, the juror returns to the audience]

24 THE BAILIFF: Juror number 130, Your Honor.

25 [Whereupon, the juror comes forward]

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1 THE COURT: You have indicated that you or a family
2 member had been involved in a crime of personal violence.

3 MS. ESPINOZA: My sister.

4 THE COURT: Your sister?

5 MS. ESPINOZA: My only sister was raped at gunpoint
6 in her home in 1974.

7 THE COURT: And where did that happen?

8 MS. ESPINOZA: Palm Springs, California.

9 THE COURT: Was anyone ever caught and convicted of
10 that?

11 MS. ESPINOZA: He was caught and it turned out he
12 had raped about 12 women in a span of two years. He was
13 convicted and was released after about 17 years. So she
14 still looks over her shoulder as we do.

15 THE COURT: I see ---

16 MS. ESPINOZA: --- it changed her life.

17 THE COURT: Does she still live there?

18 MS. ESPINOZA: Yes, she still lives there. It
19 destroyed her marriage.

20 THE COURT: How old is she now?

21 MS. ESPINOZA: She is 60.

22 THE COURT: So she was relatively young when this
23 happened?

24 MS. ESPINOZA: She was 20 when she was raped.

25 THE COURT: Would your unfortunate experience

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1 through your sister vicariously as a victim in this case
2 make it difficult for you to be fair and impartial as a
3 juror in the trial of this case?

4 MS. ESPINOZA: I've lived with this for 40 years and
5 it's ingrained; it's part of me. I could try. I also
6 have a very -- my best friend was murdered in 1980 in
7 Palm Springs, California so I would give it my best but
8 it's part of me.

9 THE COURT: I understand. I can appreciate that.
10 I'm concerned that we might put you in a difficult
11 position asking you to set aside all those -- those types
12 of experiences.

13 MS. ESPINOZA: I can still try.

14 THE COURT: Well, let me ask you the pointed
15 question. Would you be able to set aside those
16 experiences that you've just described to me and decide
17 this case based on the evidence that you hear in court?

18 MS. ESPINOZA: I would do my very best to do that.

19 THE COURT: Would you do that please?

20 MS. ESPINOZA: I don't know how I'm going to feel
21 when things come up.

22 THE COURT: I understand and I can appreciate that.
23 Of course we need to have folks who don't bring into this
24 process the unfortunate experience you have had through
25 no fault of your own. And that's the reason we ask these

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1 questions so that we can make sure ---

2 MS. ESPINOZA: --- I can serve on any other jury.

3 THE COURT: I know ---

4 MS. ESPINOZA: --- I have and I will.

5 THE COURT: I'm sure you will. And there are
6 others -- we don't want to recall your number again.

7 MS. ESPINOZA: 130.

8 THE COURT: There are other cases out there that
9 which would not recall the unfortunate memories that you
10 would have to recall in this particular case. I'm going
11 to stand you aside as a juror in this case but there are
12 other cases to be tried this week so hopefully you ---

13 MS. ESPINOZA: --- so just hang out?

14 THE COURT: Hang out for a while. Thank you. You
15 can go back and have a seat.

16 [Whereupon, the juror returns to the audience]

17 THE COURT: Juror number 130 will be stood aside in
18 this case.

19 THE BAILIFF: Juror number 316, Your Honor.

20 [Whereupon, the juror comes forward]

21 THE COURT: Ms. Pataluch you indicated that you
22 have some information about the case. Would you tell me
23 what the source of that information was?

24 MS. PATALUCH: It was the Island Packet.

25 THE COURT: Okay. Was it at the time it happened

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1 or since that time or both?

2 MS. PATALUCH: It's just reading the Sunday paper
3 just keeping up with the story.

4 THE COURT: Just like you do all the news?

5 MS. PATALUCH: General information but I thought I
6 better say something.

7 THE COURT: You did exactly the right thing. Based
8 on those things that you have seen or heard or read about
9 this case have you formed in your mind or have you
10 expressed to anybody else any opinions you may have as to
11 the guilt or innocence?

12 MS. PATALUCH: No, I haven't.

13 THE COURT: If you're asked to serve as a juror
14 could you set aside those things that you've seen or
15 heard and decide this case based on the evidence that you
16 hear in court?

17 MS. PATALUCH: Yes, I think I could.

18 THE COURT: Would you do that please?

19 MS. PATALUCH: Yes, I will.

20 THE COURT: Thank you. You can go back and have a
21 seat.

22 [Whereupon, the juror returns to the audience]

23 THE COURT: Ladies and gentlemen, I thank you all
24 for your patience in that process, that important part of
25 this process, and for the good humor in which you have

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1 borne up under that rather tedious process that we
2 necessarily have to work through in order to assure that
3 at least those matters that we were talking about up here
4 at sidebar would not adversely impact your ability to be
5 fair and impartial as jurors in this trial.

6 Ladies and gentlemen, if any of you all out there
7 ever been employed by a law enforcement agency other than
8 the one or two of you have expressed that what your
9 employment is and we already know about that, anybody
10 else who has been employed by a law enforcement agency
11 either civilian or military agency or has been employed
12 in either a Public Defender's office, a Solicitor's
13 office or an Attorney General's office, if any of you
14 have ever been employed by a law enforcement agency,
15 civilian or military, or if you have ever been an
16 employee of a Public Defender's office, Solicitor's
17 office, or Attorney General's office would you please
18 stand.

19 [Whereupon, an individual stands]

20 THE COURT: Yes sir, you name and number please?

21 MR. POLLARD: Juror number 329. I graduated from
22 the police academy in 2012 in Brevard County, Florida. I
23 was hired by the Titusville Police Department. I quit
24 during F-T-O.

25 THE COURT: You did what; I'm sorry?

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1 MR. POLLARD: I quit during my field training.

2 THE COURT: I see. All right, sir. Thank you Mr.
3 Pollard, we appreciate that.

4 [Whereupon, an individual stands]

5 THE COURT: Yes, sir?

6 MR. GAITHER: Warren Gaither, 151. I was a military
7 policeman for 22 years and I'm in security now.

8 THE COURT: Thank you. Mr. Pollard and Mr.
9 Gaither, would your employment or your experience in that
10 regard with law enforcement make it difficult for you to
11 be fair and impartial as a juror in this trial, Mr.
12 Pollard?

13 MR. POLLARD: No, sir.

14 THE COURT: Mr. Gaither?

15 MR. GAITHER: No, sir.

16 THE COURT: Thank you gentlemen, you may have a
17 seat.

18 [Whereupon, an individual stands]

19 THE BAILIFF: One more standing, Your Honor.

20 THE COURT: Okay. I'm sorry. We know about
21 yours. Thank you. I've written it down a couple of
22 times already but I think the lawyers have made a
23 notation of that as well. Thank you.

24 Ladies and gentlemen, understanding the allegations
25 in this particular case, which as you know from reading

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1 the indictment are allegations accusing the defendant in
2 this particular case with the murder of a young boy, who
3 was either eight or nine years old at the time this
4 happened.

5 Is there anything in your own background, your own
6 family history, your own experiences, your own religious
7 beliefs that would make it difficult for you to serve
8 fairly and impartially as a juror in a trial with those
9 allegations against the defendant? If so, would you
10 please stand?

11 [Whereupon, an individual stands]

12 THE COURT: Yes, sir?

13 MR. MANNING: Michael Manning, 273.

14 THE COURT: 273 wait just one second. All right
15 Mr. Manning would you come forward again, please sir?

16 [Whereupon, the juror comes forward]

17 THE COURT: Mr. Manning, if you will speak once
18 again so that she can hear. Tell me what you...

19 MR. MANNING: My girlfriend lost her son to leukemia
20 and he was eight years old and it was a long and
21 difficult process. And to see a young child lose their
22 life was very difficult for me.

23 THE COURT: I understand. And I'm sorry that we
24 had to even recall that unfortunate incident in your life
25 with your girlfriend. We'll stand you aside as a juror

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1 Mr. Manning in this trial. You might get picked in
2 another one so don't leave us just yet.

3 MR. MANNING: Okay. Thank you.

4 [Whereupon, the juror returns to the audience]

5 THE COURT: Number 273 will be stood aside as a
6 juror in this case.

7 Ladies and gentlemen, have any of you all thought in
8 your own mind or have you expressed to anyone else any
9 opinion that you might have as to the guilt or the
10 innocence of Mr. Robinson in this case? If you have will
11 you please stand?

12 Is anyone out there conscious that is to say aware
13 of any bias or prejudice that you might have for or
14 against the State of South Carolina or for or against Mr.
15 Tyrone Robinson? If so, please stand.

16 Do any of you then know of any reason whatsoever
17 that would prevent you from being fair and impartial as a
18 juror both to the State and to this defendant? If you
19 know of any such reason would you please stand. Mr.
20 Solicitor, any further questions from the state?

21 MR. STONE: Nothing from the State, Your Honor.

22 THE COURT: Mr. Bax, other than previously noted
23 any additional questions from the defense?

24 MR. BAX: A moment, Your Honor.

25 [Whereupon, Mr. Bax and Ms. Saxon confer]

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1 MR. BAX: Approach briefly, Your Honor?

2 THE COURT: Sir?

3 MR. BAX: Approach?

4 THE COURT: Yes, sir. We can do it right here with
5 her. Speak so she can hear you.

6 MR. BAX: I know you did ask if anybody is employed
7 by law enforcement. We did not ask if anybody is married
8 to somebody or has in their immediate family somebody in
9 law enforcement. I do typically try to get that
10 information if it's possible because a lot of people have
11 sons, or daughter's, or husbands. We've heard from a
12 few. And then the other one, Your Honor, was whether any
13 member of the jury panel typically or currently donates
14 to a ---

15 THE COURT: --- I should have asked that. I'll
16 decline to get -- but you are right; I overlooked that.
17 I'll get it.

18 MR. BAX: Thank you.

19 THE COURT: Ladies and gentlemen, I'm sorry I had
20 overlooked one of the questions I was supposed to ask
21 you. Are any of you all members of or contributors to
22 any law enforcement support, or victim's rights
23 organizations such as MADD, SADD, CODA, CADRE or the
24 like? If so please stand.

25 [Whereupon, an individual stands]

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1 THE COURT: Yes ma'am, your name and number please?

2 MS. LOVELL: 264.

3 THE COURT: And which organization do you
4 contribute to?

5 MS. LOVELL: Well, I just want to clarify I work for
6 United Way. We have partner agencies CODA, Oak Haven
7 [phonetic] some of those type of agencies.

8 THE COURT: Thank you, ma'am. Would that make it
9 difficult for you to be fair and impartial in this case?

10 MS. LOVELL: No.

11 THE COURT: Thank you, ma'am. You can have a
12 seat.

13 [Whereupon, an individual stands]

14 THE COURT: Yes, ma'am?

15 MS. LAROCHE: 248. I donate money to CODA and MADD.

16 THE COURT: Thank you. Would that impact your
17 ability to be fair and impartial in this case?

18 MS. LAROCHE: No, sir.

19 THE COURT: Thank you, ma'am. Mr. Bax, anything
20 further?

21 MR. BAX: No, Your Honor. Thank you.

22 THE COURT: Thank you. Madame Reporter, if you
23 will make the Voir Dire a court's exhibit please?

24 [Whereupon, court's exhibit number 1 is marked by
25 the court reporter]

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1 THE COURT: All right. Madame Clerk, you can give
2 us a jury. The strikes will be five for the State, ten
3 for the defense. We will pick two alternates. As to the
4 alternates the strikes will be one for the State, two for
5 the defense.

6 MR. BAX: And Your Honor if I may? I just want to
7 make sure I note for the record my motion that we
8 discussed in chambers.

9 THE COURT: Thank you. I will note that the
10 motion that we talked about in chambers we will note that
11 for the record and we will argue it out of the presence
12 of the jury.

13 MR. BAX: Thank you, Your Honor.

14 THE COURT: Thank you. Ladies and gentlemen,
15 right this minute as you and I are talking this computer
16 up here is furling about feverishly. We can't see it or
17 hear it but all of your names are in there and it is
18 jumbling those up in something of a random fashion and it
19 will generate a list.

20 So some of your names will be on the list and some
21 of your names will not be on it. You won't know whether
22 your name is on it unless you hear it called. This is
23 the modern day era of old process that we used to engage
24 in years ago. Even when I started 40 years ago with the
25 law when every voter had a strip of paper with a name on

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1 it and it was placed in a big huge box in a capsule. In
2 those days the juror lists were all generated from the
3 voter registration list. And so those capsules with the
4 juror's names on them would be put in some sort of a
5 tumbler and shaken all up. And here you got a little
6 white capsule with a cap on it and a piece of paper
7 sealed up inside it and then the thing would be tumbled
8 up.

9 And according to the statute either a blind person
10 or a child under the age of ten had to draw those things
11 out. They must have thought they had x-ray vision or
12 something like that to be able to see through. Well it
13 was a wonderful old archaic process and a great deal of
14 ceremony attached to it. Unfortunately that has gone the
15 way of technology and you saw just the sterile process a
16 while ago it spits out a piece of paper and it's got
17 names on it. And some of you will momentarily know if
18 your names are on the list.

19 Ladies and gentlemen, as your names are called
20 please if you will follow the instructions given to you
21 by the Clerk. You will simply stand in place right where
22 you are and remain there until you get further
23 instructions from the Clerk. Thank you. Madame Clerk?

24
25

State v Tyrone Robinson
Striking of the Jury
September 15, 2014

1 CLERK OF COURT: Juror number 237 Christine King.
2 [Whereupon, the juror stands]
3 CLERK OF COURT: What says the State?
4 MR. STONE: Please present Ms. King.
5 CLERK OF COURT: What says the defense?
6 MR. BAX: Please excuse the juror from the trial in
7 this case.
8 CLERK OF COURT: Juror number 172 Clarence Greene.
9 [Whereupon, the juror stands]
10 CLERK OF COURT: What says the State?
11 MR. STONE: Please excuse Mr. Greene from this
12 case.
13 CLERK OF COURT: Juror number 95 David Crocker.
14 [Whereupon, the juror stands]
15 CLERK OF COURT: What says the State?
16 MR. STONE: Please present Mr. Crocker.
17 CLERK OF COURT: What says the defense?
18 MR. BAX: Please seat the juror in the trial of
19 this case, Your Honor.
20 [Whereupon, juror number 95 is seated in the jury
21 box as a juror]
22 CLERK OF COURT: Juror number 51 Holly Brown.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please present Ms. Brown.

State v Tyrone Robinson
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September 15, 2014

1 CLERK OF COURT: What says the defense?
2 MR. BAX: Please excuse the juror from the trial in
3 this case.
4 CLERK OF COURT: Juror number 151 Warren Gaither.
5 [Whereupon, the juror stands]
6 CLERK OF COURT: What says the State?
7 MR. STONE: Please present Mr. Gaither.
8 CLERK OF COURT: What says the defense?
9 MR. BAX: Please seat the juror in the trial of
10 this case, Your Honor.
11 [Whereupon, juror number 151 is seated in the jury
12 box as a juror]
13 CLERK OF COURT: Juror number 121 James Dresher.
14 [Whereupon, the juror stands]
15 CLERK OF COURT: What says the State?
16 MR. STONE: Please present Mr. Dresher.
17 CLERK OF COURT: What says the defense?
18 MR. BAX: A moment's indulgence, Your Honor.
19 [Whereupon, Mr. Bax and Ms. Saxon confer]
20 MR. BAX: Please seat the juror in the trial for
21 this case, Your Honor.
22 [Whereupon, juror number 121 is seated in the jury
23 box as a juror]
24 CLERK OF COURT: Juror number 317 Cherie
25 Patterson.

State v Tyrone Robinson
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1 [Whereupon, the juror stands]
2 CLERK OF COURT: What says the State?
3 MR. STONE: Please present Ms. Patterson.
4 CLERK OF COURT: What says the defense?
5 MR. BAX: Please excuse the juror from the trial in
6 this case.
7 CLERK OF COURT: Juror number 286 Tyianna McKoy.
8 [Whereupon, the juror stands]
9 CLERK OF COURT: What says the State?
10 MR. STONE: Please present Ms. McKoy.
11 CLERK OF COURT: What says the defense?
12 MR. BAX: Please seat the juror in the trial for
13 this case, Your Honor.
14 [Whereupon, juror number 286 is seated in the jury
15 box as a juror]
16 CLERK OF COURT: Juror number 111 Patricia Dennard.
17 [Whereupon, the juror stands]
18 CLERK OF COURT: What says the State?
19 MR. STONE: Please excuse this juror for this case.
20 CLERK OF COURT: Juror number 262 James Lorenz.
21 [Whereupon, the juror stands]
22 CLERK OF COURT: What says the State?
23 MR. STONE: Please present Mr. Lorenz.
24 CLERK OF COURT: What says the defense?
25 MR. BAX: Please seat the juror in the trial for

State v Tyrone Robinson
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1 this case, Your Honor.

2 [Whereupon, juror number 262 is seated in the jury
3 box as a juror]

4 CLERK OF COURT: Juror number 388 Nancy Staab.

5 [Whereupon, the juror stands]

6 CLERK OF COURT: What says the State?

7 MR. STONE: Please present Ms. Staab.

8 CLERK OF COURT: What says the defense?

9 MR. BAX: Please excuse the juror from the trial in
10 this case.

11 CLERK OF COURT: Juror number 365 Evelyn Seabrook.

12 [Whereupon, the juror stands]

13 CLERK OF COURT: What says the State?

14 MR. STONE: Please present Ms. Seabrook.

15 CLERK OF COURT: What says the defense?

16 MR. BAX: Please seat the juror in the trial for
17 this case, Your Honor.

18 [Whereupon, juror number 365 is seated in the jury
19 box as a juror]

20 CLERK OF COURT: Juror number 127 Matt Edlin.

21 [Whereupon, the juror stands]

22 CLERK OF COURT: What says the State?

23 MR. STONE: Please present Mr. Edlin.

24 CLERK OF COURT: What says the defense?

25 MR. BAX: Please excuse the juror from the trial in

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September 15, 2014

1 this case.

2 CLERK OF COURT: Juror number 427 John Wigington.

3 [Whereupon, the juror stands]

4 CLERK OF COURT: What says the State?

5 MR. STONE: Please present Mr. Wigington.

6 CLERK OF COURT: What says the defense?

7 MR. BAX: Please excuse the juror from the trial in
8 this case.

9 CLERK OF COURT: Juror number 211 Janet Hunter.

10 [Whereupon, the juror stands]

11 CLERK OF COURT: What says the State?

12 MR. STONE: Please present Ms. Hunter.

13 CLERK OF COURT: What says the defense?

14 MR. BAX: Please excuse the juror from the trial in
15 this case.

16 THE COURT: The State has exercised two strikes.

17 The defense has exercised seven strikes.

18 CLERK OF COURT: Juror number 245 David Lancaster.

19 [Whereupon, the juror stands]

20 CLERK OF COURT: What says the State?

21 MR. STONE: Please present Mr. Lancaster.

22 CLERK OF COURT: What says the defense?

23 MR. BAX: Please seat the juror in the trial for
24 this case, Your Honor.

25 [Whereupon, juror number 245 is seated in the jury

State v Tyrone Robinson
Striking of the Jury
September 15, 2014

1 box as a juror]

2 CLERK OF COURT: Juror number 406 Edward

3 Uniejewski.

4 [Whereupon, the juror stands]

5 CLERK OF COURT: What says the State?

6 MR. STONE: Please seat Mr. Uniejewski.

7 CLERK OF COURT: What says the defense?

8 MR. BAX: Please seat the juror in the trial for
9 this case, Your Honor.

10 [Whereupon, juror number 406 is seated in the jury
11 box as a juror]

12 CLERK OF COURT: Juror number 209 Mary Hughes.

13 [Whereupon, the juror stands]

14 CLERK OF COURT: What says the State?

15 MR. STONE: Please present Ms. Hughes.

16 CLERK OF COURT: What says the defense?

17 MR. BAX: Please seat the juror in the trial for
18 this case, Your Honor.

19 [Whereupon, juror number 209 is seated in the jury
20 box as a juror]

21 CLERK OF COURT: Juror number 244 Christopher
22 Lambert.

23 [Whereupon, the juror stands]

24 CLERK OF COURT: What says the State?

25 MR. STONE: Please excuse Mr. Lambert for this

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September 15, 2014

1 case.

2 CLERK OF COURT: Juror number 59 Samuel Burke.

3 [Whereupon, the juror stands]

4 CLERK OF COURT: What says the State?

5 MR. STONE: Please present Mr. Burke.

6 CLERK OF COURT: What says the defense?

7 MR. BAX: Please seat the juror in the trial for
8 this case, Your Honor.

9 [Whereupon, juror number 59 is seated in the jury
10 box as a juror]

11 CLERK OF COURT: Juror number 232 Kelly Jolley.

12 [Whereupon, the juror stands]

13 CLERK OF COURT: What says the State?

14 MR. STONE: Please excuse Ms. Jolley for this case.

15 CLERK OF COURT: Juror number 308 Helen Newnham.

16 [Whereupon, the juror stands]

17 CLERK OF COURT: What says the State?

18 MR. STONE: Please present Ms. Newnham.

19 CLERK OF COURT: What says the defense?

20 MR. BAX: Please excuse the juror from the trial in
21 this case.

22 CLERK OF COURT: Juror number 448 Jeffrey Zapp.

23 [Whereupon, the juror stands]

24 CLERK OF COURT: What says the State?

25 MR. STONE: Please present Mr. Zapp.

State v Tyrone Robinson
Striking of the Jury
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1 CLERK OF COURT: What says the defense?
2 MR. BAX: Please excuse the juror from the trial in
3 this case.
4 CLERK OF COURT: Juror number 125 Benjamin Dunning.
5 [Whereupon, the juror stands]
6 CLERK OF COURT: What says the State?
7 MR. STONE: Please present Mr. Dunning.
8 CLERK OF COURT: What says the defense?
9 MR. BAX: Moment's indulgence, Your Honor.
10 [Whereupon, Mr. Bax and Ms. Saxon confer]
11 MR. BAX: Please seat the juror in the trial for
12 this case, Your Honor.
13 [Whereupon, juror number 125 is seated in the jury
14 box as a juror]
15 CLERK OF COURT: Juror number 155 Steven Gates.
16 [Whereupon, the juror stands]
17 CLERK OF COURT: What says the State?
18 MR. STONE: Please present Mr. Gates.
19 CLERK OF COURT: What says the defense?
20 MR. BAX: Please excuse the juror from the trial in
21 this case.
22 CLERK OF COURT: Juror number 438 Steven Womack.
23 [Whereupon, the juror stands]
24 CLERK OF COURT: What says the State?
25 MR. STONE: Please present Mr. Womack.

State v Tyrone Robinson
Striking of the Jury
September 15, 2014

1 CLERK OF COURT: What says the defense?

2 MR. BAX: Please seat the juror in the trial for
3 this case, Your Honor.

4 [Whereupon, juror number 438 is seated in the jury
5 box as a juror]

6 CLERK OF COURT: Now we will be striking for our
7 first alternate. Juror number 41 Caroline Boston.

8 [Whereupon, the juror stands]

9 CLERK OF COURT: What says the State?

10 MR. STONE: Please seat Ms. Boston.

11 CLERK OF COURT: What says the defense?

12 MR. BAX: Please seat the juror in the trial for
13 this case, Your Honor.

14 [Whereupon, juror number 41 is seated in the jury
15 box as an alternate juror]

16 CLERK OF COURT: Now we will be selecting our
17 second alternate. Juror number 279 Maureen Mauri court.

18 [Whereupon, the juror stands]

19 CLERK OF COURT: What says the State?

20 MR. STONE: Please present Ms. Mauri court.

21 CLERK OF COURT: What says the defense?

22 Please seat the juror in the trial for this case,
23 Your Honor.

24 [Whereupon, juror number 279 is seated in the jury
25 box as an alternate juror]

State v Tyrone Robinson
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1 THE COURT: Mr. Solicitor, are there any matters of
2 law regarding the jury selection process from the State?

3 MR. STONE: There are not, Your Honor.

4 THE COURT: Thank you. Mr. Bax, any matters of
5 law regarding the jury selection process from the
6 defense?

7 MR. BAX: Other than the ones already previously
8 noted, no Your Honor.

9 THE COURT: Thank you. Ladies and gentlemen,
10 those of you who were not selected as jurors for the
11 trial of this case I thank you again for your patience
12 throughout the morning. Judge Early needs you back at
13 3:30. That's a little over an hour for you to get lunch
14 and to get out of this courthouse and stretch your legs
15 and move about.

16 Ladies and gentlemen when you come back at 3:30 if
17 you will report across the hall to the jury assembly room
18 Judge Early has a trial to start and he would like to get
19 the jury selected this afternoon and some of you might be
20 lucky enough to get drawn on that one. So we appreciate
21 your patience throughout this day. Enjoy your lunch and
22 please be back at 3:30.

23 [Whereupon, the jury panel is excused at 2:25 p.m.]
24
25

State v Tyrone Robinson
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1 THE COURT: Now ladies and gentlemen, you all have
2 been selected as jurors for the trial of this case.
3 We're not going to be in a position to start the trial of
4 this case, and that is present testimony to you until in
5 the morning at 9:30. So I'm going to give you the
6 balance of the afternoon off momentarily. But I want you
7 to be back in the morning at 9:30 and you are to report
8 to the jury room right across the hall.

9 When you leave here you will follow the bailiff she
10 will take you down the hall and she will show you where
11 you are to come back. You will come up the back hallway;
12 you will not come into this courtroom tomorrow. There is
13 a secret passageway back there they will show you to get
14 to and assemble in the jury room at 9:30 tomorrow
15 morning.

16 Before we start the trial tomorrow morning I will
17 give you some instructions about what your
18 responsibilities are as jurors and things that you may
19 and may not do while you're serving as jurors in the
20 trial of this case. But to keep you from mistakenly and
21 inadvertently and innocently doing some of those things
22 that you are not supposed to between now and then let me
23 tell you now that you are not allowed to discuss this
24 case among yourselves or with anybody else. You're not
25 allowed to expose yourself to any information about this

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1 case from any source at all as long as you are serving as
2 jurors in the trial of this case. All of what we have
3 been doing since you got here this morning up until right
4 now at 2:30 in the afternoon has been designed to assure
5 that when we got 14 of you all in those chairs up there
6 we were going to have 14 people who did not have any
7 connection with this case that would prevent them from
8 being fair and impartial as jurors.

9 People who if they knew something about this case
10 were able and willing to put those things aside and
11 decide this case based on what they would hear in court.
12 People who did not have any connection with any of the
13 parties who are involved; the defendant, the victim, the
14 lawyers, the witnesses, people who didn't have any
15 preconceived ideas that would keep them from being fair
16 and impartial as jurors in this trial.

17 Now if you go out on your own and try to find out
18 something about this case or if you let anybody else talk
19 with you about it or if you try to talk with anybody else
20 about it to find something out about the case you will
21 have undone everything that you did and that we have done
22 all day to try to get folks like you in this box. When
23 this trial begins you will learn all that you need to
24 know and all that you are allowed to know about this case
25 from this witness chair right here [indicates] and from

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1 the exhibits that will be introduced into evidence during
2 the course of this trial. So please don't expose
3 yourself to any further information. There will be
4 something; you've seen the cameras back there. You won't
5 be on them by the way so you don't need to look for
6 yourself because they are not allowed to take pictures of
7 you all.

8 But don't watch the news reports and don't read the
9 news reports about this. Put those things aside if you
10 want to. If you are that interested in it when the trial
11 is over you can pull those papers off the shelf and read
12 about it. But you're really not going to need to read
13 anything about what is going on in this case. You're
14 going to be sitting 20 feet from where it is going on
15 right here. You're not going to have to read what
16 anybody else tells you about what is going on. You're
17 going to be eyewitnesses to the whole thing that happens
18 in this courtroom.

19 So with that in mind please follow those admonitions
20 and those conditions throughout your service as jurors in
21 the trial of this case. Enjoy what little bit of the
22 afternoon you have left you. I'll see you at 9:30
23 tomorrow morning. Thank you, folks.

24 [Whereupon, the jury exits at 2:30 p.m.]

25 THE COURT: Folks, before we take a lunch recess

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1 for an hour is there anything that we need further from
2 the State? We'll come back at 3:30 and begin the motions
3 in this case. Mr. Solicitor, is there anything further
4 from the State before we break for lunch?

5 MR. STONE: No, sir.

6 THE COURT: Thank you. Mr. Bax, from the defense
7 before we break for lunch?

8 MR. BAX: One thing before we do go to lunch, Your
9 Honor, I see that my esteemed colleague Mr. Vaux is here
10 in the courtroom today. I did want to bring this up.
11 Obviously I've had investigators with the Public
12 Defender's office who have been tasked with serving
13 subpoenas in this case.

14 Last I spoke with Mr. Chapman [phonetic] and I do
15 not see him in the courtroom, I know he was here earlier,
16 he had not been able to serve Mr. Aaron Young, Jr. who is
17 represented by Mr. Vaux. I don't if that has happened
18 since then and I don't know that Mr. Vaux knows.

19 But Mr. Vaux has indicated that he would not or was
20 not comfortable with accepting service in lieu of his
21 client. Mr. Aaron Young, Sr.'s attorney who is also here
22 has accepted service. I'm just trying to cure that issue
23 for my client. I just put it before the court if there
24 is any information that either Mr. Vaux or the court can
25 help us with we're just trying to make sure that he has

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1 the subpoenas out that he needs in order to compel
2 attendance of the witnesses that we want.

3 THE COURT: All right. If you all can furnish me
4 a good address -- surely there is a bondman or somebody
5 who has got an address on him I will assist you in
6 getting the subpoena delivered. In any event you will
7 not need his testimony during the State's case.

8 MR. BAX: That's correct; it would not be until
9 after the State's case so we do have some time, Your
10 Honor.

11 THE COURT: All right. That will be fine.

12 MR. BAX: That's all that I had to bring up before
13 the lunch time.

14 THE COURT: All right. We'll be in recess for an
15 hour. We'll start back at 3:30 and we'll deal with
16 motions at that time.

17 MR. BAX: Thank you, Your Honor.

18 THE COURT: Thank you.

19 [Whereupon, court is in recess from 2:30 p.m. until
20 3:30 p.m.]

21

22

23

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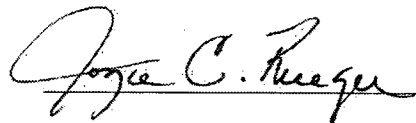
State v Tyrone Robinson
Certificate of the Court Reporter
September 15, 2014

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Beaufort County, South
Carolina on the 15th day of September, 2014.

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

January 23, 2015



Joyce C. Rueger, CVR-M

Court Reporter

State of South Carolina) In the Court of General Sessions
) Fourteenth Judicial Circuit
County of Beaufort) 2012-GS-07-01935

State of South Carolina,)
)
 Plaintiff,)
)
 Vs.) Transcript of Record
)
 Tyrone Robinson,)
)
 Defendant.)
)
)

September 15, 2014
Beaufort, South Carolina

B e f o r e:

The Honorable Thomas Cooper, Jr., Judge

A p p e a r a n c e s:

Duffy Stone, Esquire
Sean Thornton, Esquire
Attorneys for the Plaintiff

Arie Bax, Esquire
Jessica Saxon, Esquire
Attorneys for the Defendant

Bonnie H. Kelly, CVR
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
S-1	Photo	8	
S-2	Photo	19	
S-3	Photo	19	
S-4	Incident Scene DVD	20	
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DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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THE COURT: All right. Gentlemen, I'll be glad -- and ladies, I'll be glad to hear motions in any particular order that you all have. I understand the *Jackson v Denno* motion will require testimony. And do we have the witnesses here for that?

MR. STONE: We do, Your Honor.

THE COURT: All right, sir. Why don't we do that one first since we to take testimony in that regard. And then we'll move from that to the matters of law. Okay.

MR. STONE: The State calls Martin Thomas to the stand.

THE COURT: Mr. Thomas, come forward, please, and be sworn.

MARTIN THOMAS, having been first duly sworn, testifies as follows: /

THE COURT: Mr. Solicitor.

MR. STONE: Thank you, Your Honor.

DIRECT EXAMINATION BY MR. STONE:

Q Sergeant Thomas, is that correct?

A Yes, sir.

Q Sergeant, you responded to Allen Road on September the 1st, 2012, did you not?

A Yes, sir.

Q That was a general call and a number of law enforcement officers arrived, but you were one of those at

that time; is that correct?

A Yes, sir.

Q Now, your car is equipped with a video camera and a -- and I believe an audio tape as well; is that correct?

A It's all one system contained, yes.

Q Okay. What -- tell me about that system. How does that work?

A Well, it can be activated by several different ways: By -- I can activate it with my body mic outside of the car; it's activated when you turn the blue lights on and other buttons on the console emergency equipment; I can actually physically turn it on at the -- at the monitor or actually on the machine. And it's all uploaded to the server when we drive by -- by a hot point.

Q All right. You said the camera itself is located actually in the car, shooting out; is that correct?

A That's correct.

Q And so it's basically video taping what is right directly in front of the car, correct?

A Wherever that camera is turned, that's -- whatever the peripheral on that is, that's what it's viewing, directly in front of it.

Q Now, the microphone is on you; is that correct?

A The external mic is on me, and there -- there's a mic in the car as well, several mics in the car.

Q If you physically leave the car and the camera's still rolling, is all that recording as well?

A Up to about a 1000 feet or depending on what kind of structure you're in, yes, sir.

Q Now, on September the 1st, 2012, was your camera activated during -- once you started engaging and heading toward Allen Road, did you -- did you turn on the camera or does it turn on automatically?

A I turned it on by activating my lights and siren.

Q That also activated your body mic; is that correct?

A That's -- well, you have to physically turn the mic on yourself --

Q Okay.

A In the morning, when you take it out of the -- their cradle, you actually have to physically turn it on. So then when the mic -- when the camera's activated, that mic will automatically turn on if you push -- slid the button over.

Q From the time that you headed to Allen Road through -- through the time that you were there, was that being recorded?

A Yes.

Q Video and audio as well.

A That's correct.

Q All right. Now, you have reviewed that video tape,

DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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did you not?

A I have, sir.

MR. STONE: Now, Your Honor, I believe I have it --

(To assistant) Is it already loaded in?

And I'll hand it back. It was actually a disc that we've loaded into the computer, Your Honor.

Q But you reviewed that disc. Is that a accurate depiction of -- of that day as you recorded it?

A Yes, sir.

Q All right. And that is being recorded, obviously, while it's happening; is that correct?

A That's correct, real time.

Q Now, during the time that you were at Allen Road assessing the situation, did you come in contact with Tyrone Robinson?

A I did.

Q And how did that happen?

A From where the initial incident was where the young boy had been shot, there was a lady that I was looking for that supposedly had witnessed -- her name was Savoya [phonetic.] That's all I remember. I went around the backside of the trailer. I believe it would have been/ ■ Allen Road or ■ Marshland Road.

Q Okay.

A There was two different addresses. Then I was

approached by Tyrone Robinson.

Q Do you recall what he was wearing when he approach --
when he approached you?

A Red shorts.

Q Okay.

(Marked State's Exhibit No. 1, photo, for ID.)

Q All right. Let me show you, Mr. Martin, State's
Exhibit 1.

(Hands exhibit to the witness.)

Q Ask if you could identify that gentleman in that
photograph.

A Yes, sir. That would be the defendant, Tyrone
Robinson.

Q Okay. That's how he appeared when he came up to your
car that day.

A Yes, sir.

Q All right. Do you also see him in the courtroom
today?

A I do, sir.

Q And could you point him out for us.

A The gentleman wearing the white shirt, in between the
defense counselors.

Q Okay. Now, the disc itself --

MR. STONE: And I'll get that marked, Your Honor,
after we've played it ---

DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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THE COURT: That'll be fine.

MR. STONE: --- if that's acceptable to you.

Q You have reviewed that, and that is -- that's fair and accurate depiction of your encounter with Tyrone Robinson; is that correct?

A Yes, sir. From my camera only.

Q Right. And during that time, you also, at some point, give Mr. Robinson his rights; is that correct?

A Yes, sir.

Q And what was the purpose behind doing that?

A Because Mr. Robinson was telling things that were in relation to the case that we -- that -- for the reason that we were there. He was very excited and he was talking about a lot of things. And I felt that he needed to have his -- to be Mirandized.

Q Okay. And all this is obviously shown on the video, but did he appear to you to understand those rights?

A Yes, absolutely.

Q And did he question any of those rights or did he bring any of that up to you after you read him his rights?

A No, sir.

Q Did you promise him anything, threaten him in any way, before, during, or after you read him those rights?

A No, sir.

Q And he continued to talking with you after you read

him his rights ---

A Yes, sir, he did.

Q --- is that correct? Okay.

MR. STONE: Your Honor, at this time, I'd like to play this. And I will make that State's Exhibit 2 after we take it out of the computer, if that's acceptable.

THE COURT: That'll be fine. Thank you.

(Brief pause to set up video.)

(Video plays.)

(Video is paused.)

MR. STONE: Now, that person there (indicates), that is not Tyrone Robinson; is that correct?

THE WITNESS: It is not.

MR. STONE: That is another person that walked up to you when you were at the scene; is that correct?

THE WITNESS: Um ...

MR. STONE: Or was in the neighborhood.

THE WITNESS: He was in the neighborhood, and he came -- came back because he lives in that area.

MR. STONE: Okay.

THE WITNESS: And I was trying to, at this point, establish a crime-scene area ---

MR. STONE: Okay.

THE WITNESS: --- and without letting people walk around.

DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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MR. STONE: Okay.

(Video continues.)

Whereupon the video stops and Mr. Stone continues his examination of the witness as follows:

DIRECT EXAMINATION BY MR. STONE:

Q Now, I know there's other parts on this -- on this video as well. But as far as the statements from Tyrone Robinson, both before you read him his rights before you took him into custody and after, is that -- is that a complete, fair, and accurate depiction of what happened out there?

A Yes, sir, it is.

Q Okay. Now, I know initially he walked up to you. At what point in time -- and I think the video talks about this, but I want to make sure it's clear -- at what point in time did you actually take him into custody?

A Well, I knew that he matched the description, and so what I was trying to do -- I'm trying to answer your question ---

Q Sure.

A --- in a roundabout way -- is that he was giving us information about somebody else who was part of this, who had guns or weapons. And I was getting that information to put out on the radio for other officers. And then at the point in time when there was a crowd of people coming over

accusing him of being the shooter who shot and killed that little boy, that's when I detained him and advised him of his Miranda rights, and then tried to get him out of there.

Q Okay. Now, you put him in somebody's patrol car; is that correct?

A Corporal Lear's car, I did.

Q All right. And then he was taken from Lear straight to the Hilton Head substation I guess?

A I don't know -- I don't think he went directly there, but I'm not sure. I think -- I ---

Q How -- how far is it from Allen Road to the Hilton Head station?

A A guesstimate?

Q Yeah.

A Ten miles maybe.

Q Okay.

A I'm guessing.

Q All of it's on Hilton Head.

A Yes.

Q Okay. Now, when you -- when you read him his rights, it sounded like he would basically -- kind of interrupting you as you were going. Were you reading his rights off a card, off of memory, or how were you doing it?

A Off of memory.

Q Okay. All right. And again, did he appear to

CROSS-EXAMINATION BY MR. BAX - MARTIN THOMAS

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understand those rights as you read them to him?

A Absolutely, he did.

MR. STONE: I don't have any further questions for this witness, Your Honor.

THE COURT: Thank you. Cross-examine, Mr. Bax?

MR. BAX: Thank you very much, Your Honor.

CROSS-EXAMINATION BY MR. BAX:

Q Afternoon, Officer Thomas.

A Good afternoon, sir.

Q Really briefly, what we saw there was initially this started out as -- as Mr. Robinson having contact with you, correct?

A That is correct.

Q Now, you were away from your patrol unit when you made contact with Mr. Robinson?

A I was.

Q About how far were you away from your car at that time?

A I mean, do you want it in feet or ...

Q Just roughly. A house -- you were behind -- you know, was it a couple ---

A There was a ---

Q --- of feet? couple of yards?

A From where my patrol car was parked, sir, initial contact with Mr. Robinson, there's a little bit of a yard area to the left of -- of -- if you're looking out the

front of the car. Then there was a mobile home or house or whatever it was. We were on the other side of that. So couple of hundred feet maybe?

Q Okay. And where your vehicle was parked, it was parked on Allen Road --

A Yes, sir.

Q -- or was it parked on Marshland?

A No, sir. Allen.

Q On Allen Road.

A Uh-huh.

Q Right there at the beginning of Allen Road when you turn off of Marshland?

A That's correct.

Q Okay. Okay. And you stated, I believe, that there were other officers on scene at that time; is that correct?

A There was.

Q How many other officers; do you recall?

A When I first got there, or at the time Mr. Robinson

...

Q Well, let's -- let's do both. When you first got there, how many officers were on scene?

A I only recall two.

Q Okay.

A Other than myself.

Q And by the time you made contact with Tyrone, had

other officers arrived?

A I know for -- yes. Yes.

Q Include -- was Officer Lear one of the ones that arrived ---

A Yes.

Q --- at that time?

A Yes.

Q Okay.

A Somewhere about that time. I don't know when though.

Q Okay. Now, you indicated that part of your concern was the fact that there were people in that area. I guess residents possibly, or people that were wandering up, that were starting to kind of form together and made you concerned about safety; is that correct?

A That's correct.

Q Okay. And where were they standing in relation to -- in relationship to you and Mr. Robinson?

A Well, from my first contact behind the mobile home or house or whatever it is, up to where he wanted to go to show his vehicle to me, which would have been more up front, towards Marshland Road area, the people were coming -- if you flip-flop around, you're looking out towards Marshland Road, they were coming from the left, coming from the area in which that little boy had been shot.

Q Okay. Over towards the area where I think the

trampoline was, kind of in that area at that time, correct?

A In that area. Not exactly at the trampoline, but --

Q Okay. Now, Officer, when Tyrone approached you, did you see what direction he came from?

A No, sir. I don't recall that.

Q Okay. And at the time that he approached you, I know that you were speaking with another individual in order to ascertain where this "Savoya" was; is that correct?

A That's correct, but I don't -- I don't know that gentleman's name.

Q Okay. And did you ever make contact with this person that you said was named "Savoya"?

A No, sir. I don't recall talking to anybody named "Savoya." I -- I may have, but there was a lot of people in a group, and I don't know if she was one of them.

Q Okay. Sargent Thomas, when Tyrone started talking to you, he was -- was trying to get you to go over and look at his vehicle; is that right?

A Yes, sir.

Q Okay. But based on the situation, did you ever get to go over to his vehicle with him?

A Yes, sir.

Q You did -- you did.

A Yes, sir.

Q Okay. So at some point during that conversation that

we see on this tape -- obviously we don't see where 'y'all are.

A Uh-huh.

Q We hear the conversation -- you have gone over to where his car was?

A That's correct.

Q Okay. And what car was that, do you recall?

A It was a green car. I don't remember what make or model.

Q Okay.

A The window was -- the back window was shattered out.

Q So you weren't -- how far were you from that vehicle, from that -- from that green car, when Tyrone came up to you?

A Well, I was towards the back of the trailer. If I go -- if I went around the backside of the trailer, this is Marshland up here (indicates.)

Q Uh-huh.

A He may have -- I -- I don't know where he came from. Out of the house maybe? I don't know. But his car was parked directly in front of that residence.

Q So it was in front of the one that you were already behind.

A That's correct.

Q Okay.

A But I was -- I was more -- not necessarily behind it as you would think. Like at this block right here (indicates) is the residence. I was behind -- I had come around this side behind over here (indicates) not behind. I don't want you -- just want you to misunderstand.

Q Okay. All right. And initially he was not detained, correct, when you were talking to him, when he approached you and you were speaking; and then you went and looked at his car, he was not in handcuffs at that time; is that correct?

A That's correct.

Q Okay. When you did detain him, I -- I noticed that -- that you told him that -- that you were primarily concerned about your safety and his safety, correct?

A That's correct.

Q Okay. Did you place him in handcuffs at that time or no?

A I did.

Q Okay. And then, based on what I saw, it appeared that you were waiting for a car to be brought to y'all; is that correct?

A That's correct.

Q Okay.

A Because Joe Lear had to go get his car to bring it back.

RE-DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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Q And this was to avoid having to walk Mr. Robinson through these people that had gathered?

A That's correct.

Q Okay.

MR. BAX: Moments indulgence, Your Honor.

THE COURT: All right, sir.

(Brief pause as Mr. Bax confers with co-counsel.)

MR. BAX: No further questions. Thank you, Sargent.

THE COURT: Thank you. Re-direct, Mr. Solicitor?

MR. STONE: Just a few, Your Honor.

(Brief pause.)

(Marked State's Exhibit No. 2 and 3, photos.)

RE-DIRECT EXAMINATION BY MR. STONE:

Q Let me show you what's marked as State's Exhibit 2 and State's Exhibit 3.

THE COURT: State's 2 is the disc earlier. You gonna remark that?

MR. STONE: Yes, sir. I'm sorry.

THE COURT: Okay, sir. That's all right. Whatever you ...

RE-DIRECT EXAMINATION BY MR. STONE:

Q You recognize those photographs?

A Yes, sir, I do.

Q And what do those depict?

A This was the car that Mr. Robinson said was his and

RE-DIRECT EXAMINATION BY MR. STONE - MARTIN THOMAS

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that he kept wanting to show me.

THE COURT: What number is that, please, Officer?

THE WITNESS: What -- two and -- it says 2 and 3, sir.

THE COURT: Okay. The first one -- both of them the same thing?

THE WITNESS: They're just different angles, sir.

THE COURT: Okay. Thank you.

RE-DIRECT EXAMINATION BY MR. STONE:

Q Are those fair and accurate depictions of how the car looked at that -- at that time?

A Yes, sir.

Q All right. Let me first hand you then State's Exhibit 2. You can just show the judge. What -- what is that exactly? This is State's Exhibit 2.

A This is the vehicle that Mr. Robinson said belonged to him that was in front of this residence, the one with the shattered-out windshield.

Q Okay. And State's Exhibit 3?

A Again, sir, this is just -- this is the same vehicle, but a slightly different angle.

Q Okay.

MR. STONE: Now I'll mark the tape, Your Honor, as State's Exhibit 4.

THE COURT: Okay. Thank you.

(Marked State's Exhibit No. 4, Incident Scene DVD.)

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RE-DIRECT EXAMINATION BY MR. STONE:

Q And I will show you what's been marked State's Exhibit

4. Is this the disc that I asked you to review earlier?

A Yes, sir. It's -- that's my initials.

Q Is everything on that accurate -- fair and accurate as to what was taken out of your patrol car, as far as the video and the audio?

A Yes, sir.

Q Okay. And you reviewed the transcript that goes along with that as that -- as well?

A I did. Yes, sir.

Q All right. And that is accurate as well.

A Yes, sir.

MR. STONE: Your Honor, this is State's Exhibit 4.

THE COURT: Thank you.

MR. STONE: And that's all we have at this time.

THE COURT: All right. Thank you. Officer, you can step down.

THE WITNESS: Thank you.

THE COURT: Thank you, sir.

(The witness exits the stand.)

MR. STONE: Your Honor, the State calls Corporal Wendy Conant to the stand.

THE COURT: Corporal, come forward, please, ma'am, and be sworn.

DIRECT EXAMINATION BY MR. STONE - WENDY CONANT

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WENDY CONANT, having been first
duly sworn, testifies as follows:

THE COURT REPORTER: Would you spell your last name
for me?

THE WITNESS: Conant, C-o-n-a-n-t.

DIRECT EXAMINATION BY MR. STONE:

Q And you're a corporal; is that correct?

A Yes, sir.

Q Did I get the rank right? Okay.

Corporal, you were also called to -- to participate in
the investigation of -- of Tyrone Robinson; is that
correct?

A Yes, sir.

Q Now, on September the 1st, 2012, where did you go
first? I know you were at your house at first. Where did
you go once you were called in?

A When I was called in, I went to the Allen Road area,
where I -- where I was requested to meet with Corporal Lear
and follow him to the Hilton Head office in order to
interview Tyrone Robinson.

Q All right. Tyrone Robinson, I believe from the
testimony earlier, was actually in Lear's car; is that
correct?

A That's correct.

Q And he was in the car when you got there?

DIRECT EXAMINATION BY MR. STONE - WENDY CONANT

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A That's correct.

Q Did you follow Lear to the -- to the patrol office?

A I ---

Q I mean, the Hilton Head office.

A I did.

Q And go straight there? Take any detours? What did you do?

A Straight there.

Q Once you got to the Hilton Head station, what did you do after that?

A We brought Tyrone into the interview room, and Corporal Lear and myself remained in the room with him while we waited for another investigator to come so we could interview him together.

Q And when you got him in there, did you -- did you perform any tests on him or anything like that?

A I did not perform any tests on him.

Q Okay.

A Oh. Well, after the handcuffs were placed in front of him for his comfort, we did do a GSR test with -- which is a gunshot residue collection kit.

Q And after that, at some point in time, did you also read Tyrone Robinson his rights?

A I did.

Q Now, the substation at Hilton Head in this interview

room, is that videotaped?

A It is.

Q And is that audio taped as well?

A It is.

Q Does it tape contemporaneously with the event that's going on?

A It is.

Q Have you reviewed the videotape of Tyrone Robinson when he was in that interview room on September the 1st?

A I have.

Q Is it accurate?

A Yes, it is.

Q Is it fair and accurate in -- in all manner of the time that you were actually in there with him?

A Yes, it is.

Q Now, at some point during your time --

MR. STONE: Excuse me just a moment, Your Honor. I'm going to mark this as State's Exhibit 5.

(Marked State's Exhibit No. 5, Miranda Warning Form.)

Q Let me show you what's been marked as State's Exhibit 5. Ask if you could identify that, please.

A Yes, sir. That's our county form that we use. It's called the "Miranda Warning Form." This is the standard form we use to read a person their rights, and we ask the person to follow along with us and initial that he

DIRECT EXAMINATION BY MR. STONE - WENDY CONANT

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understands the rights. At the end of it, he can initial if he wishes to speak with us or not. And then he signs the form or she signs the form, and then two of us witness it.

Q Now, at some point during this -- this interview that we'll see just -- in just a moment, you actually read those rights to Tyrone Robinson; is that correct?

A I did.

Q Now, at -- at what point did the questioning start from your -- from your standpoint?

A I did not officially start questioning him until after this form was signed. He was speaking to us prior to this form being signed, and we were trying to get him to stop speaking until we could get this read to him. But he kept interrupting us as we were trying to read this to him.

Q Okay. Now, going specifically through that -- that right form -- the writing on this form, whose writing is this?

A Let's see, the case number, which is the first line, is my writing; the location where Miranda issued is my writing; the name is printed by Mr. Robinson; the date of birth was printed by myself. Then there's a statement of rights section which has four lines for initials, and those are the initials of Tyrone Robinson.

In the waiver of rights section, there's two places

where you check either "yes" or "no." Those are both checked "yes" by Mr. Robinson.

In the signature area, there's three lines. There's the signature of Mr. Robinson and then myself as a witness; and it was then Staff Sargent Andre Florencia was a witness.

Q Okay. All of which is signed and dated accordingly to those signatures; is that correct?

A Correct.

Q Now, did you read these rights to him as well or just show him the form?

A I read them to him.

Q So you read them to him, and then when he initials that, when does he initial them?

A He initialed them towards the very end. He signed it first, then we -- I explained to him that we need him to initial each of the four questions, and he initials them after he has signed it.

Q Okay. And if you would, please, read to the Court what you read to Mr. Robinson.

A (As read) "This is the Miranda warning form and it's a statement of your rights." And I read them one at a time, I say (as read): "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to have an attorney

present before or during questioning. If you cannot afford an attorney, one will be appointed for you before any questioning if you wish."

The next section is a waiver of the rights, and it says (as read): "Do you understand each of these rights I have explained to you?" And you would either check "yes" or "no."

Then there's a section that says (as read): "Having these rights in mind, do you wish to talk to us now?" And you would check "yes" or "no," and both were checked "yes."

And then everybody signs.

Q All right. And all of this is on this video as well; is that correct?

A Correct.

Q And as I recall with this video, there's a good portion of it where he is talking, you're moving the handcuffs around, and then you read him these rights. Does he -- he continue to talk after that as well?

A He does.

Q Now, have you reviewed this video?

A I have.

Q And you initialed that disc as well?

A I don't recall.

Q Okay. Let me go ahead and pull that out now while we do it.

DIRECT EXAMINATION BY MR. STONE - WENDY CONANT

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MR. STONE: And Your Honor, I will hand you up the rights form. This is State's Exhibit No. 5.

THE COURT: All right. Thank you.

(Hands exhibit to the Court.)

(Marked State's Exhibit No. 6, Miranda Warning DVD.)

(Brief pause to set up video.)

DIRECT EXAMINATION BY MR. STONE:

Q Let me show you what's been marked as State's Exhibit 6, this disc. Have you reviewed this disc?

A My initials are not on there, but I have reviewed it.

Q Is it -- is it accurate as to what took place in that interview room at -- at the Hilton Head station?

A Yes, it is.

MR. STONE: And Your Honor, at this time, I would offer that for the purposes of this hearing.

THE COURT: All right, sir.

MR. STONE: Your Honor, we have it, at this point, keyed up to right before he reads him his rights. There's about 20 to 30 minutes that goes on before that, and he is talking before those rights are read. We could play it either way, but I knew that -- think we'd already covered that base. But I'll be glad to cover it any way the defense needs me to do it.

THE COURT: Mr. Bax, what's your -- what's your wish in that regard?

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MR. BAX: Your Honor, I'm fine with him starting at where he's read his rights.

THE COURT: Okay.

MR. BAX: No objection to that, Your Honor.

MR. STONE: Thank you.

THE COURT: Thank you.

MR. STONE: Thank you.

(Video plays.)

DIRECT EXAMINATION BY MR. STONE:

Q Corporal, you viewed all this. Does this go on for a while?

A Yes, it does.

Q He continues talking. And there was -- again, there was the segment before you read him his rights that he was talking as well; is that correct?

A Correct.

Q All right. At any point in time during any of this, or for that matter, any time that you were with him, did you threaten Mr. Robinson, promise him anything in any way, to get him to give you a statement?

A I did not.

Q You read him those rights from that -- from that sheet; is that correct?

A That's correct.

Q And did he indicate to you that he understood those

CROSS-EXAMINATION BY MR. BAX - WENDY CONANT

rights?

A He did. And at one point, he even read it along with me.

Q And then everything that he gave you or everything that he said after that and before that, in your opinion, was that voluntary?

A Yes.

MR. STONE: Your Honor, I don't have any further things. For the purposes of the Jackson/Denno hearing, I think that is -- that is enough to establish. We have the full disc if -- if Your Honor would like to review it.

THE COURT: All right. Thank you. Mr. Bax, cross-examine?

MR. BAX: Thank you. Briefly, Your Honor. Thank you.

CROSS-EXAMINATION BY MR. BAX:

Q Good afternoon, Ms. Conant. How you doing?

A Good. And yourself, sir?

Q Good. Just a couple of questions. Yourself and was that Officer Lear that was in with you?

A Initially it was Corporal Lear.

Q Uh-huh.

A And ---

Q And -- and who was the gentleman that signed as the other witness on the Miranda form?

A That was Master Sargent Andres Florencio.

CROSS-EXAMINATION BY MR. BAX - WENDY CONANT

Q Now, was it -- was it before or after that, from your recollection, that you collected the -- the GSR kit, or the gunshot residue kit?

A The GSR was done before the Miranda was read.

Q And Office Conant, did you remain -- well, let me ask you this: How long was Mr. Robinson in that interview from start to finish, do you know?

A I would estimate about an hour and 20 or 25 minutes.

Q Okay. And were you in the room with him that entire time?

A I stepped out at one point to take a phone call. And then towards the end, when he was moved to a different area, I was no longer with him.

Q Okay. And during that time when he was there for approximately an hour and a half/hour and 25 minutes, did other officers enter in and have conversations with Mr. Robinson?

A Well, it was initially Lear and myself, and then Master Sargent Florencio came in and we did the primary interview. And after that, I believe that somebody walked by in the hallway and might have come in and said hello to him. But he wasn't being interviewed.

Q Okay. Do you recall who it was that came in and said hello to him? Was that Captain Bromage?

A Yes, it was.

CROSS-EXAMINATION BY MR. BAX - WENDY CONANT

Q And while he was in that room and during that period of time, was he also -- did -- did Officer ** talk to him at any time?

A Not while I was present.

Q Now, you also mentioned the fact that he was taken to another area. Do you know where he was taken and why?

A I believe he was moved somewhere else because other people involved in the situation were being brought in, and they didn't want them exposed to each other.

Q And do you know where that was? Was he taken into Beaufort to County? Do you know where he went?

A He was still in the same building, but I don't know exactly where they brought him. Just to another location where nobody could see him.

Q And do you know if that other location was also video and audio tape like this room is?

A I don't know where they took him, so I can't say. Quite a bit of that building is under video surveillance, but not all of it's audio.

Q And finally, Officer Conant, Mr. Robinson basically gives his account of the events several times over; is that your remembrance?

A Uh-huh.

Q He would tell the story, and then he would tell it again; is that right?

A That's correct.

Q Okay. But in the interim, there was parts where he just sat there for awhile and just made conversation; is that correct?

A Correct.

Q Talked about things that were basically off topic; is that right?

A That's correct.

Q That's your remembrance of that?

A (No audible response.)

Q And of course, that wasn't things that you were asking about. That's just to fill the silence, was that your remembrance of it?

A There were a few instances like that.

Q Okay. All right.

MR. BAX: No further questions. Thank you, Your Honor.

THE COURT: Thank you. Mr. Stone, redirect?

MR. STONE: That's all we have at this time, Your Honor.

THE COURT: Thank you. Corporal, you can step down.
(The witness exits the stand.)

THE COURT: Mr. Stone, you indicated that's the last of your witnesses for the State on these issues?

MR. STONE: Yes, sir.

THE COURT: Thank you. Mr. Bax, does the defense wish to offer any testimony in the *Jackson v. Denno* issue?

MR. BAX: We do not have any witnesses that we wish to offer. There'd be some argument/discussion with the Court concerning some issues that we have when you're ready, Your Honor.

THE COURT: This would be a good time.

MR. BAX: Okay. Your Honor, the defense does not contest that Mr. Robinson was aware of his rights, and -- and I believe a good portion of what has been shown as well as what follows is admissible and we're not contesting that; however, Your Honor, there are portions of this interview as well as portions in -- well, there's portions on the -- the dash-cam of Sargent Martin Thomas that would be subject to a subsequent motion to suppress by the defense. That has to do with statements that were not Mr. Robinson's, but others that came up to Sargent Thomas. Your Honor's aware of those from the last time we attempted to try this case.

THE COURT: Right.

MR. BAX: As to this video, however, Your Honor, there are -- some portions in this video that we would object to and ask that they would be redacted. There's portions where Mr. Robinson is -- is in -- is in that room for a good period of time. And Officer Conant is there for a

large amount of time. Other officers are present.

And a lot of the off-topic conversations that occur while basically they're sitting there waiting to find out what's going to happen I don't think that are relevant. And I think that they're certainly more prejudicial than they are probative.

Most of them happen towards the last, I think, 30 minutes or so of the video; maybe 30/45 minutes of the video from my viewing.

So the defense's position would be that those should be redacted. To my remembrance there was some conversations about Mr. Robinson's religious beliefs that I think would certainly not be relevant material for the jury. And then I believe there was also a conversation that he had about the definition of what a gangster is, that I think is definitely not relevant and -- and would not pass 403. We would ask that that be redacted as well.

And finally, Your Honor, there is a couple of other discussions with my client that occurred at -- at another location. I have audio of those conversations. I do not have video of those conversations.

If the solicitor's not intending to move those forward, then I have no argument to be made. I just wanted to make sure, from an abundance of caution, that we wouldn't be dealing with those portions, either through

officer testimony or through the audio recordings, at some other time.

THE COURT: All right. Mr. Stone, let's deal with that first of all. The -- the off-camera audio that I have not heard, so what's the State's intention ---

MR. STONE: I don't believe we're going to -- I -- I'm not exactly sure what we're talking about. I don't believe we're going to use it. Everything that we have is audio/video in -- in this. So any of the -- any of the stuff that's -- I -- I -- we're not planning on using that, Your Honor.

THE COURT: Okay.

MR. STONE: So that's not an issue.

THE COURT: Okay.

MR. STONE: I will tell you this, Your Honor, just for the purposes and -- and he did not bring this up. The defense attorney did not bring this up, but -- but I've already redacted it.

He makes -- the defendant makes two references in his statement about being in prison before.

THE COURT: Right.

MR. STONE: And just recently getting out. We have redacted that. I don't think that's proper going before the Court. And so I know he hasn't made that motion, but we have -- we've already taken that out.

MR. BAX: Thank you, Mr. Stone. I would have done that. I appreciate that.

MR.. STONE: The -- the religion -- well, first of all, the gangster stuff comes in toward the very end of this. Quite frankly, I -- I don't think there's a problem. We can cut that before we get to it. I don't think there's an issue.

The religion is -- is kind of interesting because -- is not a question -- first of all, it's not a question at all posed by law enforcement. For whatever reason, Mr. Robinson -- if -- if this is exactly what we're talking about, Mr. Robinson says that a few months ago he was visited by the Angel of Death, who said he was killing all of his family because he had been "prophesizing." That, Your Honor, we had planned on introducing quite frankly, because I think it shows Mr. Robinson state of mind.

I think that there is a -- there's clearly discussion as -- as you have seen from other statements, Mr. Robinson's made about ---

THE COURT: Uh-huh.

MR. STONE: --- getting cocaine that day, and being -- and -- and trying to get cocaine and things like this. I think that actually shows his state of mind at the time that all of this took place. I think that is relevant.

Again, not -- not responsive to any particular

question by law enforcement, he was basically "rambling," for -- for lack of a better term.

Other than -- the other material though, we have either redacted or we're not planning on using. So we would have no objection to -- to taking that out.

THE COURT: The -- is that in reference to the Thomas video as well -- I -- I guess, Mr. Bax, you're talking about the -- the female who came up there screaming and pointing the finger at ---

MR. BAX: Yes, sir.

MR. STONE: Now, that -- that's -- I do plan on -- everything on the Martin Thomas video, Your Honor, and I think you watched this before we ---

THE COURT: I did.

MR. STONE: We've shown it to you before. But let me just go ahead, and if I could, just go back over it a little bit.

THE COURT: Right.

MR. STONE: First of all, just out of an abundance of caution, I want to make sure we're clear on the record that -- that the Jackson/Denno issues have been covered. I think clearly Mr. Robinson's not in custody ---

THE COURT: Okay.

MR. STONE: --- up until a certain time ---

THE COURT: Right.

MR. STONE: --- when Mr. -- when Officer Thomas takes him into custody, reads him his rights there. He makes a statement at the scene, then goes directly to the Sheriff's Office, where he's continuing his statement, and then read his rights written on paper.

THE COURT: Sure.

MR. STONE: So I -- I do want to make sure I'm covering that base as well.

THE COURT: And I think that Mr. Bax may have conceded that point, but -- but whether he did or not, it is obvious that -- that Officer Thomas, at an early stage, when he realized that Mr. Robinson was going to interview -- going to, I should say, volunteer a great many statements about this, that he did, out of caution, give him his rights, even though he at that time was not in custody.

It appears that the custody occurred at sometime later. If I could hear the handcuffs being placed on him -- after the female came up and began screaming and pointing fingers, and it looks like things were getting volatile, I thought that that was about the time he really put the handcuffs on him.

He'd been Mirandized. In any event, was aware of his rights. As a matter of fact, he was -- he was repeating them, I think, along with both officers, Officers -- Sargent Thomas and Corporal Conant, to some extent.

Clearly he understood his rights. When he was in custody, the questions that were asked are -- were not the result of any threats or promises that were revealed here today certainly.

The -- the Conant interview, let's talk about that one. First of all, I haven't heard the -- the part about the religious statement, the "Angel of Death." I'd be glad to listen to it. I may have heard it before. Frankly, that -- it's been some time since I did if I have.

But if -- if that's a part of a voluntary rambling of his that -- at least reveals what his state of mind was at the time, then it would be relevant on that particular issue.

So I would be glad to -- to listen to that, if the need be, if y'all can point me to a time on the tape where it actually shows up so I won't have to listen to the whole thing.

MR. STONE: I -- I'm going to try to find that right now, Your Honor. I've got a transcript of it.

THE COURT: Okay.

MR. STONE: But frankly, I was hoping we could hear that better. And I hope it's -- audio's better in the courtroom ---

THE COURT: Right.

MR. STONE: --- than it was today. If it's not ---

THE COURT: Right.

MR. STONE: --- I may make copies of this transcript, and ask to distribute, because I -- it really was difficult -- I was hoping not to do that, but ---

THE COURT: Right.

MR. STONE: --- I could not understand very much of what Mr. Robinson was saying.

THE COURT: All right.

MR. BAX: Your Honor, for the Court's edification, Ms. Saxon's found the portion in the transcript. It's page 28.

MR. STONE: 28?

MR. BAX: Page 28 of -- of the transcription of his interview ---

THE COURT: Okay.

MR. BAX: --- where he starts talking about it, Your Honor.

THE COURT: Okay. There are parts of the interview -- or parts of Mr. Robinson's statement that I had trouble understanding as well.

First of all, in the police car, there's a lot of background noise, as we all understood. Radio transmissions, sirens going, people screaming, which made it difficult for me to separate most of those things. You had a transcript on the screen which was helpful in that regard.

As to the statement that was made in the -- in the police officer's interview room, there were large portions of that that I could not understand. Now, I attribute some of that to my -- to my deafness and hard of hearing. But I'm afraid that there -- a couple of those jurors on there are not quite as old as I am, but they could probably same -- have the same problem that I would hearing it. A transcript may be very -- very beneficial for their understanding.

Certainly I -- Mr. Bax has a copy of that transcript and if there are parts of it that are in question, their authenticity and their veracity is in question, we can deal with that. The transcript would not go to the jury, obviously. It would simply be to aid them in listening to the tape as it's played.

But I would suggest that if we get into that courtroom tomorrow and it is as difficult to understand as it was today, that you have those transcripts already available, if you don't -- if you don't intend to offer them just to begin with.

MR. STONE: Well -- and I -- I think that would be better. I was -- I was concerned. I was trying not to, but we already had -- we had a court reporter -- a certified court reporter do the transcripts.

THE COURT: Okay.

MR. STONE: And we have them. We can dupe -- either duplicate them, or put them up on a screen. And we'll just offer the tape itself in evidence, but use that as demonstrative evidence tomorrow.

THE COURT: That'll be fine.

MR. STONE: I'll have that covered one way or the other.

THE COURT: Okay.

MR. STONE: Of course, anything that -- that needs to be redacted, I'll make sure that's redacted as well, and give the defense attorney enough opportunity to take a look at that.

THE COURT: All right.

MR. STONE: If you'd like, we can go ahead and play that -- play that section of the tape.

(Mr. Stone confers with assistant.)

MR. STONE: And give you some help about where it is.

THE COURT: Okay. What -- what page, Mr. Bax? Twenty-eight did you say?

MR. BAX: It's 28 on our transcript of that particular interview. Each one of the interviews was transcribed as a separate ---

MR. STONE: Do you have that transcript, Judge?

THE COURT: No.

MR. STONE: I will hand you up mine, and then -- I

will start at page 27.

THE COURT: Okay. That's good.

(Mr. Stone hands a document to the Court.)

THE COURT: Thank you.

(Brief pause as counsel confer.)

THE COURT: All right. I've read the -- from 27 through the top of 29. I see the context of the "Angel of Death" statement.

MR. BAX: And Your Honor, I think we'd -- for some reason thought it was a little bit later. But it actually comes before the Miranda portion of the video you saw just a few minutes ago with Ms. Conant on the stand.

The defense would respond to the State, as far as state of mind, I didn't see it that way and I -- and I still don't see it that way. It seems to me that he is telling them things as -- as if having conversation with them.

A lot of what I saw from it comes, obviously, from Mr. Robinson's religious beliefs. And I believe that it is -- I -- I stand by my argument that it's not relevant. I stand by my argument that it would not pass 403, that it's more prejudicial than it is probative.

It doesn't go to the discussion about the facts of this case. It is something he references that occurred long before, and it really sounds more along the lines of a

personal religious experience than anything else. I don't see how it can be seen any other way.

And especially when you add in the fact that they didn't even get to the secondary set of Miranda. Obviously we heard the testimony and we heard the dash-cam that he'd been read Miranda before.

THE COURT: Right.

MR. BAX: But the fact that this comes prior to his being Mirandized via a written form is also indicative that I think he was just sitting there filling the empty space.

I think that was close in time, perhaps where they were getting the GSR kit together in order to take those swabs. It was around that time period I believe.

I would argue that that can -- I would -- I would think, and I -- and I firmly believe that -- especially since we don't really necessarily delve into the religious beliefs of jurors in order to respect their privacy in that area, that that comment could taint the jury in a way that wouldn't have anything to do with the determination of the facts, whether they even realized it or not, because that's kind of a -- an extreme experience at the very least.

THE COURT: All right. Mr. Stone, what says the State?

MR. STONE: First of all, as -- as far as when it arrived toward the Miranda -- this would have, of course,

been the second Miranda.

THE COURT: Right.

MR. STONE: That to me, I think, Your Honor, has already been covered.

Second thing is ---

THE COURT: Right.

MR. STONE: --- I -- I don't believe this is any type of real discussion about his religious beliefs. It appears to me to show demeanor. It shows his attitude at this time right after the -- right after a child has been killed. And it also I think shows it is particularly relevant in showing his state of mind at this particular time.

All of this conversation, again, is not even in response to any particular questions.

THE COURT: Right.

MR. STONE: It's not as if the officer asked, "Tell me about you religious beliefs." So I -- I believe that it is relevant in that context.

THE COURT: First of all, it -- it is -- it is not in response to any questions, no direct questions on these particular issues. It's all in the larger context that goes back to page 23, and I haven't gone back behind that.

He's being told at that point in time -- he clearly is being detained. They say he's not under arrest, but clearly he's in the jailhouse, he might be in handcuffs.

I'm not sure. But clearly his -- his freedom of movement has been restrained.

And so the -- the custodial aspect of the Miranda requirements is in place. He's already been read the Miranda warnings at one time on his way. I'm not sure what the time frame is between when we heard them on the tape and when he got here. It was not a long time.

He -- he is told that he was brought here for his own safety. It's not a good place for him to be out there, and he interrupts and talks about the -- he's the only one who was out there, "me and the shooter and the kid on the trampoline," and so forth.

And he talks about the incident again, as they ride by and -- and shoot up the house and the car -- or shoot up the car, I'm sorry.

And the officer really says nothing other than, "We called 9 -- you called 911. We got that."

And she does ask, "At what time did all this start?" And he said, "Early in the morning," and what time they did what.

And then he comes talking about, "They clean about 6:30 or 7. They clean 7 by 7," and so forth. And then he goes into the dialogue about the -- the event itself. And there is something of a -- sort of a rambling exchange at that point in time. He keeps injecting things about what

happened at the time, obviously, and trying to get them to look up some things that he's telling them about, "Go check this out or go check that out."

And when -- I'm looking for -- for something that the -- that he says, "You ain't gotta tell me no more." I'm trying to figure out what the officer told him at that point that he was responding to. The only thing she says on page 26 is -- whoever this is -- that, "Nobody's untouchable." And -- and then Mr. Robinson says, "I'm telling you, Bro, you not listening." And the officer says, "He's listening, but we ..." -- and then at that point, Mr. Robinson starts again.

That goes into a dialogue about the -- the Grim Reaper, and trouble following like a snake, and things of that nature. And then that blends into the -- the Black Angel of Death.

All of that I think is a -- it may be a stream of conscious rambling. I'm not sure what it happens to be, but it does show his state of mind about these -- these matters, whether he perceives a threat from these people and a right to respond, I'm not exactly sure. Whether he is talking about a threat that caused him to run, as he has already said he did.

I'm not sure it's the explanation and why it's being offered, but I think it is relevant, in any event, on his

state of mind.

I find that the Miranda warnings have been given; that the statement in that regard is voluntary. He is in custody. I find that the statement is relevant as to his state of mind at the time it was made. Okay.

MR. STONE: I believe also, Your Honor, to cover the -- leaving memoranda issue at this point and -- and covering the -- the issue that -- that includes statements by people out on the scene at Allen Road, that the audio/video of Martin Thomas's camera picks up --

THE COURT: Right.

MR. STONE: -- as well as -- I -- I know we showed you this at the last hearing, and I think -- quite frankly, I think the Court's already ruled on it, but let me just make sure that that's clear for the record. [REDACTED] J.S. [REDACTED],

[REDACTED] who is out playing on the trampoline with [REDACTED] Minor [REDACTED] when he was killed, walks up -- goes up to Martin Thomas. Martin Thomas asks the question: "Did anybody see what happened?" [REDACTED] J.S. [REDACTED] goes, "I did." At which time he points to Tyrone Robinson and says, "That man shot my best friend."

All of these testimonies -- statements, not only the statements from the people who are around there, who's saying, "That's -- that's Tyrone Robinson. That's the guy that did it," to the statement with [REDACTED] J.S. [REDACTED], I

believe brings in two issues that I believe are covered very well by United States Supreme Court case law. The one is whether or not it's hearsay.

I think it's a well established hearsay exception under the present sense impression, and what used to be termed as *res gestae*, before they included that under 801 -- 80 -- 803, subsection 1 and 2.

Second part of that, then if it is a well established hearsay exception, all of this clearly, Your Honor, is something that's taking place during the stress or the excitement of the moment, without time for cool reflection. I think it clearly falls under the hearsay exception.

The next step, however, is going to be a *Crawford* analysis, of whether or not that testimony is -- excuse me -- that -- the statements are testimonial. The determination about testimonial recently and -- and probably best clarified by the United States Supreme Court is in a case called *Michigan vs. Bryant*.

In *Michigan vs. Bryant*, a victim of a gunshot was at a gas station. Police officers responded to the scene. The victim tells law enforcement who shot him, where he was shot, and what happened. That was all found to be non-testimonial. As law enforcement was -- the primary purpose behind asking those questions were in response to an ongoing emergency.

Your Honor, that's exactly what Martin Thomas has found himself in, and I think that's evident from the video of being there in an ongoing emergency. In order for Michigan vs. -- *Michigan vs. Bryant* analysis, they basically go through two different columns of -- of ideas: What is testimonial and what's non-testimonial.

One of the factors the Court takes into consideration is where it takes place: Is it a station house? If it is, it's probably testimonial. If it's at the crime scene, however, it's not -- or it was found not to be in *Michigan vs. Bryant*.

Was there a weapon involved? If it were a fist, probably not so much an ongoing emergency as if it was a gun. And in this case, there is a gun, and just as *Michigan vs. Bryant* had as well.

The types of questions and what law enforcement was there for. Again, the ongoing emergency, whether or not the emergency is ongoing, and clearly, when Martin Thomas gets there, it is.

I believe under both the hearsay exception as well as *Michigan vs. Bryant* analysis, I believe all of that is admissible. It's on video -- or it's on audio. You can -- you can hear that, and we would offer it in that context.

THE COURT: All right. Mr. Bax?

MR. BAX: Thank you, Your Honor. Mr. Stone has

referenced both *Crawford v. Washington* and *Michigan vs. Bryant*. As Mr. Robinson pointed out last time, and -- and as I recall, Your Honor discussing last time, *Michigan vs. Bryant* is way off point and is not really where this case is.

In that case, it was someone who was determined to be a victim of the crime.

THE COURT: Right.

MR. BAX: That individual was wounded at the time. That individual later was deceased and obviously not available to testify in court.

So when you look at the situation where -- there's two distinct portions of Sargent Thomas's dash-cam that we would be moving to suppress. One is a portion that we actually heard when it was played earlier, where an individual -- a female individual came up and said, "That's him. That's him. I saw him." You heard that.

The portion where the young boy, [REDACTED] J.S. -- has not been played, but Your Honor has heard it before.

THE COURT: Right.

MR. BAX: And I think that the argument goes to both of those individuals. But we would be moving to suppress both of them.

Number 1, neither of those individuals were the victim of the crime. Neither of those individuals were wounded at

the time. In fact, the -- the female, which I believe was Ms. Brittany Brinson, was not even outside of her residence. She came out immediately following, within seconds, according to her testimony or her -- her -- what she's given on interview, after the shots were fired.

And the young boy was -- was brought over because individuals around were saying, you know, "Talk to him. He saw what happened."

THE COURT: Right.

MR. BAX: At that time, based on what we've heard from the officer on the stand, Sargent Thomas, this was a law enforcement officer who had Mr. Robinson, and who had placed him in his car, which is a marked police unit, blue lights over top of it.

The statements that were made were clearly to accuse Mr. Robinson of having a criminally liable role in what had just transpired.

THE COURT: Uh-huh.

MR. BAX: It is the defense's position that it was clearly testimonial. It does not fit where they were victims, they were not the recipient of a mortal wound or even any kind of injury whatsoever, and they were accusing Mr. Robinson in the two law enforcement officers, while he's sitting in the back of a police car. Even someone as young as [REDACTED] J.S. [REDACTED], who was around the same age

as -- as [Minor] in this case, he's well aware, even at that age, of what sitting in the back of a cop car and -- and -- and being arrested is. He knows what that is.

A boy of that age can certainly understand that when you tell an officer, "This person did something bad," that that's going to put that person in jail. And it was clearly the intent of both of those individuals to point him out for the purposes of prosecution.

So it'd be the State's -- or the defense's position that it was very much testimonial. And under *Crawford vs. Washington* -- especially due to the fact that neither of these individuals are dead. They are here.

THE COURT: Right.

MR. BAX: In fact, both of them are under subpoena.

THE COURT: Right.

MR. BAX: Brittany Brinson's under both State and defense subpoena, Your Honor, and [REDACTED] J.S. [REDACTED]'s under my subpoena.

THE COURT: Uh-huh.

MR. BAX: So they are available to testify.

THE COURT: Right.

MR. BAX: And you know, should they want to, there is the opportunity to call them to the stand and ask them, "Did you make this statement at that time and why?"

And if they're on the stand, that no longer goes

through the issue of hearsay or *Crawford*.

THE COURT: Right.

MR. BAX: So for those purposes, we'd be moving to suppress those statement from the dash-cam video.

THE COURT: All right. Mr. Stone, what does the State intend to do insofar as Ms. Brinson? Is she going to be testifying?

MR. STONE: At this point in time, Your Honor, I don't believe she is, neither her nor [REDACTED] J.S. I would call your attention -- and I -- I know you're -- the Court has already been aware of this, but under Rule 802, the hearsay rule, the declarant is -- the declarant's availability is immaterial.

And so for under 803, subsection 1 and 2, present sense impression and excited utterance, we believe all those statements come in, regardless of whether the declarant is available or not.

And I did not hand you up a case, and I apologize for that. Here's -- I've given a copy to the defense. But here's a copy of State -- of *Michigan vs. Bryant*, which is the case I had cited earlier.

(Mr. Stone hands a document to the Court.)

THE COURT: Right. I believe I may have read it the last time, but I'm not sure.

The -- the testimony in my view is -- is more like an

excited utterance, at least insofar as the female victim's -- not female -- the female witness who was doing the screaming, whoever that is.

It's -- it's clear that -- that she was excited. I think that's inescapable. Anybody can determine that. I can't recall enough of -- of [J.S.]'s demeanor at the time he made the statement as to whether or not he was excited or not.

But -- but just because it -- it might be admissible as hearsay, that doesn't necessarily get it in if -- if there is a confrontation issue, as the case law has -- has -- has stated.

I'm reading, actually, from the prosecutor's book, *State v Garner*, as a case which is argued for part of that. I probably need to read Michigan and Bryant again.

Although Mr. Bax makes a good point when he says that -- that here we have a -- as it turns out, a dying victim, which depending on the timing of it all, could probably come in under some other rule of -- of evidence.

The -- the part where the -- where the lady is screaming, I -- that is not -- first of all, it's -- it's something that no questions were asked. She just came up volunteering that screaming, "He's the man," or something to that effect. And clearly she was excited. So it could come in under Rule 803(2) as -- as well as 803(3).

I really gotta look at that a little bit more in depth over the night to see if -- if the confrontation clause is still triggered by that. But of course, if they testify, then that takes care of that, if they're -- if they're here.

I'm not prepared, at this point, without reading *Michigan vs. Bryant* and without reading *State vs. Garner* again to -- to rule on whether or not those portions of the statement are admissible. I'll be prepared to do that tomorrow morning, however, before you have to make your opening statements, and you'll know how you can deal with that at that point in time.

I will hold those matters in abeyance overnight until I've had a chance to look at those cases in -- in greater detail.

MR. BAX: Thank you, Your Honor.

THE COURT: All right.

MR. STONE: Your Honor, this actually probably plays into the defense next motion, but I'll go ahead and tell you this as well. Dominique Griffin is on our witness list. He has been on our witness list last time as well as this time. He is here today. He is going to be back tomorrow morning.

Dominique Griffin was at the scene. He was actually in the house, and I don't know if you recall -- and -- and

I wish I had the model with me and I'd show you. But on the front house, where the initial shooting was taking place, the firing at the car --

THE COURT: Right.

MR. STONE: -- Dominique Griffin was actually in the house during that shooting.

He comes out of the house. He sees [REDACTED] J.S., the child, as well as Tyrone Robinson. And [REDACTED] J.S. says the same thing to him that he said to Martin Thomas. And we are going to offer him as a -- as a witness as well. So that's -- law enforcement did not get a statement from him, so we have not turned anything over. He's not made a statement, but again, he will be here tomorrow morning; and -- and has been, as far as I'm concerned, available.

THE COURT: Okay. All right. Thank you. I remember the diagram.

MR. STONE: That would be the same argument as far as the *Crawford* analysis. That would be the same argument as that as well.

THE COURT: Okay. But of course ---

MR. STONE: Of course, he's not a State -- that changes a little bit as well.

THE COURT: Right.

MR. STONE: So I -- I apologize. That actually is not the same analysis.

THE COURT: That's right. And at this juncture, we don't have a statement of Mr. Griffin being offered as we do of these other people though, right?

MR. STONE: Pardon me, sir? I'm sorry.

THE COURT: At this juncture, we don't have a statement that Mr. Griffin made that is being offered, as is the statement of **JS** or Ms. Brisbon, right?

MR. STONE: That's correct. That's correct.

THE COURT: Okay. So he's gonna have to testify to get that in.

MR. STONE: That's correct.

THE COURT: So that takes care of all those issues.

MR. STONE: Yes, sir.

THE COURT: Okay.

MR. BAX: And for clarity, Your Honor, the reason I had mentioned that was I saw that Dominique Griffin was on their witness list, obviously, the first time around Mr. Robinson was representing himself.

THE COURT: Right.

MR. BAX: So -- so I -- I would state that -- that that was something that got handed to Mr. Robinson. I don't recall really looking at the witness list last time as much. I was focusing on being able to advise him as to rules.

In looking at it this time, Your Honor, I've been

informed by my client, after March, when I was appointed to be his counsel at his request, that Dominique Griffin was actually somebody that he had initially wanted my office to talk to as a potential witness. And as you can see, he is on our witness list.

THE COURT: Right.

MR. BAX: Unfortunately, my investigator was never able to locate Dominique Griffin in order to serve him with a subpoena. So when I saw his name on the State's witness list, as -- as I mentioned to Solicitor Stone, I have been through the discovery in this case many times in the last four months, but it is voluminous as it is typically in a murder case --

THE COURT: Right.

MR. BAX: -- and I do not recall seeing anything mentioning from any officer or any incident report or any witness statement any information concerning something that Dominique Griffin had given to the State or any purpose why they would be calling him. And that was why I had mentioned it to Solicitor Stone this morning.

The motion I'd mentioned to him was motion to compel against the State as to any information that they have about what Mr. Griffin would be intending to testify to, and how they were able to glean that information. If there were some law enforcement officer that had an interview

with Mr. Griffin, I wanted to make sure that there were some kind of investigative notes or something that had not gotten filed in this case that I was entitled to look at. So that would be the first part of that motion.

The second part, Your Honor, is -- and I want to make sure that I'm clear on this and I didn't hear from wrong -- that Mr. Griffin was told by [REDACTED] J.S. [REDACTED] the same thing that he basically said on the tape. If that's the case, obviously, I would be moving to exclude that as -- as -- as hearsay.

THE COURT: Right.

MR. BAX: And for a lot of the same reasons that we've talked about in the other motion.

THE COURT: Right.

MR. BAX: But on top of that you have the fact that, you know, this doesn't even have the authenticity of the video. This is coming secondhand through another person.

THE COURT: Right.

MR. BAX: So that would be my issues as to Dominique Griffin.

THE COURT: Yeah. I -- yeah. And you're right, the fact that Dominique heard ostensibly what [REDACTED] J.S. [REDACTED] said, doesn't necessarily make [REDACTED] J.S. [REDACTED]'s statement admissible.

If [REDACTED] J.S. [REDACTED] does testify, then Dominique's statement that he saw [REDACTED] J.S. [REDACTED] and the decedent in close proximity to where

the shooting occurred -- it might lend some credibility to the -- at least the scenario where this occurred and would put [J.S.] in the vicinity of where it happened in that regard. That would be Dominique's testimony as to where he saw these folks and when he saw them.

But you're right. It doesn't necessarily make an otherwise inadmissible statement by [J.S.] admissible just because he heard him say it.

MR. BAX: And -- and Your Honor, just going back to the issue of -- of discovery, in preparation for this, I would certainly ask the Court to -- or -- or -- or ask the solicitor provide anything that they may have.

I mean, as I said before, I knew about Mr. Griffin only because my client said he was in that area, and he might have seen something. But I was not aware of any contact the State had had with Mr. Griffin. And if there's anything out there, I would really -- believe that it would be pertinent and discoverable information for me.

THE COURT: Mr. Stone, what says the State to that? I understood that he had not made a statement or at least y'all didn't have a copy of the statement.

MR. STONE: He did not. He didn't -- he did not make a statement to law enforcement. I actually knocked on the door out at the crime scene myself, and -- and -- and met him. And that's where that took place. So he doesn't have

a statement to law enforcement. So there's nothing under either Rule 5 or Brady. There was nothing exculpatory that needed to be turned over.

THE COURT: Right.

MR. STONE: However, although I don't think there's any obligation to produce, I will tell you that's -- and I was not clear earlier. The -- the shooting that takes place -- Dominique Griffin stayed at his house until the shooting stops.

THE COURT: Right.

MR. STONE: And he comes out of his backdoor. When he comes out of his back door, that's where Tyrone Robinson's car was parked.

THE COURT: Right.

MR. STONE: He sees Tyrone Robinson walk up, [REDACTED] is walking behind him with tears in his eyes, and says, "It --" -- at which time he comes out, and he says, "That guy shot my best friend."

THE COURT: Right.

MR. STONE: This is separate and apart from the conversation that you hear on the tape with Martin Thomas. This is maybe 20 yards over --

THE COURT: Right.

MR. STONE: -- but this is a totally separate statement. So in other words we say the same thing, he's

pointing to the same defendant --

THE COURT: Right.

MR. STONE: -- this time it's heard by Dominique Griffin. But that's not the same. In other words those are two times that he -- that [REDACTED] J.S. [REDACTED] says that.

THE COURT: Right.

MR. STONE: So I wanted to clarify that. I don't think I was very clear. But that's ---

THE COURT: Right.

MR. STONE: --- that's the testimony that he would be offering, and ---

THE COURT: Right.

MR. STONE: --- that he was actually in the house when the -- you heard the rapid-fire shooting outside of his house --

THE COURT: Right.

MR. STONE: -- that -- that he was in there with his one-month-old -- I think that's correct -- child, in a bed. And actually rolled on the floor when he heard the shooting.

THE COURT: Right.

MR. STONE: But that, I believe, was the shooting from the Youngs.

THE COURT: Right. Okay. Thank you for clearing that up.

MR. BAX: Well, and Your Honor, I have to respond if -
- if Mr. Stone was actually the one who had contact with
Mr. Griffin, that makes it kind of doubly bad. I mean, Mr.
Stone is an attorney as I am and knows that these kind of
things are essential for me to be able to be prepared for a
case. We do not have trial by ambush in this country.
That's the core principle of Rule 5 and Brady.

And obviously Rule 5 would come into play because this
-- this is someone they intend to use in their case in
chief against my client, then any information about what he
is saying would be relevant through discovery.

And to find out now that there is a witness -- and --
and I think that to some degree we should not ignore -- and
I'm not going to ignore the fact that the way that Mr.
Stone has described this testimony, it is going to have
impact on the case. It will be something that I would've
had to have been prepared for because it puts the boy, as
he said, with tears in his eyes, immediately following an
event that is going to be characterized as traumatic for
another young child, and that cost the life of his friend,
another young child, on scene, in close proximity to where
it happened and potentially in close proximity to my
client, making an accusation.

THE COURT: Can -- Mr. Bax, can you point me to that
part of Rule 5 that -- that is violated by this non-

disclosure?

MR. BAX: Yes, I can. Rule 5 -- and let me bring it up so that I cannot operate from memory. I've discovered that's bad no matter how many times you read a rule. If you give me a minute, Your Honor.

THE COURT: Okay.

(Brief pause.)

MR. BAX: Your Honor, I would like to Rule 5(A)(1)(a). It discusses the substance of any oral statement which the prosecution intends to offer in evidence at the trial. Well, that's as to the defendant.

THE COURT: Read -- read Rule 2 -- I mean, subpart rule -- of Rule -- (A)(2), information not subject to disclosure, and see if it doesn't more correctly, under that part of the rule. I'll be glad to hear from you on that.

(Brief pause.)

MR. STONE: Your Honor, may I just have just a moment?

THE COURT: Yes.

(Mr. Stone and Mr. Bax confer briefly.)

MR. BAX: Apparently I was sent an e-mail prior to me being make Tyrone's attorney, when I was second chair to him or -- or his shadow counsel, saying that there was a witness named Dominique Griffin. Not going too much into detail about it.

I don't recall that e-mail, that was prior to me being appointed to him. So I -- there's really not anything that I can argue from this point on that issue.

I do have a number of other motions. Would you like me to move on or ...

THE COURT: Yeah. Let me just -- like -- sort of put a cap on that. Rule 5(A)(2) lists the information that is not subject to disclosure, and it speaks directly to -- to what Mr. Stone was talking about a while ago. It -- it says (as read): "Except as provided in paragraphs A, B, and D" -- paragraph A has to do with a statement by defendant, which Mr. Bax was right, certainly you're entitled to all of that. B has to do with the defendant's prior record, which he's entitled to. D has to do with reports of examination and tests. None of that is applicable here.

(As read) "This rule does not authorize the discovery or inspection of reports, memoranda, other internal prosecution documents made by the attorney for the prosecution or other prosecution agents in connection with the investigation or prosecution of the case; or of statements made by prosecution witnesses or perspective prosecution witnesses" -- that would be Dominique Griffin -
- "provided that after a prosecution witness has testified on direct, then the Court shall, on motion, order the

prosecution to produce any statements, etc."

So I -- there's been no violation of Rule 5 in connection with the Dominique Griffin issue that I can see under the rule.

So now -- but I will be glad to have, Mr. Bax, for you to go on to the next motion.

MR. STONE: May I add ---

MR. BAX: All right.

MR. STONE: --- something to this, Your Honor.

THE COURT: All right.

MR. STONE: I apologize for taking the Court's time.

THE COURT: Okay.

MR. STONE: But I do think it's important. My concern is -- and we've been -- we -- we've discussed this, both at a national level as well as state level, and discovery is a particularly difficult issue. And I want to make sure that we are clear on the record as far as Your Honor's -- I don't particularly care. I -- I understand that the rule doesn't require me to turn that over. I don't particularly care to follow that in -- in that context.

And -- and what I was a little concerned about is I was making an argument. I knew legally it was right. I just was concerned why we didn't.

I found an e-mail -- actually my staff did. Hunter Swanson, who's working with me, actually sent an e-mail

out, and I do want to make this as part of the record if I could. It was sent on April the 3rd, after we had interviewed Dominique Griffin at the scene.

The e-mail reads (as read): "Just wanted to let you know" -- this was sent to Robert -- Robbie Ferguson and Arie Bax. And I do not recall if Mr. Bax was representing Tyrone Robinson at the time, but that was one of those things that the best we could come up with as far as notice.

(As read) "We just wanted to let you know about a possible additional witness who was not mentioned in the reports and was not interviewed by law enforcement. Dominique Griffin is Savoya Simmons's boyfriend -- lives at the house on the corner of Allen and Marshland Road -- and was home with their baby at the time the shooting was going on. He heard shots that sounded like they were coming from Marshland Road, rapid-fire-type rounds. He grabbed the baby and hit the floor. Once the shooting concluded, he ran to the back of the house where [REDACTED] J.S. [REDACTED] had run up saying, quote, "He shot [REDACTED] Minor ." He saw Tyrone Robinson leave in his car."

And then it goes on to talk about other material, but I did want to put that on the record because I think it's important, Your Honor, for -- for you to know, as well as the appellate courts, that we do try to make sure that it's

-- it's not trial by ambush.

THE COURT: Thank you.

MR. STONE: Thank you for hearing from me on that.

THE COURT: All right. Thank you. Mr. Bax?

MR. BAX: Your Honor, the first I'd like to go into is what we've talked about in chambers. I have filed a written motion on it. And I would still be moving for a change of venue in this case.

I know that I forwarded a copy of my written motion to Your Honor. Hopefully you're still in receipt of that. If not, I can sort the pass you a copy.

THE COURT: Now, I got the motion earlier, the one that you sent earlier, some time ---

MR. BAX: Yes, Your Honor.

THE COURT: Yeah.

MR. BAX: I filed it in July --

THE COURT: Yeah.

MR. BAX: -- of this year, and I'm relying on that same -- that same motion.

THE COURT: Right.

MR. BAX: Your Honor, based on -- on my rough calculations of what we dealt with this morning with the jury, there was, I believe, over -- there was 65 -- approximately 65 percent of our available jury pool at that time that responded that they had read some kind of media

coverage about this case.

THE COURT: Right.

MR. BAX: Out of those individuals, we did lose a number of them, due to the specific voir dire up at the bench, as they came to Your Honor one at a time, as -- as we all went through this morning.

THE COURT: Right.

MR. BAX: There was obviously, in my opinion, a number of individuals who -- I -- I was questionable of their responses, but they -- they were what they were. But there was quite a few individuals who have followed the story, and while they stated that they could set that aside and be impartial, I ended up using seven of my strikes on jurors who had been exposed to media.

THE COURT: Right.

MR. BAX: And I did -- I did let other people onto the jury that had been exposed to media, but I had to make that choice.

THE COURT: Right.

MR. BAX: I had to make that choice based on my evaluation of their responses to Your Honor as to whether they were telling the truth --

THE COURT: Right.

MR. BAX: -- about whether they have been affected by that media, because frankly, I don't believe all of them

were.

THE COURT: Right.

MR. BAX: And no offense to them, but you know, to some degree, I think there were certain people that gave the impression, at least to me as an attorney, that they were very eager to be on this jury and not for the right reasons ---

THE COURT: Right.

MR. BAX: --- in my opinion.

So of the strikes that I used, the primary cause was that media exposure and their responses to that media exposure.

Additionally, because of the percentage of the jury pool who had been exposed to that media coverage is the other reason why I could not strike everyone who'd been exposed to that media coverage --

THE COURT: Right.

MR. BAX: -- because I would have run out of strikes, and -- and any of my other basises [sic] for the striking of those jurors would have gone by the wayside.

THE COURT: Right.

MR. BAX: And there were other areas, just like in a case that doesn't receive media coverage, where I would like to be able to strike jurors for other reasons: relationships, people that they know, their familial

relationships, any number of -- of things, Your Honor.

But I wasn't given as much of a choice on that, I think, as I should have been.

I believe that this is a case where the Court should consider striking the jury that we have and -- and changing venue because this is a reoccurring problem. We have only but so many people in Beaufort County, and obviously, the paper here does a very good job of appealing to that very local audience.

THE COURT: Right.

MR. BAX: I was made aware of the *Beaufort Gazette/Island Packet* within days of moving here and certainly had my issues with them, considering the fact that they refuse to respond to my subpoenas.

THE COURT: Right.

MR. BAX: But obviously this issue of media coverage is one that I'm very concerned about.

Based on what we've seen, based on what I have shown -- and also, Your Honor, I -- it would state -- you know, we -- we have looked into the media coverage issue in order to show saturation. There's been a huge amount of media coverage, not just by the local paper, but by also the local TV stations: WTOC and I think there's a couple of others.

And I'm -- I am quite hamstrung in my argument, Your

Honor, I -- I will put on the record, because I did issue subpoenas to *The Island Packet*, to WTOC, and I think two other news stations, in order to get not just data about the amount of coverage, but also data about the amount of attention that the Internet coverage of this story has gotten..

THE COURT: Right.

MR. BAX: We did have a motion to compel *The Island Packet* in front of Judge Mullen. There was oral arguments taken at that time. Mr. Jay Bender, from Columbia, represented the paper and came down and argued the case. At that time, Judge Mullen's ruling was held in abeyance because several questions that I had, several -- the pieces of information that I wanted, Mr. Bender could not really tell us whether the State was in -- or the paper was in possession of. That included information such as the number of update articles online that never actually made it into the printed final version of the papers; the number of times that those articles were viewed, i.e. "hits" on those website articles. Each article has its own basic website address.

THE COURT: Uh-huh.

MR. BAX: And each time someone opens it on their computer to view it that's recorded somewhere. It's called a "hit" on -- on -- on that website and any of its sub-

links. When you create a website, obviously you don't want to just have one page. Everything has to be dynamic these days ---

THE COURT: Right.

MR. BAX: --- in order to draw the attention of your viewer ---

THE COURT: Right.

MR. BAX: --- which is what you're looking for. Whether it's for profit or for advertising purposes or whatever, you want people to come to your website and you want them to move around, go from page to page.

Each of those pages is individually identifiable. I argued at that time that the information concerning, not only the -- the articles that are put online -- but don't actually ever make it into the paper because they're small or mid-size updates to a story that's either already running or one they're about to run -- are important to show how many times that was viewed.

If we have roughly 150 to 200,000 permanent residents in Beaufort County and it was viewed 350,000 times, you start to see that there's -- there's almost a complete saturation there. I mean, obviously, there's a number of people in our community that live here only during the summers. There's plenty of people that have moved away and maybe they still read the news here, but it is indicative

of the saturate -- saturization [sic.]

I was not provided that information. Mr. Bender was ordered by the Court to -- to provide that before our trial. He did not do that, and I was informed that my motion was denied via e-mail on Friday evening. So I was never privy to that information.

Additionally, I was in a situation where not only am I trying to prepare for this trial and represent Mr. Singleton, but I was in a situation of trying to chase down these TV news networks.

THE COURT: Uh-huh.

MR. BAX: I spoke with one network -- I think it was WTOG -- representative over the phone. She assured me she was going to provide that same information about coverage, hits on the Internet, and I never heard back from her. And unfortunately, my resources are very limited as a public defender, and there's only been so much that I can do after these phone calls have been made and the subpoena's been issued.

Regardless of that, Your Honor, the media coverage, as I've reviewed it, includes well over a dozen articles. In fact, we printed out everything that they have, and I'm happy to provide it to Your Honor. It is well over 100 pages.

THE COURT: All right.

MR. BAX: And these are articles that were printed in the paper, and these are articles that were also repeated online and kept online.

Additionally, *The Island Packet* and *Beaufort Gazette*, they're one entity, published a timeline that was accessible by the general public on their website. That timeline is a link of all the different events as -- as they were reported or as has -- as -- as the paper's reporter saw it, including the dates and times of the funeral of -- of [REDACTED] Minor, pictures of that, dates of arrest, dates of bond hearings, dates of the prior trial. And that was linked on -- each time an article was put out, they re-linked that timeline.

In that timeline was also a link to the video. There was a dash-cam video from Corporal Evans's patrol unit. You cannot see Corporal Evans, but as Your Honor's aware from last time we tried to try this, and it -- it did pertain a lot to the Youngs. As Your Honor's aware, that video was also accessible to the media. That was released I believe -- and correct me if I'm wrong -- by Mr. Stone's office in response to a FOIA request, based on what I saw.

And that video was linked as an imbedded video, so when you clicked on it, you could watch the video.

THE COURT: Right.

MR. BAX: And that evidence has -- and that basically

potential evidence in -- in this case that has been exposed, or evidence that wouldn't be admissible in this particular case.

THE COURT: Right.

MR. BAX: In that video, Aaron Young, Sr., does accuse my client of being the real bad guy, the one who started this, the one that needed to be dealt with, as well as the one who was responsible for Minor's death.

That evidence -- that -- that piece of material is -- is out there, and that's not just a reporter's interpretation of what they viewed in a courtroom. That is the actual video from that dash-cam. That's all out there.

And we didn't get as specific on -- on that as -- as -- as necessarily we -- we could have because I think to some degree there's an issue of confusing the jury; and also, we had time constraints.

THE COURT: Right.

MR. BAX: If we were to sit there and ask every single person about every single article that they read, (a) most likely wouldn't be able to necessarily remember it, but (b) we would still be over in jury selection right now.

THE COURT: Right.

MR. BAX: And I understand that, but do not want to waive my client's rights to make these arguments.

That being my argument on -- on -- on the motion to

change venue, Your Honor, I would like to -- to also place on the record that if Your Honor sees fit to deny that motion, I do feel like there is a remedy, a secondary remedy I would ask for. And I -- I can argue that now or I can wait until Your Honor issues your ruling on the change of venue motion.

THE COURT: All right. First of all, let me see if the solicitor wishes to add anything from it's perspective insofar as the change of venue is concerned.

MR. STONE: Your Honor, from the -- from the standpoint of -- of the law in this case, this is why the Supreme Court has outlined the particular process that the Court goes into, what the burden is, and -- and various things like that. And I'll just -- just very briefly.

The change of venue is in your discretion, and -- and absent some void of sound discretion, there's State vs. Sheppard, your proceeding and your voir dire of the jurors is -- is something that the Court -- the -- the appellate court give grave deference to.

In -- under State vs. Caldwell, which sort of is the outline of -- of the question (as read): "A denial of change of venue is not error if the jurors are found to have the ability to set aside any impressions or opinions, and render a verdict based on the evidence presented at trial."

You asked every one of those witnesses [sic] that question. Each one of them that still made the jury panel, answered that they had -- that they could set aside anything that they had heard before. In fact, you excused -- I don't recall exactly the same number, maybe five or six, who could not answer that question affirmatively.

Again, it is the defendant's burden to show actual prejudice to the defendant, again, based under State vs. Caldwell. And in this case, there simply has been no -- no -- no prejudice at all established. And I believe your questioning the process was -- was proper.

THE COURT: All right. Mr. Bax, clearly there -- there is no question that the media coverage in this particular case has -- has been widespread. Notwithstanding the fact that you were not able to get the information you sought, the information that was revealed in there today when -- when the jurors stood -- Ms. White, who is working with me this week, thank goodness, at the -- at the auspices of -- of Judge Mullen, who is not here today; and so it's her law clerk, Meghan White, has been helping me. And she color coded the -- the jury list of those who had exposure with a yellow highlighter. The whole page was yellow in some cases for almost.

So nobody would question the fact that there was widespread media exposure -- exposure. *The Island*

Packet/The Beaufort Gazette, TV stations to a lesser extent.

It is not that unusual, quite frankly, in -- in areas where you have something like this, which has attracted a whole lot of exposure, for a lot of people to read it. There are a lot of retired people here, a lot of folks who -- who have high levels of education. They're -- they are the types people, as they told me at sidebar on many occasions, "I just read the news. I try to keep up with it and try to keep up with what's going on," which, quite frankly, is admirable.

And when it gets right down to it, that's the type of jury veniary that -- that we want. We want people who are informed and who are educated, not necessarily to -- to prejudge these issues. But it indicates a civic responsibility, that these are not folks who hide under a rock somewhere, and -- and who run from television or run from the -- the new media when reports are out there.

Because I would imagine that all those folks who stood there and told me that they -- or at least most of them -- that they had read this in the *Island Packet* -- did not read just this. They read everything else was in there; and in whatever they -- their areas of interest were, they followed those types of things.

But the underlying question, of course, does not --

does not revolve around whether or not there was exposure or even overexposure, quite frankly, to pre-trial publicity. The question is the question that I asked each juror, and that is, as the record reflects, whether or not whatever they had read had caused them to form or express an opinion as to the guilt or the innocence of Mr. Robinson in this case.

They looked me in the eye. They did not equivocate. I can't read everybody that well. There are a lot of people who'd look me in the eye and lie to me from time to time. So I don't depend to be any sort of a seer in that regard. But I was -- frankly, I was -- I was struck by the candor of these folks, and by the fact that they seemed to be sincere and -- and -- and unblinking in their statement in that regard.

So I find that -- that -- that there is no burden -- there is -- the burden -- I'm sorry -- of -- of actual prejudice has not been met in this regard. We're all familiar with those cases: *Caldwell* is the one the solicitor stated. *State v. Manning* is one that I have a little bit of knowledge about, as well as *State v. Tucker*, another case that I have a little bit of knowledge about.

On *Tucker*, I was affirmed; on *Manning*, I was reversed. But the issue was the same, and that was the extent of pre-trial publicity. Of course, *State v. Manning* didn't have

anything to do with pre-trial publicity. It had to the -- had to do with whether or not the State was title to such a motion.

That's a long way of saying that respect the work that you -- that you've gone through to -- to find out exactly how widespread this coverage was. But I'm impressed that the answers that I received today indicates that, in spite of how widespread it was, it was not convincing enough to those folks who read it to cause them to prejudge the guilt or the innocence of Mr. Robinson, to the extent that they could not fairly and -- and serve impartially as a juror in this case.

The motion for change of venue is denied, and so I'll be glad to hear the alternative that you propose.

MR. BAX: Your Honor -- and it has to do with the integrity of the trial that we have now. Obviously, Your Honor has instructed the jury this afternoon not to expose themselves to anything going forward; however, as Your Honor is -- is aware, just from looking out across the audience, we are currently under the scrutiny of our First Amendment patrons.

In fact, my understand -- well, I'm looking at the fact that someone with the *Island Packet* is live streaming everything we're talking about right now.

THE COURT: Right.

MR. BAX: It's going out as we speak.

THE COURT: Right.

MR. BAX: And the problem is -- two things: Number 1, coverage of events is changing based on technology.

THE COURT: Uh-huh.

MR. BAX: It's becoming more minute-by-minute, it's becoming more 140-characters-by-140-characters; it is becoming more instant message, more text message, more tweeting, more YouTube. Everything is instantly accessible, and I think, to a large degree, that makes it harder to protect the integrity of the process.

And despite adamant instructions to jurors, and despite the fact that they have all been very sincere in their answers to Your Honor that they would put anything aside, it is not so much them that I worry about, but all those around them and everything around them.

THE COURT: Right.

MR. BAX: Our phones provide constant streams of information, and we cannot tell those jurors the moment they walk out of this courthouse that they are not to pick up their phone.

THE COURT: Right.

MR. BAX: It is an instrument, at this point, of basic necessity unfortunately. It -- it is probably not that far from being implanted on one of our limbs so that we can

never leave it behind.

THE COURT: Right.

MR. BAX: As a result of that, I think courts are going to have to adapt, and when we have a case of this magnitude. Involving fax such as this that are involving the kind of coverage that we have -- as I said, it's being tweeted right now as we speak. She's right back here in the corner, Ms. Lourie.

THE COURT: Uh-huh.

MR. BAX: The idea that the jurors themselves can't abstain themselves from getting any of that exposure I think is going past just legal fiction and into just plain old fantasy.

THE COURT: Uh-huh.

MR. BAX: They're all going to have family members, and we have no way of knowing what level of interest those family members have. But I can guarantee you this, once those family members find out what case they're on, regardless of whether or not that juror tells them, you know, "I can't talk about the case" --I'm sure they will --

THE COURT: Uh-huh.

MR. BAX: -- their family members are gonna find out what case they're on.

THE COURT: Right.

MR. BAX: And that means that they're going to be

spouting comments that they're reading; and their interest in the case once they find out their dad or their mother is on the case is going to rise.

THE COURT: Right.

MR. BAX: You could have teenage children, sitting there at the dinner table, asking Dad, "Well, what about this? They said this."

And this includes information coming out just today about rulings in here, Your Honor, on admissibility, that we're doing outside of the presence of the jury for a reason.

THE COURT: Right.

MR. BAX: Because the jury shouldn't be purview to these arguments about what is admissible and what is not.

As Your Honor knows it -- it runs across the problem of the judiciary commenting on the weight of information; it has to do with arguments of the defense to exclude things the juror could take as us trying to hide things.

THE COURT: Right.

MR. BAX: The same could be said of the State. If they say we're not going to go into these other statements, the jurors could take that in a negative way.

THE COURT: Right.

MR. BAX: So I have looked at all the case law concerning Your Honor's discretion in ordering that the

courtroom will be closed to the media, and that's what I would ask the Court to consider doing. In all the cases that I have looked at, Your² Honor, it's basically a balancing test, and it's -- it's not exactly well-defined for Your Honor.

THE COURT: Right.

MR. BAX: And I know that Your Honor's head to look at in cases such as the ones you already cited, as well as the *Quattlebaum* case; some of these others where you had to gag certain things, and tell the media that could not put that out there.

THE COURT: Right.

MR. BAX: And I -- it has to be -- you know, the -- the -- the press's and the people's right to freedom of speech and freedom of information has to be balanced against my client's Sixth Amendment right to a fair trial.

THE COURT: Right.

MR. BAX: And at this point, I'm not asking that Your Honor completely gag the press from writing anything about this case. I think that would be going too far, and I don't, frankly, want to ask for something that I'm really just reaching for the stars on.

But I don't think it's unreasonable to ask them -- to put them out of the courtroom. They can certainly do articles about what they have seen from people coming and

going or interviews. I would certainly ask that the attorneys involved not give any interviews, but it don't know that we can control anybody else.

But the fact that they're even -- they're inside the courtroom, they're making streams of information available to the public based on hearings that are not even in the presence of the jury, and that this is going to be ongoing throughout the week, I think strongly threatens the integrity of the case. And as Your Honor knows, we've already spent a week trying to get this case through.

THE COURT: Right.

MR. BAX: I think from a judicial economy standpoint as well, not only the interest of my client stood against the interest of freedom of speech, that the interest of the judiciary being able to do its business are part of the balancing test, because once we get to the end of this case, if we find that a juror finally blurts out, says, "You know, my daughter's been telling me all about 'x,' 'y,' and 'z' --

THE COURT: Right.

MR. BAX: -- we're gonna end up in a mistrial situation potentially. And once again, the time of Mr. Stone, myself, my office, his office, and my client and Your Honor's been wasted; as well that of the juries who are, frankly, not getting paid a whole heck of a lot.

So I think it is well within reason to ask Your Honor to consider barring the press from the courtroom until the close of this case.

And -- and I would put on the record also, Your Honor, I did think about the idea of sequestration of the jury. But frankly, it just felt to me -- and I'm putting this on the record purely for -- for the purposes of -- of future review -- I felt like that was strategically not a good idea, as my understanding is those jurors would be put in a hotel where they would be cut off from their Internet access, they probably wouldn't be allowed to use their phones -- really, nowadays with Smart phones; and they would only be given access to some old movies and -- and that would be it. And unfortunately, that's the kind of thing that could potentially turn a somewhat uncomfortable and -- and -- and -- and feeling unlucky jury into a flat-out cranky and upset jury.

THE COURT: Right.

MR. BAX: So I -- I did not decide, in -- in -- in my small wisdom, to ask for that. So I feel that this is a reasonable request in light of the circumstances.

THE COURT: All right. Thank you. Quoting the Fourth Circuit case of *In Re The Press Association*, which reminds us a strong constitutional presumption in favor of open criminal proceedings because the Constitution provides for

that, that can be overcome only if there's an overriding interest based on specific findings that it's necessary to close the courtroom in order to preserve higher values.

It would be difficult for me, of course, to tell the press that it cannot come in when it has a constitutionally protected right, but yet allow the public in, which has the same right, no greater, no less. There has to be a -- the higher value, of course, is measured by protecting the defendant's, as you've said, Sixth Amendment right to a fair trial by an impartial jury. And I think we all understand, and I've understood it for many years as sitting in this role, that -- that -- that the press's responsibility is to inform the public. It is not protected defendant's right to a fair trial. So I recognize that sometimes those two things are sometimes antithetical, which the -- one's the antithesis of the other.

Several years ago -- I think the guy's name is Dan Abrams. He used to be on one of these trial networks. Is he still -- I think he -- he -- he spoke to some group that I was -- was a part of. Might have been a judicial conference. And he made no bones about the fact that -- that the press is really not interested in a fair trial. It was interested in news coverage because that's what it does. And that's right, that's what it does.

The Court, however, of course, is interested in a fair trial because that's what we do. And when those two things run afoul of each other, when -- when the public's right to know intrudes into the right of a defendant to a trial by a fair and impartial jury by the standard that has to be met, then we are at liberty to take the drastic action of closing the courtroom. Of course, we can't do it without giving the press a right to be heard, obviously, as Mr. Bender was down here last week, and -- and I'm sure that if I were to say I was going to have a hearing this afternoon at eight o'clock on the motion to close the courtroom, Mr. Bender would be right here somehow or another.

But I don't think, quite frankly, that it's necessary to -- to go to that very dramatic and extreme step under these particular circumstances. I know that this -- right this minute, in -- in Beaufort, is -- is apparently the judicial proceedings of -- of great interest. Not just here, the *State* newspaper yesterday had an article about this trial and about the trial that's gonna start next door, tomorrow morning sometime -- or next door -- that way or in here. As a matter of fact, this is where it's gonna be, in this room.

I realize that when I go to town and -- and prepare to start a high-profile case that's been pending for some time, that -- that the newspaper is going to report that

because that's what they do. They don't do it with the intention of making the Court's job any harder, but that is the impact of it.

There is, in Richland County, I believe, starting today, a trial of a University of South Carolina professor who -- she was murdered in 2011, I believe was the date. Almost four years ago. And frankly, the public probably had forgotten about it until they read the *State* newspaper this morning, and then they remembered it again. I don't criticize the papers for doing those things because, as I said, that's what they do. They try to inform the public.

And some judge in Columbia today is struggling with the same thing over there that I am here in this case because of the publicity.

There's another way, however, I think that I can do all that I can without reaching the -- the limits that you have suggested, Mr. Bax. I will voir dire the jurors tomorrow. I'm willing to voir dire them individually, to bring them out of the jury room one at the time, and ask them these questions, out of the presence of each other. And I'll do that every day during the course of this trial to see whether or not this is a problem. And if it becomes a problem, then frankly, strategy or not, I would choose to sequester the jury rather than to shut the courtroom down.

But for now, your motion to close the courtroom is

respectfully denied. I will voir dire the jurors when they come back tomorrow, before we begin. Okay.

MR. BAX: Thank you, Your Honor. Your Honor, moving on, I do have -- just for the purposes of the Court understanding where we're at, trying to estimate which ones we've finished here -- four more motions, Your Honor.

THE COURT: Okay.

MR. BAX: And obviously I would move to sequester the witnesses. I don't expect that motion to be long. We can even handle that right now, and that would be, obviously, the shortest of the motions.

My next motion is to quash the indictment, and I can start arguing that. But just for the Court's -- just to let the Court know, as I had stated before, I have my Castle Doctrine motion, which is gonna take a few minutes; and a motion concerning photographic evidence in this case, which would take a few minutes, obviously, as well. So that Your Honor will know just how much more I -- I've got to deal with.

THE COURT: Okay.

MR. BAX: So going to the -- the quashing the indictment, Your Honor --

THE COURT: Okay. If you'll just give me a minute and let me take the easy one first and get it out of the way --

-

MR. BAX: Certainly.

THE COURT: --- so we can close the book on sequestration.

MR. BAX: Sure, Your Honor.

MR. STONE: I -- I don't have any objection to that as long as all the witnesses are treated the same.

THE COURT: That's right. It -- it would be reciprocal. The -- the -- the victim's family, if there are any in that regard; the main investigating officer for the State will be there -- can remain. The sequestration order will be in effect closing the opening arguments tomorrow morning. Okay? All right. Now --

MR. BAX: Thank you, Your Honor.

THE COURT: -- to the motion to quash.

MR. BAX: Thank you. Your Honor, the -- the defense would move to quash the indictment as insufficient in this case. First of all, obviously, under State vs. Gentry, I, as a defense attorney, am required to make this motion prior to the swearing of the jury or -- or basically forever waive that. I'd have to face that issue on PCR.

But it -- it -- this is a situation where the motion to quash the indictment, I think, is very important; and -- and I believe a very strong argument.

The indictment in this case, which I'm sure Your Honor has copy of because you read it to the jury this morning --

THE COURT: I did, but I gave it back to the clerk, and I'm not sure that it's been -- you got it in here?

(Brief pause.)

MR. BAX: Your Honor, I would -- I would point to the body of the indictment, the portion, I believe, that Your Honor read to the jury veniary this morning in qualifications. It says that (as read): "In Beaufort County, on or about September 1, while engaged in an ongoing gun battle," comma, "an inherently dangerous felony," comma, "Tyrone Robinson did willfully, unlawfully ..." and it goes through the language of -- of murder at that point, and -- and -- and does give the victim's name and -- and the location for jurisdictional purposes.

THE COURT: Right.

MR. BAX: It is the portion here where it says (as read): "... while engaged in an ongoing gun battle -- comma -- an inherently dangerous felony....," that I address my motion to quash the indictment.

The language "inherently dangerous felony" indicates that -- and it is my understanding -- that the State, through the statements they've made in -- in court before, is going forward on -- on -- on a argument of felony murder. Felony murder, obviously, is -- is -- had a number of cases address it, and it -- it does have a little bit of a confused history --

THE COURT: Right.

MR. BAX: -- as far as whether it's an inference of malice or whether it's a substantive rule that says you must charge murder if there was another felony ongoing.

THE COURT: Right.

MR. BAX: However, those confusions aside, it is extremely clear, all the case law about the felony murder rule or the felony murder inference, that it must be -- it must allege that it was a -- that -- that the homicide, or the death of the victim, occurred during the commission of a felony. And it says a specifically enumerated felony, to the point where there are certain felonies that qualify and certain that don't.

The case -- the oldest case -- or one of the older cases that -- that's talked about is *Gore v. Leeke*, Your Honor.

THE COURT: Right.

MR. BAX: And I'm quoting out of the *McAninch* book, because that's one of the best sources I find that goes right to the -- to the source.

THE COURT: Right.

MR. BAX: *Gore v. Leeke*, Your Honor, can be found at 261 S.C. 308. It has it listed here as 199 S.E. 2d at 755. It's a 1973 case.

(The Court confers with law clerk.)

THE COURT: That book is in the other room, and I was trying to see if I could get Ms. White to ---

MR. BAX: And I certainly have no problem if you'd like to pause while you go get it.

THE COURT: All right.

MR. BAX: I have ---

THE COURT: I -- I can send her for it and continue.

MR. BAX: Here's a copy of the ---

THE COURT: It's a green book. Okay. *McAninch* has a lot to say about felony murder other than *Gore v. Leeke*, however, and I might ---

MR. BAX: It does.

THE COURT: I might need that as well.

(Brief pause.)

THE COURT: All right. That -- the -- the book is being retrieved. And while we're doing that, I can -- I can listen to you now in regard -- in connection with *Gore v. Leeke*.

MR. BAX: Thank you, Your Honor. What -- I believe I was addressing was that not only does it ask that -- it -- it requires that there be a specifically enumerated felony, but it -- it actually does that to the point where it even has felonies that do not qualify; because it talks about *malum in se*.

THE COURT: Right.

MR. BAX: In other words, that inherently dangerous aspect -- *McAninch* posits that crimes such as public embezzlement of funds would be an example of a potentially non-qualifying felony --

THE COURT: Right.

MR. BAX: -- one that is not necessarily foreseeable as an inherently dangerous felony.

So if your case law is clear, one that is *malum in se*, must be cited. And here we do not have that, Your Honor. And this is something that -- that is being dealt with -- I know it -- it has been dealt with in the other courtroom, but I think it is very important because it's been happening a lot as far as the cases that are before the Beaufort County Courts, and I'm sure before many of the county courts in this state.

It -- it talks about engaged in an ongoing gun battle.

THE COURT: Right.

MR. BAX: Your Honor, there is no gun battle charge in our felony book. You can pick up every chapter and you can look through it exhaustively.

THE COURT: Right.

MR. BAX: There's not a charge for gun battle.

THE COURT: Uh-huh.

MR. BAX: There's not a charge for shoot out, which is referenced in other indictments. It is not illegal --

there -- there's no specific crime for being in a gun battle.

THE COURT: Uh-huh.

MR. BAX: The reason being, Your Honor, is that we have charges for murder, we have charges for attempted murder, we have charges for pointing and presenting, we have charges for discharging a firearm. We have all these different break downs of different felonies that involve weapons, that involve assaults, that involve violence. But in every one of them, they're specific because we, in our jurisprudence, from here all the way back to the Wild West, decided that we needed to determine who was at fault, that just because there was an exchange of gunfire does not mean everybody who was involved is guilty of a crime.

And that has always been the substance of our case law in South Carolina and throughout the United States. And it is, in fact, the basis of the Castle Doctrine, which I'll be arguing next --

THE COURT: Right.

MR. BAX: -- is the idea that there are times when deadly force is justified.

THE COURT: Right.

MR. BAX: And there's times when you, as a human being and as a citizen of this state and this country, have the right to defend yourself.

As a result, the Legislature has never come up with a felony that's clearly defined that's entitled "gun battle" or "shoot out." As a result of that, Your Honor, this indictment does not pass muster.

Additionally, the case law involved in the chapter about felony murder in McAninch's book talks about this. There is the fact that the relationship between any other co-defendants, which obviously has to happen in a case where you're alleging felony murder --

THE COURT: Right.

MR. BAX: -- by definition --

THE COURT: Uh-huh.

MR. BAX: -- is crucial.

THE COURT: Uh-huh.

MR. BAX: And to be held responsible for the actions of a co-defendant, you have to be in a conspiracy with that co-defendant.

Your Honor, in this case, the only other individuals charged, as Your Honor is aware, is Aaron Young, Sr. And Aaron Young, Jr.

THE COURT: Right.

MR. BAX: And by the State's own allegations and by their own admissions -- which Your Honor's been party to in -- in prior hearings --

THE COURT: Uh-huh.

MR. BAX: -- they were conspiring to kill Mr. Robinson.

THE COURT: Right.

MR. BAX: It is beyond the realm of foreseeability or even reasonability that my client could be in a conspiracy with two other individuals to get himself killed.

THE COURT: Uh-huh.

MR. BAX: He didn't conspire to get himself shot at.

And you can't, by definition, conspire with your attackers to be attacked, nor can you conspire with you -- just like the Youngs can't conspire with Mr. Young to come and kill him.

THE COURT: Right.

MR. BAX: Unless we could provide some kind of very unique false suicide or false insurance claim case, I don't think you can ever claim that a conflagration between two parties, that resulted in some kind of violence or attempted violence, was something that they conspired to do.

In discussing this and looking at this and preparing for this hearing, I think the only time this would ever have been something that would have been an argument is when we still had dueling. Basically, when people would agree to meet on a field and -- and do that. Perhaps that would have been our argument at that time to say that

you've conspired with -- with the person shooting at you to be shot at.

Today, and with these facts, it doesn't fit. And as a result, this indictment, number one, does not adequately put forth a crime to which we are to defend against, nor as -- as Your Honor's aware, the case law requires for the sufficiency of an indictment -- it's not just a notice document. It's also something to where Your Honor is going to be able to present that to a jury in order to define what it is they have to make a decision on.

THE COURT: Uh-huh.

MR. BAX: And this is, I think, a very important point in this motion to quash, Your Honor. Not only does it not put me on notice of which inherently dangerous felony I am defending against, or I'm defending my client against, that he's defending himself against --

THE COURT: Right.

MR. BAX: -- which, I submit, is crucial and it's a failure -- is -- is basically insufficient on its face; but also, for the integrity of this process, when we get to the end of this trial, what is it that we argue? What is that I argue on opening? What is it that Your Honor charges the jury with?

My understanding -- and the case law backs this up -- you would have to define for that jury what that inherently

dangerous felony is, because as a matter of law, if they're going forward on this felony murder rule or felony murder inference, then they would have to make a determination that my client was committing an inherently dangerous, enumerated felony, and what that felony is when the homicide occurred, when the victim was killed; and the proximate result thereof.

At this point, there is -- you cannot define ongoing battle -- gun battle to that jury. And I know from my experience, and I know you know this better than I, no judge wants to be making up a charge from scratch.

THE COURT: Right.

MR. BAX: That's never where the Court wants to be. And I don't think that's where the appellate courts want you to be either.

THE COURT: Uh-huh.

MR. BAX: Obviously, at some point, everybody had to make up a charge, and it had to be reviewed --

THE COURT: Right.

MR. BAX: -- but at this point, in our jurisprudence, that should be beyond rare. We have -- we have gotten through a lot of this, and it's been clearly defined.

I know that, as I said before, the notice aspect of an indictment is important. And that is why it's -- it's referenced in *State v. Gentry* the way it is.

They changed it, obviously, for a long time. Indictments had to do with subject matter jurisdiction. As a former attorney general handling -- handling PCRs, it was the bane of my existence --

THE COURT: Right.

MR. BAX: -- that subject matter jurisdiction could be brought at any time.

THE COURT: Uh-huh.

MR. BAX: And I know for a fact that -- that my co-counsel, Deb Shupe, was very proud of *State v. Gentry* when it came out because she argued it while she was working with me. But the way that the State -- or the Courts define the change from subject matter to notice, they did make an important point to illustrate for all of us in the Bar that notice is not just an empty saying. It is important.

And when you already have a complicated factual scenario like we do here, definition is all the more important.

THE COURT: Right.

MR. BAX: Thank you.

THE COURT: Thank you. Mr. Stone?

MR. STONE: First of all, Your Honor, let's make sure that we're clear on what the motion is. I mean, are you talking about the sufficiency of the indictment, and not

only is that under *State vs. Gentry*, but also a very recent decision, 2013 decision, speaking -- the State -- the *State vs. Manuel Samuels* -- excuse me -- Myron Samuels. All of that is under the same context, and the context is for the sufficiency of the indictment to be challenged, the issue before the Court is, No. 1 (as read): "The offense is stated with sufficient certainty and particularity to enable the Court to know what judgement to pronounce."

I don't think there's any question in this case, Your Honor. This is a murder indictment giving you the -- the -- the knowledge at that point from there that it carries from 30 years to life. That is clear that it fits under -- under that part of Part 1.

(As read) "And the defendant to know what he is called upon to answer, and whether he has -- he may plead an acquittal of conviction thereof, and too, whether it apprises the defendant of the elements of the offense that it intended to be charged."

Quite frankly, I think the indictment has more than is necessary instead of less than is necessary. The issue is whether or not the indictment is -- on its face is sufficient to give you the ability to know how to sentence, the defendant to know whether or not he pleads guilty or not guilty, and whether or not he knows the elements of the crime.

It actually -- this indictment is more specific than it needs to be. It needed only to basically say he is charged with the murder of [REDACTED] Minor . What I think we now go into is whether or not that you have jury charges that you can make to the jury. And -- and I apologize, but my jury charges are in Courtroom 1.

THE COURT: Uh-huh.

MR. STONE: And I was going to hand that up to you now and I'll be glad to do that after we take a break.

But in the context of the felony murder rule, it does establish malice on the part of the defendant. It -- it is in most of the cases, and as *McAninch* cites, almost every state has done it differently, and it's based not only on statutory law, but also on the common law establishment of malice.

You also -- and -- and the reason is very confusing. It's because it also meshes with not only transferred intent in this case ---

THE COURT: Uh-huh.

MR. STONE: --- which I believe that Tyrone Robinson was aiming at the Youngs ---

THE COURT: Uh-huh.

MR. STONE: --- when he hit [REDACTED] Minor .

THE COURT: Right.

MR. STONE: So I think you have a transferred intent

issue there as well.

And -- and what's very interesting is even for what *McAninch* -- as I recall reading *Gore vs. Leeke* and *McAninch's* analysis of that, he really doesn't even call it a felony murder case. In fact, he goes back to say although this is what the Court said, it really isn't a felony murder case. It's more of a hand of one is the hand of all, which also, I think, ties in with jury instructions that go to this, -- that -- that go to the jury.

Tyrone Robinson was not conspiring with the Youngs. I don't think there's any allegation from the State that's the case. He was, however, involved in -- as he said in both the -- the tape that you heard from Martin Thomas earlier, as well as he -- makes the same statement, "There was a shoot out. It was a shoot out earlier. These guys came by. They chased me." And -- and I think you can certainly infer from that that is an inherently dangerous felony.

For the purpose of this motion, Your Honor, though, I think it is -- I -- I think the indictment is sufficient. I don't believe that -- I believe the only "sin," so to speak, from the indictment standpoint, is it may have more information in there than it needs to.

THE COURT: All right. Mr. Bax?

MR. STONE: And -- and I apologize. Also he stated as

-- as well, and I forgot to state this as well, is that this was all about a drug deal. There is lots of testimony that -- that people are armed. In fact, Tyrone Robinson is blaming the Youngs on being armed as well. So there is an armed drug deal going on as well.

THE COURT: Right. Thank you.

MR. STONE: Thank you.

THE COURT: Mr. Bax, I -- I concur that the -- that the indictment does seem to meet the requirements that the law requires it to meet, that is, stating the offense with sufficient clarity and putting Mr. Robinson on notice about what he's required to -- to answer.

The only thing about the -- the interesting point that you've raised is that what is the inherently dangerous felony? It could be the drug deal. It could be attempted murder, as they were shooting at each other. It could be several other events, I think, that were potentially unlawful, depending upon the truth -- what the truth is going to reveal in the course of the trial.

There might come a time, at -- at the conclusion of the State's case, for you to revisit this issue. But I don't think it comes up right this minute in any event.

And -- and I -- and I'm not sure that the -- that Leeke requires that this be as narrowly construed as you're suggesting to me. For now, the motion to quash the

indictment is respectfully denied. I will allow you to -- to raise some of those issues, perhaps at directed verdict or some other stage during these proceedings. But not at the -- not at this juncture in any event.

For those -- for these purposes, the indictment is sufficient. Thank you.

MR. BAX: And Your Honor, I understand your ruling and -- and we respect that ruling, we'll make that point. There's one -- just -- argument I meant to put on the record. I just state this if -- with Your Honor's permission.

THE COURT: Okay.

MR. BAX: The other aspect of this that I think does go to the issue of -- of quashing the indictment and notice is the fact that when you say "an ongoing gun battle," you can infer an inherently dangerous felony.

THE COURT: Uh-huh.

MR. BAX: I think that's -- and that -- that's the statement Mr. Stone just made in response to this motion. That is the problem with this.

THE COURT: Uh-huh.

MR. BAX: The problem is is that it allows the State to put their case up, let the chips fall where they may, pick the felony that they think works best, and concentrate on it. It's a scatter-shot technique, and the problem is

that exactly that notice document, as to indictment insufficiency, go to is we are not required to defend ourselves against the possibility of any number of felonies. As Mr. Stone just now said, "Well, it could have been an armed drug deal battle. Could have been an attempted murder battle. Whatever works the best when we get done, that's what we'll go with."

THE COURT: Right.

MR. BAX: That puts me at a real disadvantage because I fight against the drug deal gun battle, and then I turn around and have to fight something different. That's the whole purpose behind this. That is the whole reason why notice documents and -- and what you're going to be defending against have to be given with particularity.

As Your Honor has said, you know, these cases talk about the fact that there is a two-prong requirement that: They have to give the charge with sufficient particularity for the Court to be able to know what to pronounce judgment upon; as well as, No. 2, give the defendant notice of what he has to defend against.

I submit that even with, in fact, the statements of Solicitor Stone here in response, specifically illustrate the exact problem here. It's a scatter-shot. Whatever sticks against the wall, that's going to work later. And when there's a multitude of potentials and we let the chips

fall where they may in front of the jury, then it is left where the defense is hampered; and my client is -- is irrevocably prejudiced, in that I'm trying to dodge different balls at different times and there's only but so much the defense can do.

THE COURT: I think, insofar as the facts of this case are concerned, that I don't believe there are many secrets, insofar as those things are concerned. As to what -- at least what the allegations are going to be obviously and -- and -- and the facts of this particular case. Clearly, whatever legal theory flows from those, that is going to have to be tied directly to the facts themselves. So that -- that -- and that's where the defense in these cases, of course, goes for the most part as we know.

Although you've raised a legal defense in the quashing, nonetheless, I think that -- that -- that -- that there's not so much a "hidden ball trick" in this regard insofar as -- as the -- as the indictment is concerned in any event.

As I say, if -- if there is not some acknowledged legal theory that fits under these facts, then that's another matter we'll deal with when we -- when we get to that point.

All right. Let's go to the Castle Doctrine next, if that's the next thing on your list.

MR. BAX: That is, Your Honor. Thank you.

THE COURT: Okay.

MR. BAX: Obviously, you heard from my client at one point about this issue, and then I would like to express for the record my appreciation of the Court's allowing me to address it again.

THE COURT: Right.

MR. BAX: And -- and I -- and I believe that as -- as an attorney and -- and the fact that Mr. Robinson has chosen to -- to make me his attorney -- which I -- I think was a smart decision. I hope it ends up being a smart decision.

I think there are certain things about that argument that did not get addressed, and for the fullness of the record and to -- to request that Your Honor potentially -- I guess, to put this in the right context, the motion would technically be a motion to reconsider your decision on -- on the immunity granted under the Castle Doctrine.

I would argue that two -- couple -- couple of areas when it comes to the Castle Doctrine: No. 1, I think Mr. Robinson, to some degree, got hung up on the idea that -- or at least on -- to -- to some degree, on the fact that because he was both representing himself and the defendant, and the impartation of the facts was coming from his own recollection --

THE COURT: Right.

MR. BAX: -- he was dealing with a situation where he had cross interests to some degree. And -- and I think that that's one of the reasons why, you know, having legal counsel is -- is the more preferable way to go about it because we don't have that same -- we were not there. I was not there.

THE COURT: Right.

MR. BAX: In my looking at this as a observer, Your Honor, I do see that the Castle Doctrine does apply, quite clearly, in fact, I think.

There's two aspects to it: No. 1, there was an event earlier in the day, and there's a set of circumstances based on the -- the statements made by the Youngs, statements made by my client, that are basically uncontested.

THE COURT: Right.

MR. BAX: It is uncontested that there was an altercation at Wild Horse Road, at the residence of Aaron Young, Jr. and Aaron Young, Sr.

THE COURT: Uh-huh.

MR. BAX: It's basically uncontested, as you saw from the dash-cam video, my client admits that earlier, on Wild -- he calls it "Squire Pope" --

THE COURT: Right.

MR. BAX: But it's -- it's Old Wild Horse Road. Those roads are all kind of right around each other. The beginning of Hilton Head Island. I got quite lost going out there trying to find all these little places.

THE COURT: Right.

MR. BAX: But it's uncontested there was an altercation there; it's uncontested my client had a gun at that point and fired that gun at that point. And in fact, what I expect to see in this trial is evidence introduced to that effect, really without much contestation from us, Your Honor, including what looks like a bullet that was fired there into the ground at Old Wild Horse Road.

THE COURT: Right.

MR. BAX: Those facts are uncontested.

Additionally what is uncontested is that my client, when informed of whatever words the Youngs had, "We're going to go get our own guns. We're -- we're gonna get you," kind of thing, hightailed it and left.

THE COURT: Uh-huh.

MR. BAX: He took off.

Your Honor, the law is -- is -- is -- addresses withdrawal, and I -- and I go back to the *McAninch* book, and I really think he should have given me an "A." I just gotta put that out there.

THE COURT: Right.

MR. BAX: When I took the class from him, if he had known how much I was gonna use his book, I think he -- he may be up from the "B" to the "A," I think.

But it talks about withdrawal in the -- in the context of self-defense, on page 545, references a couple of cases, Your Honor, and I'd just like to -- to point that out.

And it does talk about the fact that South Carolina cases, such as *Hendrix*, have addressed the fact that there can be a sufficient withdrawal from a conflict, even if that's a conflict where, as Your Honor knows, when it comes to self-defense and the Castle Doctrine, you cannot be at fault in bringing upon the trouble.

THE COURT: Right.

MR. BAX: You cannot be the one that went and -- and started the whole mess and then try to claim self-defense.

THE COURT: Right.

MR. BAX: I think if all of this happened at Wild Horse Road, we wouldn't be in the statute that we are; however, withdrawal -- of the self-defense, they quote *State v. Hendrix*, I believe that's the name of the case, at 270 -- excuse me -- let me give you the Southeastern Second: 244 SE 2d, at page 506.

It talks about the fact that if you withdraw or you communicate in some way that you are withdrawing and then withdraw, your right to self-defense comes back. The idea

being if the person that you have had this altercation with, that maybe they would have been entitled to say self-defense if you started the fight, if you decide to turn tail and flee at the sight of resistance or that this fight was going to go beyond what you wanted, it is the responsibility of who would have then been the victim to cool down, to call law enforcement.

And in this case, it is undisputed that Mr. Robinson fled, he fled the scene, he left. It's also undisputed that the Youngs, Aaron Young, Sr. and Aaron Young, Jr., discussed, literally out loud, "Let's go after him."

THE COURT: Now, that might give him the right to reassert the -- the self-defense, but how -- which would -- which would be a defense, of course, could be raised if he can -- if he can otherwise meet the elements of it.

But how does that entitle him to the immunity of the Castle Doctrine?

MR. BAX: Well, Your Honor, obviously, the Castle Doctrine flows from the concept of self-defense. With -- without self-defense, you don't have the Castle Doctrine.

The Castle Doctrine has been basically codified. We now have statutory language that was referenced by my client in his hearing. In fact, he referenced the subsection C, which talks about if you're in a place where you legally have a right to be.

The reason that I believe that the Castle Doctrine then becomes important is the fact that he still -- he meets all the elements of the Castle Doctrine: He had fled; a time period had elapsed; these individuals came after him with the express intent of killing him.

So any response with lethal force that Mr. Robinson did, he would be immune from prosecution for the results of that lethal force.

I think that -- and the State argued that -- well, Mr. Robinson's not admitting that he used lethal force at that time. However, Your Honor, as a legal argument, it doesn't matter because the State is saying that he did. The evidence that's going to be presented at this trial is that Mr. Robinson fired back at the Youngs at some point. And I believe that -- that where they're going to go with this case is that he fired back as the Robinson's [sic] were trying to drive away.

THE COURT: Right.

MR. BAX: And that as a result, young Minor was accidentally struck --

THE COURT: Right.

MR. BAX: -- and killed.

Mr. Robinson was in a place that he was legally entitled to be. This is his neighborhood, this is where he has stayed on more than one occasion. He is not under any

kind of trespass notice. The State has not alleged that he was illegally there. The State has not alleged that he was committing some crime that would have made him illegally in that place. This is his neighborhood. This is where he's from.

That's exactly why the Youngs went there because they know that's where Tyrone is from. Tyrone is, in fact, related to the victim in this case --

THE COURT: Right.

MR. BAX: -- because that is the people in that neighborhood. He's legally entitled to be there.

And the State is saying that he fired back and he used lethal force.

So regardless of what Mr. Robinson has -- has stated in his legal arguments or in his statements to law enforcement, they're alleging he used lethal force.

We're -- and -- and taking their allegations as true, in the light -- basically assuming that everything that they're saying is true, he's still immune from prosecution because he was legally entitled, under the Castle Doctrine, because he was where -- in a place he was legally entitled to be, to respond with deadly force.

It was not -- non-reciprocal. The allegations and -- and it's uncontested that his car had been filled with a number of bullet holes -- anywhere from nine to a dozen,

somewhere in that area -- and that any shots that are alleged to have come from Mr. Robinson immediately followed shots that were fired in his general direction and at his vehicle, with -- any -- and I would argue that any reasonable person, seeing their car shot all to heck, would be very safe in assuming that those people meant that -- meant him harm, meant to kill him; hoped that he was either in that vehicle or thought he was in that vehicle or thought he was just past it or hiding behind it or whatever.

So all the elements are met: The reasonableness of his response, the fact that he was in a place that he was legally entitled to be, and the fact that he would then be immune from lethal force.

Now, I know that in the memorandum, in response to Mr. Robinson's Castle Doctrine motion earlier, the State argued that he's not entitled to a -- to immunity under the Castle Doctrine also because he was responding to the Youngs, but it was Minor who was the receiver of the deadly force.

THE COURT: Right.

MR. BAX: Your Honor, in looking at all these cases, it does not make an exception in that, if your bullet goes astray while you are legally defending your self, legally exerting your rights under the Castle Doctrine, that you

would then be liable.

There is nothing in the -- in the statute that says that. And I would argue that the State wants to argue transferred intent as they have just stated in the previous motion.

THE COURT: Right.

MR. BAX: It stands to reason that you cannot -- in this situation it basically equates to having your cake and eating it too. You can't at one point say I want to use transferred intent in order to show criminal liability -- we are arguing that any response fire was clearly directed at the Youngs in response to their attempts to kill him -- but when he's defending himself, you can't use transferred intent. That is two contrary positions. It -- it -- it -- I think really comes to a level of judicial estoppel. If you're gonna take the position that he can have transferred intent for criminal liability, you can't then turn around and say he can't have transferred intent for self-defense or Castle Doctrine.

So I would argue -- and there is no case law that they've been able to supply this Court that. And I've certainly not found anywhere anyone said if you were legally defending yourself and one of the bullets misses your attacker and hits a third party, that you're still -- that you're not entitled to self-defense or the Castle

Doctrine at that point. There is absolutely nothing that says that, and I think that would be contrary to the legislative intent.

THE COURT: Right. Where is the -- the -- the evidence of them attempting to get into his dwelling on force -- forcibly enter his dwelling or his residence or his vehicle? It seems to be the linchpin of the beginning of the Castle Doctrine.

Granted, the General Assembly put in the unfortunate language, which has created problems for all of us, that (as read): "A person not engaged in an unlawful activity, who's attacked in a place where he has a right to be, has no duty to retreat and to meet force with force, etc., including deadly force, if he believes it necessary to prevent his death ..." and so forth.

And that would seem to indicate that you can be out there on the street if you want to, and -- and the duty to retreat is no longer there if -- if you feel like you, in your own mind, have to kill somebody instead of driving off or seeking safety behind a locked door.

But the -- the Castle Doctrine started out as -- just as it says, the Castle Doctrine, it was the defense of habitation. And it created certain presumptions that normally you would have to have some sort of evidence, in a self-defense case, that -- that you were in imminent fear

of bodily harm and -- and -- and things of that nature. The Castle Doctrine says if somebody is trying to break into your house forcibly, then your present to be in imminent fear of bodily harm. You -- that -- that burden is already met under those circumstances.

As I understand it here, the evidence and the testimony was that -- that they came to is they -- and according to something that I heard at one point in time in these proceedings -- "Swiss-cheesed" his automobile. And then apparently were driving off, going down the road, in the -- in the direction away from the house, when, according to the evidence that the State has indicated, Mr. Robinson shot in their direction and unfortunately, hit Kahlil.

You know, that -- that -- you might get into an argument of self-defense of transferred intent, an argument one way or another about that and the self-defense doctrine. But how do you -- how does that fit into the defense of habitation?

They've shot up his automobile. That's right. Now they're moving; they're going away. There apparently is no evidence at this point in time that they're unlawfully trying to enter the dwelling or the residence or the -- or the vehicle.

And depending upon the evidence in this case, he may

be able to raise the defense of self-defense. I don't know whether he will or not. But -- but what you're asking for is that he be immune from prosecution on this case under the Castle Doctrine. Can you -- can you tell me how that fits in?

MR. BAX: I can, Your Honor. Obviously it -- it -- as you mentioned, his vehicle is -- is mentioned in the -- in the statute. It talks about your residence or your vehicle, Your Honor, and -- and -- and that this has been raised -- and in other cases ---

THE COURT: It's "occupied vehicle," "occupied ---

MR. BAX: Well ---

THE COURT: --- vehicle."

MR. BAX: --- and that's the case, Your Honor. But the -- the thing is attempt to enter a place that -- the thing is, my belief on -- on that issue is the fact that he's in his neighborhood. There has been a number of shots.

THE COURT: Right.

MR. BAX: Okay. By the -- the undisputed facts that my understanding is going to come in is that not only have the Youngs come by and -- and shot up his car, but -- in other words, their -- the thing is this is -- as -- as they've said, the concept of the drive-by.

THE COURT: Right.

MR. BAX: The concept that someone's not going to get out and face you, "*mano-a-mano*," in the middle of the street, and do it the old honorable way.

THE COURT: Right.

MR. BAX: We're gonna hang out of a car, in a cowardly way, and fire off random bullets into a residential area.

THE COURT: Right.

MR. BAX: Which is why we're all here today, because that wanton disregard for unintentioned [sic] targets has been the tragedy of many a case.

But yet it -- it -- the fact that -- that a perpetrator would use that particular method I don't think is -- is meant to keep the -- the intended victim from being able to assert either self-defense or the Castle Doctrine.

I would point out, from a factual standpoint, Your Honor, that Mr. Robinson already had one -- two prior encounters with the Youngs: One was at Wild Horse Road --

THE COURT: Right.

MR. BAX: -- the second was as he's trying to flee --

THE COURT: Right.

MR. BAX: -- he encounters them and they attempt to shoot him one more time.

THE COURT: Right.

MR. BAX: There's an allegation that the gun jammed,

otherwise the issue would have been done right there.

THE COURT: Right.

MR. BAX: He then flees again, and he's in a neighborhood trying to find a way out. There's evidence that will be introduced that he was trying to get out of there, trying to find a way to get out of town --

THE COURT: Right.

MR. BAX: -- since they have shown their desire, physically, to follow him wherever he may go ---

THE COURT: Right.

MR. BAX: --- to finish this job.

You have individuals in that neighborhood which certainly don't want to let him necessarily in the house because there's the allegation of gun play involved.

THE COURT: Right.

MR. BAX: And they don't want their families, understandably, to be behind paper-thin walls of mobile homes.

Regardless of whether you try to break into someone's mobile home or their car, if you fire bullets into their car or bullets into their home, you intend for those bullets to act as your lethal agent, to break into that plane of existence and do harm to the residents therein. That is the clear intent of firing a weapon that sends these kind of projectiles at houses or cars.

THE COURT: Well, was he in the car at the time it was fired upon?

MR. BAX: I don't believe he was in the car at the time ---

THE COURT: Okay.

MR. BAX: --- I haven't -- I don't have any evidence to that fact.

THE COURT: I think he -- he, himself, has testified to the contrary, as I understand.

MR. BAX: He did. But that -- I would also point out the fact that if he's seen what they've just done --

THE COURT: Right.

MR. BAX: -- to his car, and he's seen that they have already chased him, not once but twice. Why would he have any reason but to believe that they are going to turn around and do it again?

THE COURT: He might not have any reason to believe anything different from that, and he had every reason to believe that they're out to kill him. I mean, they chased him, according to his version of the facts, up and down the island, shooting at him, because he testified or talked about that very forcibly at -- at the earlier proceedings.

But immunity does not apply like a defense. Immunity is greater than that. And for that reason, it has to be strictly construed -- the statute has to be strictly

construed, in my view, to give rise to an immunity of -- of this nature.

As a matter of fact, the law requires the elements to be proven in the Castle Doctrine by the defendant; unlike in self-defense, where they -- the State has the burden, in that regard, of overcoming self-defense.

And so when it says that -- that the person is presumed to have this reasonable fear of imminent harm, which jumps to the second or third prong of self-defense, it assumes that the defendant was not at -- or the person on trial -- in this case, Mr. Robinson -- was not at fault in starting the event.

So I'll give you the withdrawal on that to create that first prong being there. But then the -- the second prong which says he has to be in reasonable fear of serious bodily harm, and the statute says, well, if somebody's trying to break into your house, we'll presume that you're in reasonable fear of serious bodily harm. We have helped you pass that.

But in order to be entitled to that presumption, you have the burden of showing, by the greater weight of the evidence, that somebody else, the intruder -- Mr. Stone argued before the person who was killed, which is not the case here -- was unlawfully trying to get into your dwelling or your residence or your occupied vehicle.

Now, they weren't trying to get into his dwelling. They weren't trying to get into his residence because that's not where he lives. He was not occupying the vehicle. I don't think you get past that -- that initial stage in order to get to a -- to a Castle Doctrine defense in this case -- or Castle Doctrine immunity, I should say.

And it's -- and -- and the -- the statute is called, in certain instances, "defense of habitation." It's not defense of the neighborhood, it's defense of habitation. It is a narrow area.

As a matter of fact, there is some argument about whether the -- even the curtilage, the front yard, and things of that nature are entitled to -- to be treated like a residence or a dwelling or an occupied vehicle.

I don't -- I don't think that he gets past that point. He may, as I've said, at some point in time, depending upon the evidence, be able to raise the defense of self-defense and transferred intent and things of that nature, but not -- not in an immunity under the Castle Doctrine. The motion is respectfully denied.

I think you said then there -- there were some photographs that needed to be -- was it photographic evidence that you were going to argue against as well.

MR. BAX: That's correct, Your Honor.

THE COURT: Okay. What -- go ahead.

MR. BAX: Well, Your Honor, obviously we have a young victim in this case. And I think it really doesn't matter because I've had these in cases where the victims were of all ages.

THE COURT: Right.

MR. BAX: Obviously, when you're dealing with a homicide case, you're -- you're dealing with -- with pictures of a graphic nature.

THE COURT: Right.

MR. BAX: And a lot of these pictures are -- they have the -- they have -- they have the -- the result of inflaming the passions of the jury.

THE COURT: Right.

MR. BAX: They're even traumatic to view. Your Honor, frankly, they were traumatic for me to view. I'm a parent of young children myself --

THE COURT: Right.

MR. BAX: -- and it was, as it has been in the last decade of my doing this, one of those things where I have to swallow and do my job.

THE COURT: Right.

MR. BAX: And that's something that I've signed on to do.

But I think for the purposes of proving the case, a lot of these pictures are unnecessary and would potentially

threaten the integrity of the jury's verdict ---

THE COURT: Right.

MR. BAX: --- in that it would appeal more to their passions and to -- to -- to kind of put them in a state of almost trauma than it would be probative.

Obviously under 403, that would be part of the argument, and there's plenty of case law about this, some negative and some positive. It's kind of been in both directions in my research.

THE COURT: Right.

MR. BAX: The most recent case is *Collins*, and it is not positive for me, but I agree whole heartedly with Judge Pleicones's dissent in that case.

THE COURT: That was the dog bite case?

MR. BAX: That's correct, Your Honor.

THE COURT: Can we do this -- first of all, I need to know what we're talking about. So I need to have the photographs, so I can make the -- the statement.

I would -- I would ask you all to do this, to submit to me the ones which are in dispute -- and if it's all of them, then it's all of them -- and let me look at those overnight. I've got some homework that you all have given me, and I'm gonna -- you know, I'm gonna get it done.

And let me look at those, in view of the hour and these folks have been sitting around here and some of these

folks probably have lives outside this courtroom -- I'm not sure -- that they'd like to get to. They don't have anything more important than what we're doing here in -- in the greater scheme of things, but they do have other things to do notwithstanding that.

And I would like to look at those tonight, and I can meet with you all in chambers in the morning at nine o'clock and go over them and let you explain your rationale. We can come back and put it on the record as soon as -- before the jury comes out.

I just didn't want to -- first of all, I didn't want to take another 30 minutes here today -- tonight unnecessarily because right this minute, I don't know what we're talking about.

And if I've looked at the photographs, at least I'll be able to make a more reasoned determination, without having to look at those things, while you all are telling me about it because it's -- my -- my multitasking ability gets real weak about 6:30 every night when I'm trying to think and read and listen at the same time.

And then tomorrow, if -- if Joy happens to be here a little early -- I told her to be here at 9:30 -- if she's here a little early, we'll go out and put it on the record right then. I -- I've got to voir dire the jury tomorrow morning. I don't want to -- you know, I want to take care

of that early on. So we're going to be a little bit delayed starting this tomorrow.

But if I can look at those photographs, at least the ones that are in dispute. I take it -- I'm not sure how many of those you wish to offer, Mr. Solicitor, whether you -- you know, whether there's duplication.

MR. STONE: I will be so bold as to say that there will be no objection to any of these pictures. I'm not putting any graphic pictures in of the child or autopsies or anything like that.

I'll let him look at all of them, but I would submit to you that there's going to be -- the only -- the only picture that is remotely close to that, there are two x-rays that show where the bullet went in and the pathologist needs that to show the cause of death.

Other than that, we're not putting any other photographs like that in. Quite frankly, I -- I -- I don't want to do that.

I'll be glad to, obviously, leave -- let him have time to look at these. That's what I intend to do. If there's -- for some strange reason we see something that we absolutely have to put in that would be controversial, we will get in touch with him tonight and get that over to you as soon as possible.

But I really don't see it. I think all of these

pictures that we have right now -- there aren't any graphic pictures at all.

THE COURT: Okay. All right. Can you -- excuse me. Can you look at those and ---

MR. BAX: I certainly can, Your Honor, and -- and the -- the x-ray photos were already ones I was gonna concede -

THE COURT: Right.

MR. BAX: -- as -- as being a happy -- well, not a happy medium, but a medium --

THE COURT: Right.

MR. BAX: -- between the two necessities. So I will look through them and will inform you if there's any issue at all in the morning.

THE COURT: And if we need to argue about it, we'll argue about it then.

MR. BAX: Yes, sir.

THE COURT: All right. Thank you, Mr. Bax.

Mr. Solicitor, is there anything further before we break for the evening?

MR. STONE: No, sir. You don't want to spend the entire night with us, Judge.

(Courtroom laughter.)

MR. STONE: We've covered I think everything I can come up with.

THE COURT: Okay. I'm -- I'm the only one in here who doesn't need a note to get back into my house. I'm not -- I'm staying at the hotel. They don't care what time I get there, but the rest of your folks might ---

MR. STONE: I think my wife's already given up on me, Your Honor.

THE COURT: Okay. All right. Thank you all.

MR. STONE: What time -- I'm sorry. Back at 9:30 tomorrow morning, Your Honor.

THE COURT: 9:30. I'll be in -- I'll be in chambers around nine o'clock. In case any photographic issues have come up, we can deal with that at that time.

And we'll -- I'll deal with the voir dire of the jury. The jury will then be brought in, I'll appoint a foreperson, swear the jury, we'll make opening statements, and then we'll be prepared to start the testimony tomorrow. Thank you.

MR. BAX: Thank you, Your Honor.

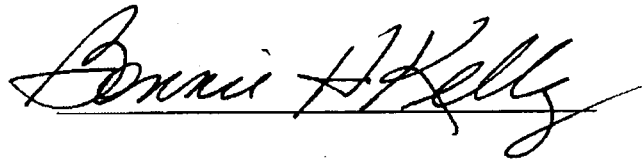
MR. STONE: Thank you, Your Honor.

-- END OF TRANSCRIPT RECORD --

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourteenth Circuit Court for Beaufort County, South Carolina, on the 15th day of September, 2014.

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

A handwritten signature in cursive script, reading "Bonnie H. Kelly". The signature is written in dark ink and is positioned above the printed name and title.

Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

February 27, 2015

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF BEAUFORT	)	DOCKET NO. 2012-GS-07-1935
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
TYRONE ROBINSON	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

September 16, 2014
Beaufort, South Carolina

VOLUME 2 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

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

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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STATE

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25	Black bag	333	
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29	Shell Casing		
30	Bullet from house		
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33	Bullets		
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35	Bottle of vinegar		

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
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THE COURT: All right folks are we ready to proceed? Is the State ready to proceed?

MR. STONE: Yes sir, the State is ready.

THE COURT: Mr. Bax?

MR. BAX: Yes, Your Honor.

THE COURT: Gentlemen, when we left yesterday there were some things hanging, ends that we needed to tie down this morning. Most notably the due to the admissibility of the taped statements that show up on the video's here the screaming female whom I understand to be Ms. Brinson and also the statements of a young male which were not shown yesterday but which I am familiar with of [REDACTED] J.S. [REDACTED] as to whether or not they are admissible under our rules.

The defense had made an objection that these are violations of Mr. Robinson's 6th Amendment right to a fair trial in this regard because he is denied confrontation of those particular witnesses under these circumstances further alleging or stating that the statements themselves were testimonial in nature. The distinction between testimonial or non testimonial evidence is important to this analysis. And in this regard the analysis of Crawford v Washington and other cases of that nature have been helpful to us.

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1 Testimonial evidence traditionally is statements taken by
2 a police officer in interrogation because affidavits of
3 prior testimony that the defendant cannot cross-examine;
4 similar pretrial statements that a person would normally
5 expect to be used in a court of law in the prosecution of
6 a case. It is a declaration, a solemn declaration as has
7 been described or an affirmation made for the purpose of
8 establishing some fact.

9 Now if there appears to be an ongoing emergency that
10 the police officers are trying to deal with and
11 statements are made in that particular setting then the
12 statements are non-testimonial in nature; a statement
13 made in the course of a police interrogation under
14 circumstances objectively indicating but the main purpose
15 of the interrogation is to help them meet an ongoing
16 emergency.

17 Those are the types of statements that are non-
18 testimonial in nature. When the person is making them
19 they are not making them with a mind toward testifying in
20 court or establishing some fact in a solemn sterile
21 setting of a police station or an interrogation room or
22 something of that nature. Now even though a statement is
23 non-testimonial in nature it doesn't mean it
24 automatically comes in just because it's non-testimonial.
25 It still has to come in under some hearsay exception. In

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1 this particular case the statements made by Ms. Brinson
2 and Mr. Singleton first of all Ms. Brinson's statements
3 did not appear to be a result of an interrogation to
4 begin with. I'm not that certain about Mr. Singleton's
5 statements but I gather that they too may have been
6 produced under something like what happened and Mr.
7 Singleton was giving his reflection in his observation of
8 what happened.

9 Clearly the statements made by Ms. Brinson were
10 excited utterances under Rule 803(2). Mr. Singleton's
11 statements according to another witness who testified and
12 whose testimony was alluded to yesterday had tears
13 streaming from his eyes as he was making his statement
14 regarding who had shot his friend. So I find first of
15 all that the statements made by Ms. Brinson and Mr.
16 Singleton are non-testimonial; they are not the result of
17 formal interrogation.

18 Here was clearly an ongoing emergency and a crime
19 scene which was still hot to say the least. Bystanders
20 were approaching the police from one corner or another
21 screaming, shouting telling what they had seen or telling
22 what somebody told them they had seen and things of that
23 nature. So they were non-testimonial but as I've said
24 they still have to come in under a firmly rooted
25 exception to the hearsay rule and that exception here is

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1 803(2) excited utterance rule of admissibility. Also
2 when we left yesterday there was an issue of perhaps some
3 photographs that may be a matter of question. When I
4 left you yesterday I got the impression that you all were
5 going to work through those things. But if there are any
6 objections to any of the photographs I'll be glad to deal
7 with them right now. Mr. Bax?

8 MR. BAX: Your Honor, we're in accord on the
9 photographs. I've looked at everything that Solicitor
10 Stone has and have no objections to them. As I stated
11 before the expert photographs were the ones that I was
12 already prepared to concede knowing that the Solicitor
13 has the duty to try and prove his case. So I've got
14 nothing objectionable in the photographs of what I've
15 seen. If something else comes up of course I reserve my
16 right to then make myself known to the court if there is
17 an objection but as of now no.

18 THE COURT: Good. Thank you. I've previously
19 ruled on the admissibility of Mr. Robinson's statements
20 or the statements which were objected to or parts of the
21 statements which were objected to yesterday as being
22 perhaps if those statements are religious beliefs the
23 angel of death statements and those things; all of those
24 statements were made after either being Mirandized or
25 even before he was in custody. So the implications of

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1 violation of Fifth Amendment Rights would not arise out
2 of that. The statements were voluntarily made after
3 proper warnings had been given to him and the rights had
4 been read to him and in some cases he had actually signed
5 off on the rights form. No promises had been made, no
6 threats were made, the statements were involuntary in
7 that regard. The jury is entitled to consider them if it
8 chooses to do so.

9 I previously ruled on a motion to quash the
10 indictment. I need not repeat that. And I ruled on the
11 castle doctrine. In regard to the concern about the
12 pretrial publicity I just looked briefly at the Beaufort
13 Gazette this morning and saw that there was a brief
14 article on the inside page. We got pushed down beyond
15 the traffic light at the Berkeley Hall out there. But I
16 am still going to as I said yesterday, Mr. Bax going to
17 voir dire the jury to make sure there has been no
18 violation of that rule.

19 All right folks the jury now will be brought in. I
20 will appoint a foreperson. I will individually ask them
21 about any exposure to any information about this case
22 overnight. The jury will be sworn. I'll make some brief
23 opening comments and allow you all then at that point in
24 time proceed to openings. Mr. Stone, are you opening for
25 the State?

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1 MR. STONE: Yes, sir.

2 THE COURT: Okay. Thank you. Are both sides
3 ready for the jury?

4 MR. STONE: The State is ready.

5 MR. BAX: We are ready for the jury. I did want to
6 point out just in case you wanted to make sure that you
7 note it during your voir dire while we were pushed to an
8 inside page on the actual physical paper we're the first
9 thing that comes up on the website.

10 THE COURT: And that's what I understood that there
11 was a -- I understand there was also television coverage
12 last night.

13 MR. BAX: That's correct. And there is imbedded
14 video in all of the websites. Most of what I've seen
15 Your Honor is video that happened while the jury was in
16 here during selection. But there may be some video out
17 there of pretrials as well.

18 THE COURT: All right. I'll make that -- thank
19 you.

20 MR. BAX: Thank you.

21 THE COURT: Would you bring us the jury?

22 THE BAILIFF: The jury is entering the courtroom,
23 Your Honor.

24 THE COURT: Thank you, ma'am.

25 [Whereupon, the jury enters at 9:44 a.m.]

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1 THE BAILIFF: The jury is seated, Your Honor.

2 THE COURT: Thank you. Good morning ladies and
3 gentlemen. Before we begin the mornings work I want to
4 inquire of you regarding my instructions yesterday about
5 the publicity generated by this trial just to be certain
6 that perhaps inadvertently or innocently or mistakenly
7 you have been exposed to some information that would be
8 pertinent to your decision in this regard. So Mr.
9 Crocker have you been exposed in advertently or otherwise
10 to any information about this case since you left
11 yesterday?

12 MR. CROCKER: No, I haven't Your Honor.

13 THE COURT: Thank you, sir. Mr. Gaither, have you
14 been exposed inadvertently or otherwise exposed to any
15 information about this case since you left yesterday?

16 MR. GAITHER: No, sir.

17 THE COURT: Thank you. Mr. Dresher, have you?

18 MR. DRESHER: No, sir.

19 THE COURT: Thank you. Ms. McKoy, have you?

20 MS. MCKOY: No, sir.

21 THE COURT: Thank you, ma'am. Mr. Lorenz, have
22 you?

23 MR. LORENZ: No, sir.

24 THE COURT: Thank you. Ms. Seabrook, have you?

25 MS. SEABROOK: No, sir.

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1 THE COURT: Thank you. Mr. Lancaster, have you?

2 MR. LANCASTER: No, sir.

3 THE COURT: Thank you. Mr. Uniejewski?

4 MR. UNIEJEWSKI: No, sir.

5 THE COURT: Thank you. Mr. Hughes, have you?

6 MS. HUGHES: Ms. Hughes?

7 THE COURT: Ms. Hughes; I'm sorry.

8 MS. HUGHES: No, sir.

9 THE COURT: I'm sorry Ms. Hughes. I was just
10 reading last names; I apologize. Mr. Burke, have you?

11 MR. BURKE: No, sir.

12 THE COURT: Mr. Dunning, have you?

13 MR. DUNNING: No, sir.

14 THE COURT: Mr. Womack, have you?

15 MR. WOMACK: No, sir.

16 THE COURT: Ms. Boston, have you?

17 MS. BOSTON: No, sir.

18 THE COURT: Thank you. Ms. Mauriocourt?

19 MS. MAURIOCOURT: No, sir.

20 THE COURT: Thank you very much. I inquire in that
21 regard because it is important. It's not that there are
22 any secrets out there floating around quite frankly that
23 you don't already know that haven't been revealed in what
24 we did yesterday or that you will soon find out in this
25 courtroom here. But the rules are still important and I

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1 appreciate very much your abiding by them. Mr. Dresher,
2 I've asked you to occupy that seat sir because I want you
3 to serve as the foreperson of this jury. That means that
4 you will be the jury's spokesman here in court and when
5 the trial is over you will also be responsible for
6 writing the verdict of the jury. I'll tell you more
7 about that before you get to do it; you don't have to
8 worry about that now. Just remember you've got a
9 reserved seat. You will occupy that chair throughout the
10 trial of this case.

11 MR. DRESHER: Yes, sir.

12 THE COURT: Ms. Boston and Ms. Mauriocourt, ladies
13 you will occupy those two chairs as jurors throughout
14 this trial unless at some time during the trial I ask you
15 to sit somewhere else. The rest of you folks don't have
16 reserved seats. You've just got general admission seats;
17 you've got to do the best you can when you come in from
18 time to time.

19 But you've seen the seats are all the same and one
20 is just as comfortable as the other so just pick a seat
21 when you come in. It's always a good idea to do what you
22 just did; move all the way down before you take a seat
23 and don't leave an empty seat beyond you because if you
24 do somebody is going to step all over your feet and it
25 could get right painful during the course of the trial.

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1 THE COURT: Ladies and gentlemen, you are going to
2 be sworn in now as jurors for the trial of this case. I
3 want you to pay particular attention to the oath that you
4 are about to take. It's a time honored oath. It is an
5 artfully worded oath. It tells you very completely but
6 at the same time very concisely what your
7 responsibilities are going to be as jurors during the
8 trial of this case. And I'm going to be reminding you
9 during this trial and indeed after the trial as to
10 exactly what you were sworn to do as jurors. Please give
11 your attention now to the Clerk as she swears you in.
12 Madame Clerk?

13 CLERK OF COURT: Would you please stand and raise
14 your right hand.

15 [Whereupon, the jurors are duly sworn by the Clerk
16 of Court as follows: Do you solemnly swear or affirm that
17 you shall well and truly try and true deliverance make
18 between the State of South Carolina and the accused at
19 the bar and a true verdict give according to the evidence
20 so help you God]

21 CLERK OF COURT: If you accept this oath please say
22 I do.

23 [Whereupon, all jurors respond affirmatively]
24
25

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1 THE COURT: Ladies and gentlemen, let me take just
2 a few moments to tell you the procedure that we will
3 follow in the trial of this case and what your role as
4 jurors will be in the trial of this case.

5 In just a few minutes when I sit down the State
6 through Solicitor Stone is going to make a brief opening
7 statement for you. And in that opening statement he is
8 going to outline for you in something of a preview
9 fashion what this case is all about from the State's
10 point of view. He may also indicate to you some of what
11 he intends to offer by way of proof in support of the
12 charges which the State has brought in this indictment.

13 After he has made the opening statement on behalf of
14 the State then Mr. Bax on behalf of Mr. Robinson, the
15 defendant in this case, will have the right to make an
16 opening statement as well. But he is under no obligation
17 to do that for reasons that I will tell you in just a few
18 moments.

19 After the opening statements have been made then you
20 will actually begin to see and hear the presentation of
21 evidence. Evidence for the most part will take the form
22 of testimony of witnesses who will take an oath and will
23 sit right here [indicates] in this chair and will answer
24 questions that the lawyers from both sides will put to
25 them. Evidence will also take the form of photographs

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1 and diagrams. There is a model there that you will see a
2 form of evidence during the course of this trial. The
3 State will offer its evidence and testimony first. And
4 after the State has completed putting in its evidence and
5 testimony the defendant has a right to offer evidence and
6 testimony but once again he is under no obligation to do
7 that.

8 Now after all of the evidence and testimony has been
9 presented to you then the lawyers will come back before
10 you and present their closing arguments, or final
11 statements as they are sometimes called, in which they
12 are allowed to summarize the evidence and to submit to
13 you conclusions that they claim you ought to draw from
14 the evidence that you have seen and heard; obviously
15 conclusions which support their side of this particular
16 case.

17 And after the final arguments have been made then I
18 will instruct you or charge you as to what the law is in
19 this case and then and only then will you be allowed to
20 go back to your jury room and finally start talking about
21 this case among yourselves. I've already told you that
22 you can't talk about it among yourselves or with anybody
23 else during the course of the trial and I need not
24 belabor that particular point. But the reason you can't
25 talk among yourselves about the case is this; once you

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1 start talking about this case among yourselves you're
2 going to start to make up your mind about it. You're
3 going to start to draw conclusions based on what you've
4 talked about. Now it might happen that later in the
5 trial of the case you hear somebody take the stand and
6 tell you something that is different from what you've
7 already started to talk about and to make your mind up
8 about.

9 Well, if you've already done that then you are not
10 likely to receive that later testimony with an open
11 because you had already started to make up your mind
12 before you heard that. And so that's the reason that you
13 can't talk about because we expect you to keep an open
14 mind throughout this entire process. Listen to what you
15 hear from whatever source it might come and make up your
16 mind once you've started your joint deliberations and
17 your discussions among yourselves at the conclusion of
18 the trial of this case.

19 Now ladies and gentlemen you took an oath just a few
20 moments ago to well and truly try this case and to render
21 a true verdict according to the law and the evidence so
22 help you God. When it comes to the matter of evidence
23 let me tell you that the opening statements you're going
24 to hear are not evidence and the closing arguments are
25 not evidence. And the questions that the lawyers ask

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1 they're not evidence either. Now all of those things are
2 important parts of this trial and we wouldn't be able to
3 have a very orderly proceeding without those things but
4 they are not evidence.

5 The evidence as I told you is the testimony from
6 this [indicates] chair. It is not the question that is
7 the evidence. It is the answer to the question that is
8 evidence because the answer comes from a person who is
9 under oath and whose testimony is subject to examination
10 and cross-examination to try to meet the test of strict
11 proof. The documents and items of course are evidence as
12 well.

13 Now the reason that it is real important that you
14 understand the distinction between what is evidence and
15 what is not evidence is this. When it comes to the
16 matter of evidence ladies and gentlemen you actually are
17 the judges. That's right. You came here as jurors and
18 you're just getting paid a juror's pay and it's not a lot
19 of money and we appreciate the sacrifice that you make
20 and the contributions that you make on behalf of the
21 efforts of this court. But when it comes to evidence
22 you're really the judges. Now I'm the judge of the law.
23 I've got the easy job. All I've got to do is decide as a
24 matter of law whether you can hear somebody tell you
25 something on this witness chair or whether you can look

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1 at an item of evidence or not. But once I decide that
2 you can hear the testimony or look at the evidence from
3 that point on what you do with it is entirely up to you.
4 You've got the right to believe it or not believe it.
5 You have the obligation to decide how important it is and
6 how much weight you're going to assign to it if any in
7 your decision in this case.

8 I doubt that any of you have ever served as jurors
9 before but whether you have or not doesn't mean that you
10 are any more or less qualified to do what we're going to
11 be asking you to do in this particular case because
12 you're well qualified to make the decision that you are
13 going to have to make in deciding the facts of this case,
14 deciding the evidence of this case, deciding the truth of
15 this case.

16 Every since you've been able to think on your own
17 and make decisions for yourself you have been using the
18 same abilities that we expect you to bring to your
19 courtrooms experience of a juror, your common sense,
20 that's what it boils down to; your experiences in life.

21 The common experience and knowledge that you bring
22 from whatever you do your job, your work, your family;
23 all of those things bear to mind and come to play when
24 you decide what you believe and what you do not believe.
25 And so we ask you to use those same abilities and then

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1 bring those to bear on what you hear in this courtroom.
2 And when you do you'll be able to decide the truth of
3 this case. And when you've decided where the truth of
4 this case lies you will take the truth that you find and
5 you will wrap it in the mantle of the law, which I will
6 give you in my instructions. And those two things will
7 come together; the truth that you find and the law that I
8 give you to result in a verdict which will speak the
9 truth of this particular case.

10 I told you a few moments ago that Mr. Robinson did
11 not have to offer an opening statement, he does not have
12 to offer evidence if he chooses not to do so. And the
13 reason for that is this. As I told you yesterday before
14 you were selected as jurors he has pled not guilty to the
15 charges contained in this indictment. The legal effect
16 of a plea of not guilty in the trial of a case is to
17 create a presumption on the defendant that he is innocent
18 of the charges.

19 Innocent until proven guilty you have heard that I'm
20 sure throughout your lives in your studies in Civics and
21 social studies and just following what goes on in the
22 world. When somebody pleads not guilty he is presumed to
23 be not guilty. And that means that he doesn't have to
24 prove that he's not guilty. That means that he doesn't
25 have to take the stand and try to convince you that he

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1 did not do the things that he is accused of doing. That
2 means that he does not have to bring a parade of
3 witnesses in here to try to convince you that he is
4 innocent of the charges contained in the indictment. He
5 is presumed to be innocent. So that places the burden of
6 proof on the State to prove that he is guilty to the
7 satisfaction of each of you beyond a reasonable doubt.

8 Now when the trial of this case is over I will give
9 you a more complete description of what we mean by proof
10 beyond a reasonable doubt. But for our purposes right
11 now in these brief openings moments let me tell you that
12 proof beyond a reasonable doubt is proof that leaves you
13 firmly convinced that the defendant is guilty of these
14 charges.

15 And so after hearing all the evidence in this case
16 if you are firmly convinced that he is guilty the State
17 will have met its burden of proof. But after hearing all
18 the evidence in this case if you believe there is still a
19 real possibility that he is not guilty the State has not
20 met its burden of proof and in that case the defendant
21 would be entitled to a verdict of not guilty.

22 Some of you have asked whether you have the right to
23 take notes in this particular trial. And Ms. Brown has
24 notepads here for those of you who want to use those
25 during the course of this trial. Let me tell you and

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1 caution you in this regard you're free to take notes if
2 you wish to take them. But I urge you not to be so
3 consumed in what you're writing down that you don't hear
4 what is being said next. And that's always a problem
5 with these things. It's always important that you write
6 down if you can write down what the witness says not what
7 you think or summarize what the witness says. And so
8 there are certain constraints that necessarily have to be
9 placed on note taking. They are a memory to your aid
10 [sic] just like notes always are but don't let those
11 notes supplant or replace the testimony which is offered
12 here in court.

13 The notes will also be left in the jury room at
14 night. You won't be able to take them home with you.
15 And if in your final deliberations in discussing the
16 facts of this particular case if the collective wisdom of
17 the rest of the jury is that the testimony was this and
18 your notes say that your notes don't have any greater
19 weight than the collective wisdom of the rest of the
20 jurors. Having said that if you wish to take notes with
21 those constraints, you are free to do that.

22 Now ladies and gentlemen when the trial is over and
23 when you get this in your hands at the conclusion and go
24 back into the jury room to consider the things that I've
25 discussed with you and to decide whether or not the State

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1 has met its burden of proof you will be asked to write a
2 verdict at the conclusion of those things. And the
3 verdict will be guilty if you find that the State has met
4 its burden of proof and not guilty if the State has
5 failed to meet its burden of proof. And you will express
6 your opinion on the evidence in this case in those words
7 and those words alone.

8 I appreciate very much your attention to these
9 remarks ladies and gentlemen. Now please give your
10 attention to the lawyers as they make their opening
11 statements. Mr. Stone?

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State v Tyrone Robinson
Opening Statement by Mr. Stone
September 16, 2014

1 OPENING STATEMENT

2 BY MR. STONE:

3 May it please the court, Your Honor? September the
4 1st 2012 [Minor] died in a shootout. It wasn't
5 a shootout he was involved in. He was eight years old at
6 the time. He was playing outside on a trampoline with
7 two of his friends. The shootout was between the Youngs,
8 Aaron Young, Jr. and Aaron Young, Sr. and this man over
9 here [indicates] Tyrone Robinson.

10 [Minor] didn't know what the fight was
11 about. He had no reason to know anything about that. He
12 didn't know how long it had been going on. You will.
13 You will learn that on that day earlier Tyrone Robinson
14 went over to Aaron Young's house. He got into an
15 argument with the younger Young; there are two of them;
16 Aaron Young, Sr. and Aaron Young, Jr. Tyrone Robinson
17 gets in an argument with Young and Tyrone Robinson pulls
18 out a revolver and he points it at the younger.

19 Aaron Young, Sr. struggles and gets in the middle of
20 it, struggles with Tyrone Robinson and the gun goes off.
21 It actually shoots the house that the Youngs live in.
22 Tyrone Robinson then gets two more shots off before he
23 gets in his car and leaves. The Youngs gave chase.
24 Aaron Young, Jr. goes and gets a .9mm semi-automatic
25 weapon with a clip that holds about 32 bullets in it.

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1 Aaron Young, Sr. drives the truck and they go chasing
2 Tyrone Robinson. They chase him from Wild Horse Road at
3 the very front of Hilton Head Island down through Oak
4 View in the Spanish Wells area and into Allen Road where
5 [Minor] and two of his friends are playing.

6 The Youngs find Tyrone Robinson's car and they shoot
7 it. Tyrone Robinson wasn't in the car. He had moved
8 away from the car and as the Youngs left Tyrone Robinson
9 returned fire with the same revolver that he had just
10 shot on Wild Horse Road. This time though the bullet
11 didn't land harmlessly and it didn't hit a house. It hit
12 [Minor] and it killed him.

13 Like I told you [Minor] didn't know how
14 long that fight had been going on. He didn't know who
15 started it. And you'll hear evidence of all of that; why
16 the fight started, what it was over, why the Youngs and
17 the Robinsons didn't like each other. And at the end of
18 the day none of it matters. It doesn't matter who
19 started it, it matters how it ended.

20 Your job -- first let me tell you what my job is and
21 the Judge mentioned it earlier. My job is to prove to
22 you this case beyond a reasonable doubt. Today is Tyrone
23 Robinson's case. You don't have to be concerned with the
24 Youngs today. That is for a different day in a different
25 courtroom with a different jury. Your decision will be

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1 strictly about Tyrone Robinson. My job is to prove to
2 you beyond a reasonable doubt that Tyrone Robinson killed
3 [REDACTED] Minor . My job is to prove to you that [REDACTED]
4 [REDACTED] Minor died in that shootout. And if I don't do that
5 your job is to come back here and say you didn't do your
6 job Mr. Solicitor, he's not guilty.

7 But when we come back after you hear this testimony,
8 after you hear what happened that day I'm going to ask
9 you the same thing that the Judge just instructed you;
10 give us a verdict that speaks the truth. That's all I'll
11 ever ask of you. Give us a verdict that speaks the
12 truth. Thank you.

13 THE COURT: Thank you Mr. Stone. Mr. Bax?
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1 OPENING STATEMENT

2 BY MR. BAX:

3 Thank you, Your Honor. May it please the court,
4 Your Honor? Good morning ladies and gentlemen. Once
5 again my name is Arie Bax. I work with the Beaufort
6 County Public Defender's office. I have been practicing
7 criminal law for over a decade all throughout the state
8 of South Carolina. I'm happy to be here in this
9 community. It is my choice to be here. I had the choice
10 to go anywhere in South Carolina and I chose here; not
11 only because of its beauty but because of its community.

12 Every community has value. And every community can
13 produce a jury. And that's why I believe in this system.
14 Not because of me, not because of the State, not because
15 of the Judge, but because of you because you are the ones
16 that decide the fate of anyone that the government
17 decides to charge.

18 Yes, the government has a job but our forefathers,
19 the ones that wrote the Constitution did not want that
20 government to have unchecked power as to who it would
21 charge and how it would incarcerate them and take away
22 their liberty. Do not make a mistake, this is important
23 and someone else's life is at stake. It is a tragedy
24 that this young boy lost his life. It is an absolute
25 tragedy. It's a tragedy that I have had to live with as

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1 the attorney in this case. It is a tragedy that all the
2 parties in this case have had to live with but no one
3 more so than the ones that lost **Minor**. However, all
4 cases involve some kind of loss. All cases if they are
5 criminal involve someone being upset, someone has lost
6 something, someone is upset. There is a tragedy
7 somewhere.

8 Why is it that we have this system? Why is it that
9 we have a Judge, the law, rules of evidence, and a jury
10 that we worked very hard to pick who does not know what
11 is going on with this particular case, that does not know
12 more than what the common man would necessarily know. We
13 do that because in order for this system to work it is
14 based on the idea of calm, dispassionate, deliberative
15 process.

16 The Judge mentioned common sense to y'all earlier.
17 He said you are the judges of the facts because you have
18 the tools in your possession already as members of our
19 community. And I agree wholeheartedly with that and I
20 have talked to many a jury over the years about it to the
21 point where I have forgotten the number of times I've
22 talked about it. But it remains true today just like it
23 did ten years ago when I started this. You have the
24 tools. Every day when you go out in the community you
25 make judgments about someone's creditability. You go to

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1 the grocery store, you try to decide what product is
2 best. Every one of them is trying to tell you they are
3 the better noodle, they are the better sauce, they are
4 the better this. You've got to make a decision. You
5 take a lot of things into consideration.

6 You talk to someone who is trying to sell you
7 something. You're not mad at that person but if they
8 tell you something that you asked a different question
9 and they changed the subject you're thinking well, why
10 did they change the subject? Why don't they want to talk
11 about the gas mileage on this big car? You're making
12 those judgments in the community.

13 But I'm going to tell you something. What you are
14 going to hear, what you're going to see on the stand, and
15 what you're going to hear from the prosecution in this
16 case is going to have the tendency and I think sometimes
17 the intent to stir the passions, to make you as jurors
18 upset too. It is your duty to fight that. It is your
19 duty to suppress that and look at this calmly and
20 dispassionately.

21 They are going to paint this with a broad brush.
22 You've already heard from Solicitor Stone there was a
23 shootout. It doesn't matter who started it. Absolutely
24 wrong. And you're going to hear that that is why we have
25 the law and who started it does matter and always has

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1 mattered. You are going to hear from the Judge that
2 there is no charge, there is no felony called shootout.
3 You have never heard of anybody being charged in a
4 warrant that says shootout because we don't have that in
5 the law. The reason why is we have always made a
6 determination of who started what and whether someone was
7 responding to save their own life.

8 We have always determined that we want to know and
9 we want to determine and a jury is there to do that; who
10 did what and who is guilty and who is not guilty. There
11 is no broad brush in the law. There is no everybody was
12 over in this neighborhood shooting so we're going to
13 arrest all of them and send them to jail. The law has
14 never allowed that and you're not going to allow that
15 this week; I know that.

16 We talked a little bit about common sense. You all
17 know exactly when common sense disappears don't you?
18 When you're upset; that's when you make bad judgments.
19 That's when you can't make a judgment about someone's
20 creditability when you're mad, when you're upset. It's a
21 common affliction of all human beings, myself included.
22 Being upset defeats the mind. It defeats your ability to
23 be calm and rational. And that's why you're sitting in
24 this courtroom completely safe and protected listening to
25 the evidence in a calm manner so that you are not making

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1 rash judgments based on being upset, which is why the
2 evidence has to be judged in a manner that is
3 dispassionate because the facts do matter. Who started
4 it does matter. Who is guilty does matter otherwise we
5 wouldn't have this process. Every time anybody had a
6 weapon, anytime anything happened we'd just pick them all
7 up and throw them away. We don't do that.

8 This case has garnered a lot of attention because of
9 the tragedy. The media has covered this case. Many of
10 you answered our questions in Voir Dire and indicated
11 that you've read some of that media coverage. And I know
12 that you have promised the Judge and us that you will put
13 that aside and I believe in that promise.

14 But I want to caution you as well. In our minds we
15 tell ourselves a lot of things but it doesn't always come
16 out true so remember this. The media is under absolutely
17 no obligation to be accurate. They have no obligation to
18 be accurate. They can report what anybody tells them and
19 there is no obligation that they make sure that
20 information is absolutely accurate.

21 That is not the case here. You are going to be the
22 one that determines whether the information is accurate
23 because you're going to be able to see the people saying
24 it. You're going to be able to determine if there is a
25 reason for that person to lie not only based on what he

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1 said but not he has not said based on how he said it,
2 based on body language; those are all factors. So please
3 make your judgments, gather the evidence, and do your
4 deliberations based on what you see here and nowhere
5 else. Your duty is to examine this closely. Your duty
6 is to determine guilt for this individual; for Mr.
7 Robinson and for no one else. And that has to be based
8 on a determination of exactly what you believe happened
9 based on what has been presented. The law is not a broad
10 brush. We have never allowed that in this country and I
11 expect that you will keep it that way. Thank you.

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1 THE COURT: Thank you, Mr. Bax. Ms. Brown, if you
2 will pass out those notebooks. I'm sorry I didn't
3 indicate that earlier.

4 THE BAILIFF: I'm sorry; Your Honor.

5 [Whereupon, the bailiff provides notepads to the
6 jury]

7 THE COURT: The reason I asked Ms. Brown to wait
8 until after the opening statements to give you the
9 notebooks was because as I told you earlier the opening
10 statements are not evidence. So that's the reason you
11 didn't need to record those things because remember what
12 needs to be recorded. Mr. Stone, you may call your first
13 witness.

14 MR. STONE: The State calls Melanie Smith to the
15 stand.

16 THE COURT: Ms. Smith, come forward please and be
17 sworn.

18 MR. STONE: May we approach briefly, Your Honor?

19 THE COURT: Yes, sir.

20 [Whereupon, an off the record bench conference is
21 held]

22 THE COURT: Ladies and gentlemen, sometimes we
23 huddle over there and whisper behind your back because
24 we're talking about things that don't concern you. And I
25 always tell jurors however if you're real curious about

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1 what we're whispering about over here behind your back
2 when the trial is over if you will come to me and ask me
3 what we were whispering about and if I can remember what
4 we were whispering about I'll tell you. But I remember
5 what we were whispering about just a moment ago.

6 The witness who was just called is on the stand in
7 the courtroom next door testifying right now in another
8 trial. She's in rather great demand and so we're going
9 to try to see how long it's going to be as to whether we
10 can put someone else in place.

11 This witness of course apparently is necessary to
12 lay some foundation for some other testimony that will
13 follow. It will make it easier for you to understand if
14 she can testify first. We're trying to find out how long
15 it's going to take for her next door and we'll keep you
16 advised momentarily. I'll have a word in just a moment.

17 MR. STONE: She is testifying right now. She's
18 finished her testimony and they're playing the exhibit
19 and so it should not be too much longer.

20 THE COURT: Okay. Like a few minutes?

21 MR. STONE: Yes, sir.

22 THE COURT: Folks, please step to your jury room.
23 I'm not going to put you out here under the microscope.
24 I apologize for this. It was unforeseen obviously and
25 it's not the sort of thing that happens very often. As a

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1 matter of fact it never has happened that I can recall
2 from my experience or Mr. Stone's experience. We will
3 get you back out as soon as she is available. Thank you.

4 [Whereupon, the jury exits at 10:14 a.m.]

5 THE COURT: Folks we will stand down momentarily.
6 As soon as she is available if you'll let me know we'll
7 get started again.

8 MR. STONE: I apologize. I've never had that
9 happen before.

10 [Whereupon, court is in recess from 10:15 a.m. until
11 10:22 a.m.]

12 THE COURT: Thank you.

13 MR. STONE: The State is ready, Your Honor. I
14 apologize; she just got off the witness stand.

15 THE COURT: Good. Is she already in the courtroom?

16 MR. STONE: She is right there [indicates].

17 THE COURT: Very good, thank you. Bring us the
18 jury please?

19 THE BAILIFF: The jury is entering the courtroom,
20 Your Honor.

21 [Whereupon, the jury enters at 10:25 a.m.]

22 THE COURT: Folks, Ms. Smith is now available from
23 the courtroom next door. It was a short delay but it was
24 in this case will be worth the fact that you will be able
25 to hear the case presented in a sequential manner and

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1 make it easier for you to understand. Ms. Smith, come
2 forward please to be sworn.

3 [Whereupon, Ms. Smith comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE WITNESS: My name is Melanie Smith,
7 M-E-L-A-I-N-E, S-M-I-T-H.

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State v Tyrone Robinson
Melanie Smith-Direct Examination by Mr. Stone
September 16, 2014

1 MELANIE SMITH,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. STONE:
6 Q. Ms. Smith, what do you do ma'am?
7 A. I was the records custodian for Beaufort County
8 Sheriff's Office Communication Center.
9 Q. All right. Tell me about -- and I need you to speak
10 up just a little bit; you're kind of soft spoken. What
11 exactly do you mean with Beaufort County Communication
12 Center? What is that?
13 A. The 911 center. We receive incoming calls from the
14 public and dispatch Fire, EMS, and Police.
15 Q. Is that something that you do -- how long have you
16 been doing that?
17 A. Sixteen years.
18 Q. All of this when it comes to 911 traffic and calls
19 in you also dispatch out I'm assuming ambulances, law
20 enforcement as well?
21 A. Yes, sir.
22 Q. And this is for everything in Beaufort County is
23 that correct?
24 A. Yes, sir.
25 Q. Let me first -- at this point you're pretty familiar

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1 with Beaufort County I would imagine.

2 A. Just a little.

3 Q. Let me show you first what has been marked as

4 State's exhibit number 8.

5 [Whereupon, the witness is shown item]

6 Q. I'm going to ask you to keep your voice up but I'll
7 ask you to come down from the stand if that is all right
8 with Your Honor.

9 THE COURT: That will be fine. Ms. Smith, when you
10 get up off the stand if you will turn and generally face
11 in this [indicates] direction, stand on that side
12 [indicates] and face back in this direction so that you
13 back will not be to the court reporter please. Thank
14 you.

15 THE WITNESS: Okay.

16 [Whereupon, the witness steps down from the stand]

17 Q. [Mr. Stone] What I have put up here and I'm sure
18 everyone can see is State's exhibit 8. Do you recognize
19 this as an aerial view of basically parts of Hilton Head
20 Island?

21 A. Yes.

22 Q. First of all tell me what this area is that is
23 numbered number 1?

24 A. Wild Horse Squire Pope area.

25 Q. Okay. So this is -- all of this would sort of be

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1 considered the same area?

2 A. Correct.

3 Q. This I'm assuming is the Cross Island Expressway is
4 that correct?

5 A. Correct.

6 Q. And number 2 what is that area?

7 A. That's the Oak View Road area.

8 Q. And where is Spanish Wells in accordance with that?

9 A. Right here [indicates].

10 Q. Down in this area [indicates]? The lower quadrant
11 here [indicates]?

12 A. Correct.

13 Q. Okay. And then I think this [indicates] is
14 Marshland Road. Going down to area number 3 what is
15 that area?

16 A. That's Allen Road area.

17 Q. Okay. Speak to these folks here; I'm sorry.
18 Number 3 is?

19 A. Allen Road area.

20 Q. All right. Thank you, ma'am, if you would go ahead
21 and take the stand.

22 [Whereupon, the witness returns to the witness
23 stand]

24 Q. On September the 1st, 2012 did your dispatch center
25 receive 911 calls concerning the Allen Road area of

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1 Beaufort County?

2 A. Yes.

3 Q. And as the records custodian are these calls that
4 are coming into your center are they recorded?

5 A. Yes.

6 Q. And are they recorded contemporaneously with the
7 call actually coming in?

8 A. Yes.

9 Q. How does that system work? Once it records it where
10 do those -- are they tapes, are they digital?

11 A. They are stored on a digital recording system and
12 they start recording as soon as they come into the system
13 until the line disconnects.

14 Q. So you actually hear some part of the call before
15 you pick up?

16 A. Correct.

17 Q. And all of that is kept in the ordinary course of
18 business of the EMS department or the Communications
19 Center?

20 A. Yes.

21 Q. Now, I will show you what has been marked as State's
22 exhibit number 7, which is a disk.

23 [Whereupon, the witness is shown item]

24 Q. Have you reviewed that disk?

25 A. Yes.

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1 Q. And have you reviewed the transcript that goes along
2 with that disk?

3 A. Yes.

4 Q. Is that accurate as to the 911 calls that came in on
5 September the 1st, 2012?

6 A. Correct.

7 Q. And you -- this was a recording actually a copy of
8 that digital recording that is kept in the ordinary
9 course of that business is that correct?

10 A. Correct.

11 MR. STONE: Your Honor, at this time we offer
12 State's exhibit number 7 into evidence.

13 THE COURT: Mr. Bax?

14 MR. BAX: No objection, Your Honor.

15 THE COURT: Thank you. Without objection.

16 [Whereupon, State's exhibit number 7 is entered into
17 evidence by the court]

18 MR. STONE: Your Honor, we have already pre-loaded
19 it into the computer and will show it on the monitor at
20 this time.

21 THE COURT: Good, thank you.

22 [Whereupon, the C.D. plays] [Not taken down]

23 MR. STONE: No further questions for this witness,
24 Your Honor.

25 THE COURT: Thank you. Mr. Bax, cross-examination?

State v Tyrone Robinson
Melanie Smith-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good morning, Ms. Smith.

4 A. Good morning.

5 Q. A couple of quick questions. Obviously what we have

6 heard here was a collection of multiple calls that came

7 in that day regarding this incident, correct?

8 A. Correct.

9 Q. Was that all the calls you received on this case for

10 that day?

11 A. No.

12 Q. Was there also a call from Mr. Robinson that came in

13 that day?

14 A. That I don't recall.

15 Q. Okay. So this isn't a complete listing of all the

16 calls that came in though, correct?

17 A. Correct.

18 Q. Okay.

19 MR. BAX: A moment's indulgence, Your Honor.

20 THE COURT: Yes, sir.

21 [Whereupon, Mr. Bax confers with Ms. Saxon]

22 MR. BAX: Approach the bench, Your Honor?

23 THE COURT: Yes, sir.

24 [Whereupon, an off the record bench conference is

25 held]

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Melanie Smith-Cross-Examination by Mr. Bax
September 16, 2014

1 MR. BAX: Your Honor, no further questions for Ms.
2 Smith.

3 THE COURT: Thank you. Mr. Stone, redirect?

4 MR. STONE: Nothing else, Your Honor.

5 THE COURT: Thank you. You can step down Ms.
6 Smith.

7 [Whereupon, the witness is excused and exits the
8 witness stand]

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State v Tyrone Robinson
Zachary Taylor-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: The State calls Zachary Taylor to the
2 stand.

3 THE COURT: Mr. Taylor, come forward please to be
4 sworn.

5 [Whereupon, Mr. Taylor comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 MR. STONE: State your full name because she needs
9 to get all that.

10 THE WITNESS: My name is Zachary William Taylor.

11 MR. STONE: And your last name is spelled
12 T-A-Y-L-O-R, is that correct?

13 THE WITNESS: Yes, sir.

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15 ZACHARY TAYLOR,

16 Having been first duly sworn,

17 Was examined and testified as follows:

18 DIRECT EXAMINATION

19 Q. What do you do sir? I see you are in a I guess it's
20 a fire and rescue, EMS?

21 A. Yes sir, I'm a firefighter and driver for the town
22 of Hilton Head, Hilton Head Island Fire and Rescue. I'm
23 also a paramedic.

24 Q. How long have you been doing that?

25 A. I have been with the town since '93, for 21 years.

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1 I've been a paramedic for 22 years.

2 Q. What does being a paramedic mean? I hear that term
3 but what does that mean as opposed to someone who just
4 works at EMS?

5 A. Emergency medical technician provides a lot of first
6 responder care. And being a paramedic gives you the
7 opportunity to provide advanced care.

8 Q. Do you have special training that allows you to be a
9 paramedic?

10 A. Yes, sir.

11 Q. And what type of training is that? What are you
12 allowed to do as a paramedic?

13 A. As a paramedic I'm allowed to start I.V.'s,
14 administer medications, use a cardiac monitor to
15 determine whether or not the cardiac rhythm is life
16 threatening or otherwise, and to use that monitor to also
17 defibrillate and to try to change the outcome of that
18 condition.

19 Q. So you have the ability to determine if there are
20 vital signs, if somebody is alive and that type of thing
21 when you respond?

22 A. Yes, sir.

23 Q. Now did you respond on September the 1st 2012 to the
24 Allen Road area of Beaufort County?

25 A. Yes, sir.

State v Tyrone Robinson
Zachary Taylor-Direct Examination by Mr. Stone
September 16, 2014

1 Q. And when you got there did you find an eight year
2 old child there?

3 A. Yes, sir.

4 Q. Tell me about that. What did you do once you got
5 there?

6 A. When we first arrived there -- first of all we
7 staged prior to going there because the scene was not
8 secured. And then once we were cleared to go in I was
9 riding in the back of the ambulance so I had no idea of
10 exactly where we were.

11 But I was directed to where the patient was and I
12 found him on the ground with another person there trying
13 to do CPR and screaming that he's not breathing.

14 I determined -- I could not find a pulse and
15 determined that he was not breathing. I noted that there
16 was blood around the mouth and that he was essentially
17 dead.

18 Q. And you made that determination at the scene?

19 A. Yes, sir. I made that determination that he was not
20 breathing and didn't seem to be alive. I applied the
21 cardiac monitor and determined that there was no cardiac
22 rhythm and we proceeded to clear him.

23 Q. Thank you, sir. I don't have any further questions.

24 THE COURT: Mr. Bax?

25 MR. BAX: Thank you, Your Honor.

State v Tyrone Robinson
Zachary Taylor-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good morning, Mr. Taylor.

4 A. Morning, sir.

5 Q. Now despite the determinations did you still attempt

6 to administer any kind of life saving ---

7 A. --- yes, sir ---

8 Q. --- medications or treatment?

9 A. Yes, sir.

10 Q. Okay. And what did those detail? Further CPR?

11 A. Continuation of the CPR that was started by the

12 person on the scene. I transported to the hospital. We

13 did establish an I.V. access and we did administer one

14 drug; epinephrine. We also attempted to intubate.

15 Q. And based on what you were seeing and observing in

16 your training at the scene at one point you requested

17 through your dispatch to stop life-saving efforts on

18 scene is that correct?

19 A. I requested it through medical control. I actually

20 called the doctor on scene.

21 Q. And that request was refused at that time, correct?

22 A. Yes, sir.

23 Q. And so efforts were continued?

24 A. Yes, sir.

25 Q. Okay.

State v Tyrone Robinson
Zachary Taylor-Cross-Examination by Mr. Bax
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1 A. I had made the call while my partners were already
2 continuing the CPR and the life resuscitating efforts.

3 Q. Okay. In your treatment did you determine where
4 there was a wound on the young boy?

5 A. Initially when we first got to the scene yes, and it
6 was on the left side of the chest.

7 Q. Okay. Thank you Mr. Taylor.

8 MR. BAX: No further questions, Your Honor.

9 THE COURT: Mr. Stone, redirect?

10 MR. STONE: Nothing else, Your Honor.

11 THE COURT: Thank you Mr. Taylor. You can step
12 down.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

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State v Tyrone Robinson
Charlese Mitchell-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: The State calls Charlese Mitchell.
2 THE COURT: Ms. Mitchell, come forward please ma'am
3 and be sworn.
4 [Whereupon, Ms. Mitchell comes forward]
5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]
7 - - - - -
8 CHARLESE MITCHELL,
9 Having been first duly sworn,
10 Was examined and testified as follows:
11 DIRECT EXAMINATION
12 BY MR. STONE:
13 Q. Hey Ms. Mitchell, are you doing all right?
14 A. Yes, sir.
15 Q. Please spell your last name for me?
16 A. M-I-T-C-H-E-L-L.
17 Q. Ms. Mitchell, where do you live ma'am?
18 A. I now reside at [REDACTED], Seabrook, South
19 Carolina.
20 Q. How long have you lived there?
21 A. A year and a half now.
22 Q. Prior to that where did you live?
23 A. [REDACTED] on Hilton Head Island, South
24 Carolina.
25 Q. Now how close is that to Allen Road?

State v Tyrone Robinson
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1 A. Real close. It's like a house here [indicates] and
2 my house so it's not that far from me from Allen Road.

3 Q. How long did you live there?

4 A. I've been there for -- I'm 45 now so about 44 years.

5 Q. Let me talk to you specifically about September the
6 1st, 2012. Who lived there with you?

7 A. Myself, Tyrone Delaney, and my son C.J., which is
8 Calvin.

9 Q. Okay. Let me -- first of all you and I have talked
10 before. Have you seen this model [indicates]?

11 A. Yes, sir.

12 Q. Would this aid in your testimony today?

13 A. Yes, sir.

14 MR. STONE: Your Honor, if I could I'd like to
15 bring this in front of the jury?

16 THE COURT: Okay.

17 MR. STONE: And I'm going to ask her to step down.

18 [Whereupon, the witness steps down from the stand]

19 THE COURT: Ms. Mitchell, it will be helpful to us
20 if you stand on the other side and face this [indicates]
21 direction that way your back will not be to the court
22 reporter and she will be able to hear what you are saying
23 too.

24 THE WITNESS: Yes, sir.

25 THE COURT: That's perfect. Thank you.

State v Tyrone Robinson
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September 16, 2014

1 Q. [Mr. Stone] First of all this is the model I've
2 shown you before. Can you tell me on this -- we have it
3 marked Marshland Road, this is [indicates] Allen Road
4 obviously as it is marked on the model.

5 Can you show us please and I'll give you this
6 [indicates]. First of all it would be better for you
7 probably to stand here. You can stand anywhere you want
8 to; I just want to make sure...

9 THE COURT: As long as she is facing the court
10 reporter it doesn't matter where she stands.

11 Q. [Mr. Stone] Come on over here because I want the
12 jury to be able to see what you are pointing to.

13 [Whereupon, the witness complies]

14 Q. Tell me where your house is on that model?

15 A. This right here [indicates] is my house, right here.

16 Q. And this is the -- what is this address
17 specifically?

18 A. [REDACTED].

19 Q. And this is where Tyrone Delaney lives with you and
20 C.J. or that in September?

21 A. Yes, sir.

22 Q. Okay. Who else lives in this neighborhood? Do you
23 know who else is around here?

24 A. Yes. This is my cousin Eddie Allen's old trailer
25 right here [indicates]. This mobile home right here

State v Tyrone Robinson
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1 [indicates] is my Aunt Marguerite [phonetic] trailer
2 right here [indicates]. This trailer right here
3 [indicates] is my cousin Ernest's trailer right here.
4 This trailer right here [indicates] is my aunt
5 Marguerite's [phonetic] trailer right here.

6 This trailer here [indicates] is my Aunt Mary's
7 trailer, and this trailer right here [indicates] is my
8 aunt Shirley's trailer.

9 This right here [indicates] is the little bench that
10 they had that's outside the road where people going can
11 sit, and this right here [indicates] is my aunt Shirley's
12 little shed in the back.

13 Q. Okay. Now Brittany Brinson lives somewhere along
14 here [indicates] does she not?

15 A. Yes, sir..

16 Q. Where does she live?

17 A. She lives in this trailer [indicates] in front of
18 this mobile home right here [indicates].

19 Q. And I believe Dominique Griffin and Savoya
20 [phonetic] Simmons lives somewhere around this as well, is
21 that correct?

22 A. They live in this -- in Aunt Shirley's house right
23 there [indicates].

24 Q. This is -- obviously here [indicates] this is a
25 trampoline is that correct?

State v Tyrone Robinson
Charlese Mitchell-Direct Examination by Mr. Stone
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1 A. Yes, sir.

2 Q. And this is -- do you know who was living in this
3 house [indicates] at the time, this trailer here
4 [indicates]?

5 A. Some Mexicans or Hispanics were living in this
6 mobile home right there [indicates].

7 THE COURT REPORTER: I'm sorry, I didn't get the
8 name; repeat please?

9 THE WITNESS: Some Hispanics was living in this
10 trailer right here [indicates].

11 Q. [Mr. Stone] Were they home during this?

12 A. I don't think they were home, no sir.

13 Q. Tell me what is going on in your house here; it's
14 around 4 o'clock or so that afternoon.

15 A. I was home and me and my two step boys, which is
16 [REDACTED] D.W. [REDACTED] and [REDACTED] X.D. [REDACTED] we were home. At
17 that particular time while we were home we heard some
18 gunshots being fired while we were inside the house.

19 Q. Where were the gunshots coming from?

20 A. They sounded like they were coming closer by this
21 [indicates] the opening of Allen Road is where because it
22 wasn't that far away from our house.

23 Q. Somewhere around in here [indicates]?

24 A. Yes, sir.

25 Q. Okay.

State v Tyrone Robinson
Charlese Mitchell-Direct Examination by Mr. Stone
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1 A. When we heard --

2 Q. --- describe -- I'm sorry; describe to me the
3 gunshots that you heard. How many did you hear and how
4 fast were they; that kind of thing?

5 A. The gunshots that we heard the first sets were like
6 pow, pow, pow, pow, pow, pow were the first set of shots
7 that we heard the first time.

8 After we heard the first sets of gunshots me
9 personally I didn't dawn on it at the first set of shots.
10 After the first set of shots came in I would say within
11 10 to 15 minutes Mr. Tyrone Robinson knocked on my front
12 door.

13 Q. Now how do you know Tyrone Robinson?

14 A. Tyrone Robinson is my first cousin.

15 Q. Do you see Tyrone Robinson in the courtroom today?

16 A. Yes, sir.

17 Q. And where is he? Can you point him out for me
18 please?

19 A. Yes, sir. He is right there [indicates] with the
20 pink on.

21 MR. STONE: Your Honor, let the record reflect she
22 has identified the defendant.

23 THE COURT: Yes, sir.

24 Q. [Mr. Stone] Tyrone Robinson comes to your door.
25 What does he say when he gets there?

State v Tyrone Robinson
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1 A. When he came in there he walked -- he pretty much --
2 I opened the door, he came inside. When he came inside
3 he walked in the house. Inside the house I have like a
4 bar. He walked in and he sat a brown paper bag bottle
5 with a beer inside and he asked if my cousin Patrick
6 Young was home. Patrick Young was not there and he came
7 out and he asked if he could use the phone.

8 He got the phone, he walked outside. When he walked
9 outside the door he used the house phone. As he used the
10 house phone he was talking to somebody on the phone.
11 And as of that time my boyfriend Tyrone Delaney pulled
12 up.

13 Q. Now how does Tyrone Robinson look when he comes in
14 to your house?

15 A. He came into the house he had no shirt on. He had
16 on red shorts; he had a black handle sticking out of his
17 red shorts. He had on mismatched socks and some tennis
18 shoes.

19 Q. Okay. First let me show you what has been marked as
20 State's exhibit 13 and ask if you could identify that
21 photograph for me please?

22 [Whereupon, the witness is shown photograph]

23 A. Yes, sir. The vehicles or the trampoline?

24 Q. All of it.

25 A. Okay. The little blue Toyota car is my son's. The

State v Tyrone Robinson
Charlese Mitchell-Direct Examination by Mr. Stone
September 16, 2014

1 green truck is Tyrone Delaney's truck; the white Crown
2 Vic is mine, that's my mobile home that sits there
3 [indicates], that [indicates] is the trampoline that was
4 in the yard where the kids were playing. This
5 [indicates] blue bike was a bike that J.S. was riding on
6 and the red four wheeler is a bike that Minor was on.
7 Q. Okay. Is that a fair and accurate depiction of the
8 scene as it appeared that day?

9 A. That is correct.

10 MR. STONE: Your Honor, at this time we would move
11 State's exhibit 13 into evidence.

12 MR. BAX: No objection, Your Honor.

13 THE COURT: Without objection 13 in evidence. Thank
14 you.

15 [Whereupon, State's exhibit number 13 is entered
16 into evidence by the court]

17 [Whereupon, the photo is shown on screen]

18 Q. [Mr. Stone] Now what has been showing on the monitor
19 is what you've already pointed out to me as State's
20 exhibit 13. But if you could can you tell the jury what
21 that is? First of all there is a white car right in
22 front. Whose car is that?

23 A. That white Crown Vic is my vehicle.

24 Q. And beside that what is there?

25 A. That is Tyrone Delaney's green truck, and on the

State v Tyrone Robinson
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1 side of it is my son's blue Toyota Yaris, that
2 [indicates] is my double wide mobile home right there,
3 that [indicates] is the trampoline that the kids were
4 playing on, that's [indicates] J.S.'s bike, and that
5 [indicates] is Minor's four wheeler.

6 Q. Now the first set of shots that you described were
7 the kids outside playing on the trampoline?

8 A. No sir, there were no kids.

9 Q. They had not gone out there at that point?

10 A. No, sir.

11 Q. Okay. Later on did they go out and play on the
12 trampoline?

13 A. They went -- my stepson, Minor, and J.S. went
14 outside after the first -- well my stepson went over to
15 the trampoline because J.S. and Minor came over to my
16 house to get X.D. to play.

17 Q. Now how old is X.D.?

18 A. X.D. is I believe seven or eight.

19 Q. At that time he was seven or eight?

20 A. Yes.

21 Q. And J.S. how old was he at that time?

22 About the same age?

23 A. About the same age.

24 Q. Okay. Let me show you what has been marked as
25 State's exhibit 1.

State v Tyrone Robinson
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1 [Whereupon, the witness is shown photograph]

2 Q. Is that a fair and accurate depiction of how Tyrone
3 Robinson looked that day?

4 A. That is correct.

5 Q. Okay.

6 MR. STONE: Your Honor, at this time we offer
7 State's exhibit 1 into evidence.

8 THE COURT: Without objection.

9 [Whereupon, State's exhibit number 1 is entered into
10 evidence by the court]

11 Q. [Mr. Stone] Let me show you -- let me show the jury
12 -- I'll put this up here.

13 MR. STONE: State's exhibit 1, Your Honor, I am
14 just publishing to the jury.

15 THE COURT: Yes, sir.

16 Q. [Mr. Stone] This is the outfit that he had on that
17 day when he came to your door?

18 A. Yes, sir.

19 Q. These are the red shorts and the shoes? This is how
20 he was dressed that day?

21 A. Yes, sir.

22 Q. And the black object was sticking out where?

23 A. The black object was sticking out right here
24 [indicates] in his pants, right in the waistline of his
25 pants was a black handle.

State v Tyrone Robinson
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1 Q. All right. What did they -- the black handle,
2 describe the black handle for me.

3 A. The black handle -- by me working for Palmetto Dunes
4 to me the black handle looked exactly like a hand gun.

5 Q. What kind of work did you do at Palmetto Dunes?

6 A. Dispatch security.

7 Q. Okay. So that car, the white Crown Vic was
8 actually your security car.

9 A. That's correct.

10 Q. When Tyrone Robinson knocks on your door he comes in
11 and he goes out. Can you hear him talking on the phone?
12 Can you hear him saying anything when he is out on the
13 phone?

14 A. The only thing that I actually heard when whoever he
15 was talking to on the phone said those motherfuckers.

16 Q. And I know you don't want to cuss and I apologize
17 for that but I need you to tell me exactly what he said.

18 A. Whoever he was on the phone with he said those
19 motherfuckers tried to kill me -- I'm sorry; was shooting
20 at him.

21 Q. Got you.

22 A. Yes, sir.

23 Q. Tyrone Delaney then pulls up is that correct?

24 A. That is correct.

25 Q. Tell me what happens when Tyrone Delaney gets there?

State v Tyrone Robinson
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1 A. When Tyrone Delaney pulls up he when he came home he
2 met Tyrone. As you can see this [indicates] is our
3 driveway. As the three cars was here [indicates] Tyrone
4 came -- Tyrone Robinson was here [indicates]. Tyrone
5 wanted me -- and them two wound up talking outside.

6 Q. Delaney and Robinson? Use their last names if you
7 could.

8 A. Delaney and Robinson were outside talking. I then
9 stayed inside of the house. While them two were out
10 there talking that's when whatever he said to Tyrone I
11 don't too much know because I didn't hear that.

12 And after that was said and done that's when I
13 remained in the house and I finally came outside and
14 that's when I let Tyrone know that it was time for Tyrone
15 to leave, Tyrone Robinson to leave.

16 Q. And did he leave?

17 A. Yes sir, he did leave.

18 Q. And where did he go? Did you see him walk off? Did
19 you see which direction he went?

20 A. No because when Tyrone came in the house that was
21 it.

22 Q. When Delaney comes in the house that...

23 A. When Delaney came in the house that was it.

24 Q. What was the next thing that happened?

25 A. The next thing that happened we heard some -- the

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Charles Mitchell-Direct Examination by Mr. Stone
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1 kids came over to the house. They asked can [X.D.] come
2 outside and play. We let [X.D.] and them went outside
3 and played. They were on this trampoline right here
4 [indicates].

5 While they were on this trampoline right here
6 [indicates] when me and Tyrone was in the house we heard
7 some more shots. We heard those more shots it was again
8 pow, pow, pow, pow, pow, pow kind of shots.

9 Q. Let me stop you because you used the word Tyrone.
10 You're inside the house with Mr. Delaney now, is that
11 correct?

12 A. Yes, with Mr. Delaney.

13 Q. Tyrone Robinson is gone?

14 A. Tyrone is gone.

15 Q. And that's when you hear the second set of shots?

16 A. After the kids were already on the trampoline. The
17 kids were outside playing on the trampoline. When we
18 heard the second round of shots that's when I came to the
19 door and told the kids to come inside of the house.

20 Q. Describe the second set of shots.

21 A. They were pow, pow, pow, pow, pow almost like the
22 first sets of shots.

23 Q. Okay. What did you do after that?

24 A. After that I told the kids to come inside the house.
25 The only person that came inside of the house was

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1 Tyrone's son. J.S. and Minor did not come in after I
2 told them to come inside the house after we heard the
3 second set of shots.

4 Q. Which way did they go?

5 A. They wound up going back toward the other way
6 because -- well, I don't have a picture of aunt Vena's
7 [phonetic] trailer but J.S. lives here [indicates].

8 Q. Okay. Here with Dominique Griffin and Savoya?

9 A. Correct. But back further back aunt Mary's trailer
10 is aunt Vena's trailer.

11 Q. And that's where J.S. lived?

12 A. No ---

13 Q. --- I'm sorry ---

14 A. --- no, this [indicates] is where J.S. lives, this
15 [indicates] is where Minor grandmother lives past aunt
16 Mary's trailer.

17 Q. Okay.

18 A. But he left his four wheeler here [indicates].

19 Q. That [indicates] is Minor's four wheeler?

20 A. That's Minor's four wheeler that he left.

21 Q. What was the next thing that you heard?

22 A. The last thing that we heard after we got the kids
23 in the house as we seen was the grey truck, which is...

24 Q. Okay. Let's use this [indicates] as the grey
25 truck. Where did you see the grey truck?

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1 A. The last sets of three shots that we heard the grey
2 truck turn out of Allen Road because I was peeping
3 through my front door here [indicates]. We saw the grey
4 truck came and we heard three shots.

5 But those three shots that we heard as the grey
6 truck turned on Allen Road we heard pow, pow, pow. And
7 that was the last of the shots. The grey truck had
8 already gone down Marshland Road. The last vehicle that
9 we seen come down was Tyrone Robinson's black ---

10 Q. --- use that [indicates] to show it.

11 A. His car was the last car that came past after the
12 last three shots were fired.

13 Q. The last three shots that you hear did they sound
14 like the same as the first series?

15 A. No, sir. They sounded like single shots.

16 Q. Okay. Much slower than the first set?

17 A. Yes, sir.

18 Q. I'm going to show you what has been marked as
19 State's exhibit 3 and State's exhibit 2 and ask you is
20 that a fair and accurate depiction of Tyrone Robinson's
21 car as you saw it that day?

22 [Whereupon, the witness is shown photographs]

23 A. That's correct.

24 MR. STONE: Your Honor, at this time we would move
25 State's exhibit 2 and State's exhibit 3 into evidence.

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1 MR. BAX: No objection, Your Honor.

2 THE COURT: Without objection State's 2 and 3.

3 Thank you.

4 [Whereupon, State's exhibit numbers 2 and 3 is
5 entered into evidence by the court]

6 Q. [Mr. Stone] And I'll show this to the jury and ask
7 if you could come over here. This [indicates] is the car
8 Tyrone Robinson was driving that day?

9 A. Yes sir, because when he passed by he didn't have no
10 back window. He didn't have no back window in his car as
11 he rolled by.

12 Q. Okay. And it was in this condition here
13 [indicates]?

14 A. Yes, sir.

15 Q. Now did you recognize the person -- while I'm at it
16 let me show you what has been marked as State's exhibit 9
17 and 10.

18 [Whereupon, the witness is shown photographs]

19 Q. Is that a fair and accurate depiction of the truck
20 that you saw go by?

21 A. Yes sir, that is.

22 MR. STONE: Your Honor, at this time we'd move
23 State's exhibits 9 and 10 into evidence.

24 MR. BAX: No objection, Your Honor.

25 THE COURT: Without objection.

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1 [Whereupon, State's exhibit numbers 9 and 10 are
2 entered into evidence by the court]
3 Q. [Mr. Stone] And this is the truck that you saw go by
4 first, then you heard the three shots is that correct?
5 A. That is correct.
6 Q. Then you saw Mr. Robinson's car ---
7 A. --- came behind that ---
8 Q. --- go after that?
9 A. Yes.
10 Q. Did you see who was driving this [indicates] truck?
11 A. Yes, sir.
12 Q. And who was driving this truck?
13 A. Aaron -- I call him Bennie Jr. but Aaron, Sr. was
14 driving this truck [indicates].
15 Q. Aaron Young, Sr.?
16 A. Yes, sir.
17 Q. Okay. And when the shots went off where was the
18 truck exactly? And you can just point to the area when
19 the last three shots were ---
20 A. --- when the last three shots were going the grey
21 truck was coming down the road. It sounded like it was
22 close in this area [indicates] as it was coming because I
23 was peeping through the door to make sure that everything
24 was already cleared or whatever they had going on. So
25 that's when the grey truck came rolling past.

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1 Q. Were you in a position of being able to see whether
2 or not there were shots being fired out of the grey truck
3 at that point?

4 A. When I was looking at the grey truck pass by all the
5 windows were up. On the driver's side the window was
6 completely up. And whoever was on the passenger side of
7 the vehicle, of the truck, they were inside of the truck
8 sitting down.

9 Q. Okay. And that's when the last three shots were
10 fired?

11 A. Yes, that is correct.

12 MR. STONE: I don't have any further questions at
13 this time for this witness, Your Honor,

14 THE COURT: Thank you, Mr. Stone.

15 Q. [Mr. Stone] Thank you, ma'am. If you'll answer any
16 questions...

17 THE COURT: Cross-examine Mr. Bax?

18 MR. BAX: Yes, Your Honor.

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1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. I wanted to go through a couple of the places you
4 were describing just to make sure that I am clear with
5 it.

6 A. Okay.

7 Q. You were living here [indicates] correct?

8 A. This [indicates] is my home.

9 Q. This is [indicates] where you were at?

10 A. Yes, sir.

11 Q. Okay. And basically you've described that you
12 actually heard three sets of gunshots. That you heard a
13 set of rapid gunshots before you ever saw Mr. Robinson is
14 that correct?

15 A. The first sets of shots, yes.

16 Q. Okay. And then after Mr. Robinson left your
17 residence you heard another set of rapid shots.

18 A. That is correct.

19 Q. Okay. Now the time in between the first set of
20 rapid shots and the second set of rapid shots how long a
21 period of time was that?

22 A. I would say no longer than 10 to 15 minutes.

23 Q. Ten to 15 minutes?

24 A. That is correct.

25 Q. So in that period of time Tyrone came to the house,

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1 had conversation with you ---

2 A. --- that is correct ---

3 Q. --- used the phone, and talked with Mr. Delaney.

4 A. That is correct.

5 Q. And left.

6 A. That is correct.

7 Q. Okay. You -- Ms. Mitchell did you see him drive
8 up? Did you see him arrive in a car or anything like
9 that?

10 A. He did not. He walked. Well, when he came in my
11 yard like I said when he came it was only two vehicles
12 there, which is my white Crown Vic and my son's little
13 blue Yaris was the only two vehicles that were parked in
14 my yard.

15 Q. And you've indicated in your direct testimony that
16 you didn't see where he came from correct?

17 A. I did not.

18 Q. He just came into the house?

19 A. He just came and knocked on the door and came inside
20 of the house.

21 Q. Okay. Now Ms. Mitchell it's possible to walk
22 through this area [indicates] back behind these trailers
23 correct ---

24 A. --- that is correct ---

25 Q. --- this kind of a wooded area back here

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1 [indicates]?

2 A. It is.

3 Q. Okay. And people do walk behind the trailers to
4 get back and forth to the homes correct?

5 A. Not to -- pretty much not to mine. Mine -- I don't
6 know because it's pretty much just me, Tyrone, and my son
7 so really we don't have nobody that would be coming to
8 visit.

9 Q. But it's possible to come back behind this house
10 [indicates] correct?

11 A. That's correct.

12 Q. And it's possible to return to these trailers
13 through that back wooded area?

14 A. That's correct.

15 Q. Okay. And I believe you testified that after Mr.
16 Robinson left you didn't see which way he went.

17 A. No, sir.

18 Q. Because he just exited the house and that was it.

19 A. Well, he was outside talking to Tyrone.

20 Q. Okay.

21 A. And I told Tyrone Delaney that is was time for
22 Tyrone to leave.

23 Q. Okay. So then Mr. Delaney relayed that to Mr.
24 Robinson as well ---

25 A. --- and he left ---

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1 Q. --- and said it's time to go.
2 A. Yes sir and he left.
3 Q. Okay. And I believe you stated that he had asked
4 to use your phone. Now is your phone a wireless phone or
5 it is got a cord attached?
6 A. No sir, it was a wireless phone. Yes, sir.
7 Q. Okay. Did he make a phone call from that phone?
8 A. He did.
9 Q. Did he talk to that individual inside or outside
10 your house?
11 A. Outside of the house.
12 Q. Okay. And he returned the phone to Mr. Delaney
13 before he left?
14 A. Yes, sir.
15 Q. Now let's talk a little bit about that second and
16 third sets of fire that you heard. After Mr. Robinson
17 left you testified that you heard a second set of rapid
18 fire.
19 A. That was after Tyrone came home from work.
20 Q. Okay.
21 A. We heard ---
22 Q. --- Mr. Delaney was home and Mr. Robinson had left.
23 A. Mr. Robinson was gone.
24 Q. Okay. And that fire -- could you tell how many
25 shots that was?

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1 A. On the rapid one?

2 Q. Yes?

3 A. The rapid one was the same exact as the first. It
4 was just pow, pow, pow, pow, pow, pow; just like the
5 first.

6 Q. Okay. Were they so fast that it was hard to
7 determine how many shots were fired?

8 A. I really couldn't say. I can just give you the
9 sound of how I actually heard it.

10 Q. Okay. And I believe you described the fact that it
11 almost sounded like it was an automatic weapon.

12 A. To me the last three shots -- on the first with the
13 sets of shots?

14 Q. Uh Huh?

15 A. To me I don't know if it's an automatic but it was
16 just that way.

17 Q. Okay. So the last set of shots you described those
18 as three shots correct?

19 A. It was three shots.

20 Q. And those shots were slow and distinct between each
21 one?

22 A. That is. Each one was like pow, pow, pow.

23 Q. Okay. Now I want to move back a little bit. After
24 that second set of rapid shots is that when you asked the
25 kids to come inside?

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1 A. After the second round of shots because they were
2 still playing on the trampoline.

3 Q. Okay.

4 A. And when they were playing on the trampoline when we
5 heard the second those shots I yelled and told the kids
6 to come inside the house.

7 Q. Okay. And you've testified that it's your son or
8 step-son.

9 A. My step-son.

10 Q. Your step-son came to your house but the other two
11 **Minor** and **J.S.** they went the other way.

12 A. That's correct.

13 Q. And that's because **J.S.** lives here [indicates].

14 A. That's correct. **J.S.** lives here [indicates].

15 Q. And **Minor**'s grandmother is up here [indicates] ---

16 A. --- and stayed by the back, that is correct.

17 Q. So the kids traveled in this direction [indicates]
18 this way [indicates]?

19 A. Yes.

20 Q. Okay. And when they -- you described hearing the
21 three shots from around in this area [indicates] as the
22 truck passed is that correct?

23 A. As the truck was passing by.

24 Q. Okay. And at that time the boys were headed this
25 way [indicates] correct?

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1 A. The boys were headed back that way [indicates]
2 because like I said J.S. lives there [indicates] and
3 Minor's grandmother lives further back.

4 Q. All right. And your testimony was the shots
5 sounded like they were close up to where the truck was
6 going by?

7 A. Yes, sir.

8 Q. Thank you Ms. Mitchell, I appreciate it.

9 MR. BAX: No further questions, Your Honor.

10 THE COURT: Thank you. Redirect Mr. Stone?
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REDIRECT EXAMINATION

BY MR. STONE:

Q. Did you go back out there -- I'm assuming after you left you heard the last three shots. Did you go back out here [indicates]?

A. I went back. What I did was I went inside the house and as I in the house -- my bathroom is on this end [indicates] so my bathroom faces this way [indicates]. I heard somebody yelling.

As I heard somebody yelling and I wound up going to the front door and that's when it came -- the noise was coming closer this way [indicates]. So as I left and I came this way [indicates] that when I noticed Brittany.

Q. And Brittany is Brittany Brinson?

A. Brittany Brinson was working on **Minor** and that's when I actually made a phone call to 911 to let 911 know exactly what was going on. And I was in this area [indicates] right up in here [indicates] where he was.

Q. Let me -- you are pointing right at this sort of the end of this area right here [indicates]?

A. In this little area right here [indicates] yes, sir.

Q. That's where **Minor** was when you went out there ---

A. --- yes, sir.

Q. At that point and I don't know if you stated but could you tell what condition **Minor** was in when you got

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1 there?

2 A. When I got there **Minor** was laying there. His
3 tongue was already out. He was bleeding from the side of
4 his head and he was bleeding like almost to me on his
5 side. Brittany was working to do CPR on him to try to
6 get him back.

7 And as she was working on him that's when I was
8 still on the phone with 911 trying to get help and to let
9 them know what vehicle that -- on the grey truck what I
10 had actually seen with the grey truck because the grey
11 truck was already headed down Spanish Wells and so was
12 the vehicle right there [indicates] ---

13 Q. --- and the Spanish Wells area is over here
14 [indicates] ---

15 A. --- it's going back past my house way.

16 Q. All right. And when Tyrone Robinson's vehicle left
17 it went in the same direction?

18 A. It went in the same direction.

19 Q. When Tyrone Robinson goes into your house, and I
20 know you're related and you know him, but how close did
21 you get to him?

22 A. Close enough where he walked -- if this [indicates]
23 is half my trailer where he actually -- I was standing
24 here [indicates] and he like walked because this right
25 here [indicates] is ---

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1 Q. --- put me as far as the back -- if I'm Tyrone how
2 close did he get to you?

3 A. He walked past me ---

4 Q. --- past you ---

5 A. --- yes, because he walked in the door. I opened
6 the door and he walked past me to come in the house.

7 Q. And is that when you saw the black handle?

8 A. Yes, sir.

9 MR. BAX: Briefly on recross, Your Honor?

10 THE COURT: Yes sir.

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2 | BY MR. BAX:

7 | A. Those were the last three shots that were fired.

10 | A. Yes.

13 THE COURT: You can have the last word, Mr. Stone.

14 MR. STONE: Nothing else, Your Honor.

17. [Whereupon, the witness is excused and exits the
18 witness stand]

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1 MR. STONE: The State calls Tyrone Delaney.

2 THE COURT: Mr. Delaney, come forward please to be
3 sworn.

4 [Whereupon, Mr. Delaney comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 - - - - -

8 TYRONE DELANEY,

9 Having been first duly sworn,

10 Was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STONE:

13 Q. Sir, if you could please state your full name and
14 spell your last name.

15 A. Tyrone Delaney, D-E-L-A-N-E-Y.

16 Q. Let me get you to pull the microphone a little bit
17 closer to you so I can hear you okay.

18 [Whereupon, the witness complies]

19 Q. Mr. Delaney, on September 1st, 2012 where were you
20 living?

21 A. ■ Marshland.

22 Q. Pardon me?

23 A. ■ Marshland.

24 Q. And who were you living with?

25 A. Charlese Jackson.

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- 1 Q. And at this time I think her name is Charlese
2 Mitchell is that correct?
- 3 A. Mitchell.
- 4 Q. Okay. What -- at that point what were you doing?
5 You live with her -- how long have you been living with
6 her?
- 7 A. Two years.
- 8 Q. Specifically around 4 o'clock did you come home at
9 some point?
- 10 A. Around about 4:30.
- 11 Q. About 4:30? Where were you coming from?
- 12 A. O.C. Welch.
- 13 Q. Pardon me?
- 14 A. O.C. Welch.
- 15 THE COURT REPORTER: I still didn't hear you.
- 16 A. O.C. Welch.
- 17 Q. Do you work at O.C. Welch?
- 18 A. Yes, sir.
- 19 Q. And what do you do at O.C. Welch?
- 20 A. A technician.
- 21 Q. How long have you worked at O.C. Welch?
- 22 A. Thirteen years.
- 23 Q. And you're still there now is that correct?
- 24 A. Yes.
- 25 Q. What does a technician do? What do you do?

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1 A. Mechanic, oil change, tire rotation, engine work,
2 tune ups.

3 Q. You had gotten off work that day, came home and
4 that's -- what time do you normally get off work?

5 A. On a Saturday it is 4 o'clock.

6 Q. So by the time it took you -- at that time was O.C.
7 Welch still located out in the Bluffton area where it is
8 now?

9 A. Sun City.

10 Q. It was in that location?

11 A. Yes.

12 Q. Okay. So you came directly from work home?

13 A. Straight home.

14 Q. Now we have shown the jury this photograph but I
15 want to make sure that State's exhibit 13 has a truck in
16 it.

17 [Whereupon, the witness is shown photograph]

18 Q. Is that your truck?

19 A. Yes, sir.

20 Q. Okay. And this is as we showed earlier State's
21 exhibit 13. That is you -- is that a blue truck?

22 A. Green.

23 Q. It's green?

24 A. Its green.

25 Q. Tell me what happens when you get home.

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- 1 A. Tyrone was in my yard.
- 2 Q. Tyrone who?
- 3 A. Robinson.
- 4 Q. How do you know Tyrone Robinson?
- 5 A. From a family member.
- 6 Q. He was in your yard and your yard is on this model I
- 7 think right here [indicates] this front house?
- 8 A. Yes.
- 9 Q. Is that correct?
- 10 A. Yes.
- 11 Q. Okay. And you've seen this model before is that
- 12 correct?
- 13 A. Yes, sir.
- 14 Q. What was he doing in your yard when you pulled up?
- 15 A. He was on the phone when I pulled up.
- 16 Q. What was he -- you don't know who he was talking to?
- 17 A. No, sir.
- 18 Q. Okay. What happened then?
- 19 A. He asked me if I saw a grey truck on the road when I
- 20 came home. And I told him yes, they almost hit me head
- 21 on.
- 22 Q. Where did the grey truck almost hit you?
- 23 A. On Spanish Wells.
- 24 Q. This is somewhere down this road [indicates] over
- 25 here?

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1 A. Yes, way down.

2 Q. Let me get you to come off the stand. You've seen
3 this map before?

4 A. Yes.

5 [Whereupon, the witness leaves the witness stand]

6 Q. You're pretty quiet spoken so I need you to keep
7 your voice up if you could. I'm showing you what has
8 been marked as State's exhibit 8.

9 [Whereupon, the witness is shown map]

10 Q. Could you tell us -- I think this [indicates] has
11 been identified as the Wild Horse Road area, this
12 [indicates] is I believe Spanish Wells, this [indicates]
13 is the Oak View area and then Allen Road is over there
14 [indicates]. Can you show us -- let me get you to back
15 up so the foreperson can see you -- I'm going to give you
16 that, it might help.

17 [Whereupon, the witness is given pointer]

18 Q. Show me where you came from?

19 A. I was coming from this direction [indicates]
20 traveling up ---

21 THE COURT REPORTER: --- I need you to speak up
22 please.

23 Q. [Mr. Stone] Yes, speak up. This is [indicates] the
24 Allen Road area here.

25 A. Okay.

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1 Q. This is Spanish Wells here [indicates] and then I
2 think Marshland Road is going in this [indicates]
3 direction is that correct?

4 A. Yes, right up in there [indicates].

5 Q. Okay. Now speak up.

6 A. I was coming from this [indicates] direction.

7 Q. Toward the Allen Road area?

8 A. Toward Allen Road and when they came onto my lane
9 they almost hit me head-on at a high rate of speed and
10 they swerved into my lane and so I hit brakes so he could
11 straighten up and clear away so they can -- so I can go
12 home.

13 Right up in there [indicates] that's when they came
14 over in my lane. I had to hit brakes so they could
15 straighten up and get where they going.

16 Q. And then you headed at that point on to Allen Road.

17 A. On to Allen Road.

18 Q. I'll show you what's been marked as State's exhibit
19 9.

20 [Whereupon, the witness is shown photograph]

21 Q. Is that the truck that almost ran you off the road?

22 A. Yes.

23 Q. That would be State's exhibit number 9. And Tyrone
24 Robinson asked you specifically if you saw a grey truck?

25 A. Yes, sir.

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1 Q. And what did you tell him?

2 A. I said yes, they almost hit me head-on.

3 Q. What did he say about the grey truck?

4 A. He said them motherfuckers was just shooting at me.
5 They don't know who they are fucking with. I blast back
6 at them.

7 Q. And I understood the first part. Say that one more
8 time. He said -- take your time and speak very clearly
9 please.

10 A. He said them motherfuckers was just shooting at me.
11 They don't know who they messing with, so I shot back at
12 them.

13 Q. Did you see at any point a gun on Tyrone Robinson?

14 A. He showed me a black .38 revolver. He was waving it
15 in the air.

16 Q. He was waving it in the air?

17 A. Yes.

18 Q. And what was he saying while he was waving the black
19 revolver?

20 A. Them motherfuckers don't know who they playing with.

21 Q. Tell me -- when you call it a revolver what do you
22 mean?

23 A. It's a five shooter. It holds the bullets and they
24 shoot it out and it don't leave no shell casings. It
25 stays in the gun.

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1 Q. Is that the one with the little turn -- you pull the
2 trigger and it turns?

3 A. The belly part turns.

4 THE COURT REPORTER: The what?

5 A. The belly part of the gun it turns while you're
6 shooting it.

7 Q. [Mr. Stone] And that's the type of gun Tyrone
8 Robinson had with him that day?

9 A. Yes, sir.

10 Q. When you see the gun what do you do?

11 A. I go back in the house and tell Charlese he had to
12 leave.

13 Q. Let me ask you this. When Tyrone Robinson is
14 holding this gun and saying these people don't know who
15 they are dealing with how far are you away from him?

16 A. About two foot. I was still at my truck ---

17 Q. --- if I am Tyrone Robinson how close do I get to
18 you?

19 [Whereupon, Mr. Stone moves toward the witness]

20 A. Right there.

21 Q. Right here?

22 A. Right there. I was still at my truck at this time
23 and then when I got out to go in the house and tell her
24 that he got to leave.

25 Q. And that's when you went inside to tell her he's got

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- 1 to go?
- 2 A. Yes.
- 3 Q. At that point you go in after you see the gun?
- 4 A. Yes, sir.
- 5 Q. Did she go out and tell Tyrone he had to leave?
- 6 A. Yes, sir.
- 7 Q. When he is saying that those -- and I apologize but
- 8 these motherfuckers is what he said, is that correct?
- 9 A. Yes, sir.
- 10 Q. When he said those motherfuckers don't know who they
- 11 are dealing with how close are you to him when he says
- 12 that?
- 13 A. We're kind of close then.
- 14 Q. Y'all are pretty much at the same distance that we
- 15 were before?
- 16 A. Yes, sir.
- 17 Q. And at the same time he is waving the gun?
- 18 A. Yes, sir.
- 19 Q. And then is that the same time he says he shoots
- 20 back?
- 21 A. Yes, sir.
- 22 Q. Did you see -- and I'm assuming at this point
- 23 Charlese goes out and tells him to leave. Are you with
- 24 her when she does that?
- 25 A. No, sir. I'm in the house.

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1 Q. Okay. Do you see Tyrone Robinson again that day?

2 A. No, sir. I saw him later on.

3 Q. Pardon me?

4 A. He came later on. He came back later.

5 Q. Now let me show you what has been marked as State's
6 exhibit 1.

7 [Whereupon, the witness is shown photograph]

8 Q. Is that a fair and accurate depiction of how Tyrone
9 Robinson looked that day?

10 A. Yes, sir.

11 Q. After Tyrone Robinson -- after Charlese goes out and
12 tells Tyrone Robinson to leave what happens after that?

13 A. Heard some rapid gunfire.

14 Q. About how much -- do you know about how much time?

15 A. It wasn't like no little gun. It was real rapid,
16 real quick.

17 Q. How long after he left did you hear the rapid
18 gunfire?

19 A. I want to say like maybe five or ten minutes after.

20 Q. Okay. So he leaves and then five to ten minutes
21 later you hear this rapid gunfire. How can you describe
22 that?

23 A. It almost sounded like a machine gun.

24 Q. How many shots went off do you know?

25 A. Not exactly.

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1 Q. Now you earlier stated that Robinson had a revolver
2 and that had five...

3 A. Five shots.

4 Q. Five shots, okay. The rapid fire did you hear more
5 than that when you heard the rapid fire shots?

6 A. After the rapid fire that was it. And then about
7 five or ten minutes after that you hear like three more
8 shots.

9 Q. After the first rapid fire what happened after that?
10 Where were the kids at this point?

11 A. They still was outside playing on the trampoline.

12 Q. Which kids were outside?

13 A. My kid, J.S., and Minor

14 Q. And your kid's name is what?

15 A. X.D.

16 Q. Okay. So X.D. is outside with J.S. and what are
17 they doing?

18 A. Playing on the trampoline.

19 Q. And Minor and they are all three playing on the
20 trampoline?

21 A. Yes, sir.

22 Q. And that's when you hear the rapid fire?

23 A. Yes, sir.

24 Q. What happens after that?

25 A. We yelled at them and told them to come in the

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1 house. My son ran to the house and the other two went
2 the other direction.

3 Q. Do you know why the other two went the other way?

4 A. I'm not sure.

5 Q. What happens after that?

6 A. That's when we heard the last three shots. When we
7 called them to come in the house then the last three
8 shots and that's when we heard the screaming.

9 Q. And that's when you heard the what?

10 A. Screaming for help.

11 Q. The last three shots did that sound the same as the
12 rapid fire that you heard earlier?

13 A. No, sir.

14 Q. And how was it different?

15 A. The rapid fire was like a [indicates sound] and the
16 last three shots was like a pow, pow, pow.

17 Q. Okay. And then you heard the screaming?

18 A. Yes, sir.

19 Q. What did you do after that?

20 A. We went outside to see what was going on.

21 Q. What did you see?

22 A. We see **Minor** laying and a girl holding him trying
23 to bring him back.

24 Q. Trying to bring him back?

25 A. Yes, sir.

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1 MR. STONE: Excuse me just a moment.

2 THE COURT: Yes, sir.

3 [Whereupon, Mr. Stone confers with Mr. Thornton]

4 Q. [Mr. Stone] Let me show you what has been marked as
5 State's exhibit 3 and State's exhibit 2.

6 [Whereupon, the witness is shown photographs]

7 Q. Did you see that car that day?

8 A. Yes, sir.

9 Q. Where did you see this car?

10 A. Leaving then it came back.

11 Q. When did you see him leaving?

12 A. After the three shots.

13 Q. About how much time after the last three shots?

14 A. About ten minutes.

15 MR. STONE: Nothing else at this time, Your Honor.

16 THE COURT: Thank you. Cross-examine Mr. Bax?

17 MR. BAX: Thank you, Your Honor.

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State v Tyrone Robinson
Tyrone Delaney-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good morning Mr. Delaney; is it still morning?

4 Well, I guess it is good morning, how you doing?

5 A. How you doing?

6 Q. Mr. Delaney, a couple of questions for you. I'll
7 stay right here so they can see this. Mr. Delaney you
8 testified that you arrived back from work at where you
9 were living with Ms. Mitchell around 4:30 is that right?

10 A. Yes, sir.

11 Q. And that Mr. Robinson was there in the yard?

12 A. Yes, sir.

13 Q. Okay. Now did he have y'all's house phone on him?

14 A. Yes, sir.

15 Q. Okay. Was he making a call when you were there?

16 A. When I got there he was on the phone already.

17 Q. Okay. He was already on the phone.

18 A. Yes, sir.

19 Q. Okay. And then he got off the phone and that's
20 when he talked to you?

21 A. Yes, sir.

22 Q. Okay. And that's when he asked you about the grey
23 truck?

24 A. Yes, sir.

25 Q. Okay. Now when you got home at 4:30 you were -- in

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1 the following times you only heard two sets of shots
2 correct?

3 A. Yes, sir.

4 Q. So you didn't hear any shots preceding those two
5 sets of shots, it was just the two sets correct?

6 A. Just the two sets.

7 Q. Okay. Now but before you got there you had this
8 encounter with the grey truck that you have identified in
9 the State's photograph right?

10 A. Yes, sir.

11 Q. Okay. And you've indicated that that happened on
12 Marshland Road correct?

13 A. Spanish Wells Road.

14 Q. Spanish Wells, okay. I'm sorry; Spanish Wells Road.
15 Now Spanish Wells leads you to Marshland and that's why
16 you were on it because you were taking it to get home on
17 Marshland Road correct?

18 A. Yes, sir.

19 Q. Okay. Where you have this encounter with the grey
20 truck about how far is that from where you were living at
21 the time?

22 A. I would say about five or six miles.

23 Q. About five or six miles?

24 A. Yes, sir.

25 Q. Okay. And you've testified that when you heard

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1 that -- let me back up; I'm sorry. At some point Mr.

2 Robinson leaves, correct?

3 A. Yes, sir.

4 Q. Who was it that asked Mr. Robinson to leave was it

5 you or was it...

6 A. Yes, I went to Charlese and asked her to tell him to

7 leave.

8 Q. Okay. So Charlese asked him to leave?

9 A. Yes, sir.

10 Q. Okay. And he left correct?

11 A. Yes, sir.

12 Q. Okay. Now you've testified that he had this gun

13 and he was waiving it around. Now was he waving it

14 around out in the yard?

15 A. Yes, sir.

16 Q. Okay. So he didn't wave it around in the house

17 like you originally reported?

18 A. No, sir.

19 Q. Okay. Do you recall talking to law enforcement

20 about this case?

21 A. Yes, sir.

22 Q. Okay. Do you recall telling them that this

23 happened inside the house and not outside the house?

24 A. No, sir.

25 Q. Okay. So if you had said that before you were

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1 confused. It happened outside the house?
2 A. Yes, sir.
3 Q. Okay. Now you indicated that it was about five or
4 ten minutes after Tyrone left that you heard that rapid
5 fire, that machine gun sound.
6 A. Yes, sir.
7 Q. Okay. Did you see who was firing at that time?
8 A. No, sir.
9 Q. Okay. When that happened your son, **J.S.** and
10 **Minor** they were on the trampoline, correct?
11 A. Yes, sir.
12 Q. And at that time they were fine is that right?
13 A. Yes, sir.
14 Q. Okay. So no indication from you that any of the
15 children were wounded in any way?
16 A. No, sir.
17 Q. Okay. And was it you and Charlese or did both of
18 you tell the kids to come in the house?
19 A. Both of us.
20 Q. Both of y'all, okay. And it's your testimony that
21 **X.D.** came to your house --
22 A. --- yes ---
23 Q. --- because that's where he lives right?
24 A. Yes.
25 Q. And **J.S.** and **Minor** they left going the other way

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1 correct?

2 A. Yes, sir.

3 Q. Now if you wouldn't mind would you step down please
4 for me.

5 [Whereupon, the witness leaves the witness stand]

6 Q. Now Tyrone you've testified that you had lived in
7 that house around two years at that time right?

8 A. Yes.

9 Q. Did you kind of know who lived in the neighborhood?

10 A. No, sir.

11 THE COURT REPORTER: I'm sorry I can't hear you ---

12 Q. [Mr. Bax] --- You didn't really necessarily know?

13 A. No, sir.

14 THE COURT: Mr. Delaney, I'm going to have to ask
15 you if you could generally face the court reporter and
16 speak up. She needs to hear what you're saying okay?

17 THE WITNESS: Okay.

18 MR. BAX: Thank you, Your Honor.

19 Q. [Mr. Bax] Did you know where [J.S.] lived in this
20 neighborhood over here [indicates]?

21 A. No, sir.

22 Q. Okay. And [Minor] did you know where he lived at?

23 A. No, sir.

24 Q. Okay. But did you witness with your eyes [Minor]
25 and [J.S.] heading this way [indicates]?

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1 A. Yes, sir.

2 Q. Okay.

3 MR. BAX: A moment's indulgence, Your Honor. You
4 can take the stand again Tyrone. Thank you.

5 [Whereupon, the witness returns to the stand]

6 [Whereupon, Mr. Bax confers with his client]

7 MR. BAX: Your Honor, no further questions for Mr.
8 Delaney.

9 THE COURT: Thank you. Mr. Stone, redirect?

10 MR. STONE: Just very briefly.

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State v Tyrone Robinson
Tyrone Delaney-Redirect Examination by Mr. Stone
September 16, 2014

1 REDIRECT EXAMINATION

2 BY MR. STONE:

3 Q. And I don't know if you can see back here but all of
4 this area here [indicates] I know this all isn't covered
5 in but is this a wooded area back in here [indicates]?

6 A. Yes, sir.

7 Q. And behind this trailer here [indicates] in the
8 center all of that is wooded area as well? .

9 A. Yes, sir.

10 MR. STONE: I don't have any further questions for
11 this witness, Your Honor.

12 THE COURT: Thank you, sir. Mr. Delaney, you can
13 step down. Thank you.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

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1 MR. BAX: Your Honor?

2 THE COURT: Yes, sir?

3 MR. BAX: At this time I would request a brief
4 recess as a bathroom break and maybe to move some things
5 around in the courtroom.

6 THE COURT: Okay. It's about time for that. I
7 was going to stop in a few minutes in any event and this
8 will better than trying to interrupt the witness. Folks,
9 we'll take the morning recess at this time. I'm going to
10 send you to your jury room and we'll be back in about
11 fifteen minutes. I'll remind you not to talk about this
12 case among yourselves while you're in the jury room.
13 Thank you.

14 [Whereupon, the jury exits at 11:36 a.m.]

15 THE COURT: Folks, let's try to start back in
16 fifteen minutes. Thank you.

17 MR. STONE: Yes, sir.

18 [Whereupon, court is in recess from 11:37 a.m. until
19 12:02 p.m.]

20 THE COURT: I understand that there may be some
21 efforts to try to get a microphone. The person who is in
22 charge of that is not immediately available but they are
23 working on that. I think the jury probably can hear.
24 I'm not sure that Ms. Rueger can hear and that's my main
25 concern about that. But we'll just try to keep the

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1 witnesses voices up as loud as we can while they are away
2 from the stand and see what we can do to try to minimize
3 that problem. All right Mr. Stone, is the State ready to
4 proceed?

5 MR. STONE: The State is ready, Your Honor.

6 THE COURT: Okay. Mr. Bax?

7 MR. BAX: Your Honor, there was just a couple of
8 housekeeping matters real quickly. One, Ms. Saxon
9 informed me that some of the members of the gallery who
10 are watching that are not involved as far as witnesses
11 have been discussing the case in the -- I'm sure
12 unintentionally -- in the hallway where a lot of
13 witnesses who are under sequester are.

14 So out of an abundance of caution I wanted to make
15 the court aware of that. Just make sure or if it's
16 possible to request the court give an instruction to the
17 gallery that if they would please refrain from discussing
18 testimony outside of the courtroom where they may be
19 around individuals who have been sequestered as witnesses
20 the defense would appreciate that.

21 THE COURT: Folks, and I'm not sure who that is
22 directed toward but in any event I'll just make a blanket
23 instruction. Certainly the witnesses -- I mean the
24 spectators have a right to talk about this case. They
25 are under no constraints not to talk about it but they do

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1 have to be mindful of discussing it in the presence of
2 other potential witnesses for the reasons that Mr. Bax
3 has said; it could interfere with the sequestration
4 process which we have in place. So I'm not telling you
5 don't talk about it. You've got every right to talk
6 about it but just be mindful of the fact that if somebody
7 is standing around you that you don't know that person
8 could be a potential witness on this list and so I would
9 urge you to be careful about that and I appreciate your
10 cooperation. Thank you.

11 MR. BAX: Thank you very much, Your Honor. And the
12 only other thing I wanted to bring up, and this can be
13 done at any time really if Your Honor sees fit to do it,
14 I know that in -- the 911 calls that the jury has already
15 heard and the dash cam video of Sergeant Thomas that I
16 expect the jury will see there is convenient
17 transcriptions of what they are hearing.

18 And I have not myself been able to see any
19 necessarily mistakes in that but obviously as Your Honor
20 knows people talk over each other, there are things in
21 the background and I do desire that the jury knows that
22 if they hear something that is not in the transcription
23 they should still take that audio to be what is
24 happening. And just because a transcriptionist says it a
25 little bit differently or doesn't include some background

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1 language or says something differently that the audio
2 itself is the evidence.

3 THE COURT: And I have a charge that I give to the
4 jury at the conclusion, I can give it now, reminding them
5 that the transcripts are simply an aid to assist them in
6 understanding the testimony. As you said their own ears
7 and their own hearing control if there is a distinction
8 between what is printed and what they hear. I can give
9 that now or I can give it at the conclusion as part of my
10 general charge. Which would you prefer?

11 MR. BAX: Well Your Honor since I know they are
12 going to be hearing a lot of things with transcription
13 below it I would ask Your Honor just to briefly address
14 it beforehand. And then if Your Honor sees fit to
15 address it again at the end I have no objection to that
16 either. Thank you, Your Honor.

17 THE COURT: Thank you. Bring us the jury please.

18 THE BAILIFF: The jury is entering the courtroom,
19 Your Honor.

20 [Whereupon, the jury enters at 12:08 p.m.]

21 THE COURT: Folks, I told the other court personnel
22 when I came in there is no such thing as a 15 minute
23 recess. There is always something that has to be done
24 during the recess that takes up that time. So I'm sorry
25 we were late getting you back out here but we're going to

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1 continue in a minute as the State continues to offer
2 evidence and testimony. Before I get to that just one
3 point of caution; you've been watching listening to tapes
4 of recordings, 911 recordings and things of that nature
5 and you will continue to hear some of that throughout
6 part of the trial as it continues. And there has been
7 furnished for you transcriptions of what has been said.

8 And that's a help of course to you in understanding
9 because some of this is excited talking and talking over
10 and things like that. It would make it difficult if
11 you're like me and have trouble hearing anyway to discern
12 a lot of what is going on. But I tell you this the
13 transcriptions, that is the transcripts themselves, the
14 transcribed words that you see up there are put up there
15 as an aid to assist you in understanding what is actually
16 being said.

17 Now you're listening to what is being said at the
18 same time and so if you hear something that doesn't sound
19 like what you are reading up there then you go with your
20 hearing and not what you're reading because you can hear
21 too. The printed words are there to be an aid, an
22 assistance to you. And if it turns out that you don't
23 need that assistance that you are perfectly capable of
24 hearing everything that is being said and you hear it
25 well and it's not what they say up there on the printed

1 screen I can assure you that would be an inadvertent
2 omission. But if you hear it differently than you see it
3 go with what you hear okay. Thank you. Mr. Stone?

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State v Tyrone Robinson
Brittany Brinson-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: The State calls Brittany Brinson to the
2 stand.

3 THE COURT: Ms. Brinson, come forward please ma'am
4 and be sworn.

5 [Whereupon, Ms. Brinson comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 MR. STONE: Ms. Brinson, how do you spell your last
9 name ma'am?

10 THE WITNESS: B-R-I-N-S-O-N.

11 - - - - -

12 BRITTANY BRINSON,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q. I'm going to get you to pull the microphone a little
18 bit closer to you please ma'am. What do you do Ms.
19 Brinson?

20 A. I'm a registered nurse at Beaufort Memorial
21 Hospital.

22 Q. How long have you been a registered nurse?

23 A. Two and a half years.

24 Q. And that entire time you've spent at Beaufort
25 Memorial Hospital?

State v Tyrone Robinson
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September 16, 2014

1 A. Yes.

2 Q. What type of shift work do you do?

3 A. At the time it was 7 p.m. to 7 a.m.

4 Q. And at the time being September the 1st, 2012?

5 A. Yes.

6 Q. So you went in every morning at 7 o'clock or I'm
7 sorry.

8 A. Seven p.m.

9 Q. Okay, you went in at 7 p.m. until 7 a.m.

10 A. Uh Huh.

11 Q. Let me ask if you could first of all where were you
12 living at that time?

13 A. [REDACTED].

14 Q. Do you still live there?

15 A. Yes.

16 Q. And I know you have seen this model [indicates]
17 before is that correct?

18 A. Yes.

19 Q. Let me ask you -- and I need you to keep your voice
20 up -- could you point out where your house is on this?
21 Let me go ahead and get you to come down.

22 [Whereupon, the witness leaves the witness stand]

23 Q. I'll give you this and ask if you could -- that's
24 your house there that you're pointing to?

25 A. Yes.

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1 Q. And who lives there with you?

2 A. My Mom.

3 Q. And what is your Mom's name?

4 A. Marguerite Washington.

5 THE COURT REPORTER: I need you to speak up please.

6 THE COURT: Ms. Brinson, if you're going to
7 continue to talk Mr. Solicitor I'm going to ask you kind
8 of get down there where you see Mr. Bax standing and
9 facing this direction right here [indicates]. You don't
10 have to go all that way down; just that general direction
11 you'll have to come back to the model of course. If you
12 will face in that direction she'll be able to hear you.
13 He asked you who was your mother I think.

14 Q. [Mr. Stone] Now who was in that house with you?

15 A. Marguerite Washington and my son Kauirik [phonetic]

16 [REDACTED]

17 Q. And Marguerite Washington is what to you?

18 A. My mother.

19 Q. So the house itself is going to be registered in Ms.
20 Washington's name?

21 A. Yes.

22 Q. And were you living there at that time?

23 A. Yes.

24 Q. About two years ago I guess.

25 A. Yes.

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1 Q. Tell me what happens around 4 o'clock that
2 afternoon.

3 A. I was sitting in the house with my Mom and we were
4 just talking and I had just gotten up and was about to go
5 to work.

6 Q. Where in the house were you sitting?

7 A. Right here [indicates].

8 Q. Okay. And is that a den area?

9 A. Uh Huh.

10 Q. Okay. And say yes or no just so we can pick
11 everything up.

12 A. Yes.

13 Q. Okay. So you're sitting in the den area and you're
14 talking with your Mom?

15 A. Yes.

16 Q. What happens after that?

17 A. We heard what we thought were fireworks. And I went
18 to go to the back door to see what it was. And I peeked
19 out ---

20 Q. --- what do you mean you heard what sounded like
21 fireworks?

22 A. We thought it was fireworks. We didn't know at the
23 time it was gunshots.

24 Q. Okay.

25 A. So I walked to the back door and I peeked out the

State v Tyrone Robinson
Brittany Brinson-Direct Examination by Mr. Stone
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1 window and I didn't see anything. So I opened the door
2 and I saw a man with red shorts on and two beer bottles
3 in his hand.

4 Q. Okay. And where was he when you walked outside the
5 house? I see two doors back here [indicates]. Is this
6 [indicates] the door you're talking about here?

7 A. This [indicates] door, yes.

8 Q. Okay. So you walk out of this [indicates] door.
9 Where do you see the man with the red shorts?

10 A. Between these two ---

11 THE COURT: --- I'm sorry; ma'am keep your voice
12 up; I'm sorry.

13 A. Right here [indicates].

14 Q. [Mr. Stone] Between these two buildings here
15 [indicates]?

16 A. He was coming around the house.

17 Q. So he is coming from around this [indicates]
18 direction when you see him?

19 A. Yes.

20 Q. Okay. And he's wearing red shorts?

21 A. Yes. And he has two beer bottles in his hand.

22 Q. Okay. What do you see after that?

23 A. I saw what I thought at the time was a little boy
24 running with Junior and the little boy stopped running
25 and Junior ---

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1 Q. --- let me stop you there. Who is Junior?

2 A. J.S.

3 Q. J.S. ?

4 A. Yes.

5 Q. Okay.

6 A. And the little boy stopped and J.S. kept running.

7 And I looked at him and I said what happened he pointed
8 at the guy in the red shorts and said he did it.

9 MR. BAX: Objection, Your Honor.

10 THE COURT: The little boy himself, is that right?

11 MR. STONE: Yes, sir. This I believe is...

12 THE COURT: I'll overrule that based on the ruling
13 that I made earlier.

14 MR. STONE: Thank you, Your Honor.

15 Q. [Mr. Stone] When you see J.S., and I guess it's

16 J.S. ?

17 A. Yes.

18 Q. J.S. ?

19 A. Uh Huh.

20 Q. First of all how old is J.S. at that time?

21 A. Maybe eight.

22 Q. And he is running with somebody else?

23 A. Yes.

24 Q. And where are they running? When do you see them,
25 where do you see them?

State v Tyrone Robinson
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- 1 A. They are running coming from here [indicates] this
2 direction.
- 3 Q. Coming from this direction [indicates] here?
- 4 A. Yes.
- 5 Q. Okay. And then what do you see at that point?
- 6 A. The little boy stopped running. He fell.
- 7 Q. And about where did he fall?
- 8 A. In this [indicates] area.
- 9 Q. Somewhere in this area [indicates] here?
- 10 A. Yes.
- 11 Q.. Okay. And then I'm assuming [REDACTED] J.S. continued
12 in this direction [indicates] towards you?
- 13 A. Yes towards me.
- 14 Q. So when he gets to you where is the man in the red
15 shorts?
- 16 A. About in this area [indicates] right here.
- 17 Q. Okay. So he has come all the way around here
18 [indicates] and he's here [indicates]. [REDACTED] J.S. is
19 coming up in this [indicates] direction.
- 20 A. Yes, towards my back porch.
- 21 Q. Okay. How far away from [REDACTED] J.S. are you when he
22 points at the man in the red shorts?
- 23 A. Maybe the distance you are from me.
- 24 Q. From here [indicates]? I don't know how much that
25 is for the record; probably about three yards or

State v Tyrone Robinson
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- 1 something maybe. And where is the man in the red shorts?
2 How far away is he?
3 A. Probably where she [indicates] is in the pink shirt.
4 Q. She [indicates] is?
5 A. Uh Huh.
6 Q. Okay. And this is when **J.S.** points at him?
7 A. Yes.
8 Q. And what does he say at this point?
9 A. He did it.
10 Q. Okay. Where do you see -- what does the man in the
11 red shorts do after **J.S.** has pointed to him and said he
12 did it?
13 A. He kept walking.
14 Q. He kept walking?
15 A. Uh Huh.
16 Q. Which direction did he walk?
17 A. Around my house this [indicates] way.
18 Q. Okay. And heading in this [indicates] direction
19 over here?
20 A. Yes.
21 Q. Okay. What did you do after that?
22 A. I closed the door and ran to the front of the house
23 and I peeked out the window right here [indicates] and I
24 could see him walking.
25 Q. The man in the red shorts?

State v Tyrone Robinson
Brittany Brinson-Direct Examination by Mr. Stone
September 16, 2014

1 A. Uh Huh.
2 Q. Still walking?
3 A. Uh Huh.
4 THE COURT REPORTER: Is that yes?
5 A. Yes.
6 Q. [Mr. Stone] Go ahead and take the witness stand.
7 [Whereupon, the witness returns to the stand]
8 Q. At some point in time do you get on the phone with
9 911?
10 A. Yes.
11 Q. And I know they referred I think to Ms. Washington
12 but that would be the house that you were in, Ms.
13 Washington's house, is that correct?
14 A. Yes.
15 Q. That's you on the 911 tape?
16 A. Yes.
17 Q. What do you do after that?
18 A. After?
19 Q. What do you do after this point? You see the man in
20 the red shorts walking in this [indicates] direction here
21 towards I guess the Allen Road area, toward Allen Road?
22 A. Yes.
23 Q. Okay. And what do you do?
24 A. I went back outside and I kind of went towards the
25 little boy on the ground and then I ran back in the house

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September 16, 2014

1 and called 911.

2 Q. And the little boy on the ground that was [REDACTED]

3 [REDACTED] Minor ?

4 A. It was.

5 [Whereupon, Mr. Stone confers with Mr. Thornton]

6 Q. When you -- how many sets of shots did you hear?

7 A. About 10 to 12.

8 Q. Okay. Tell me how -- you first heard the

9 fireworks. Did you hear a series of fireworks -- how did
10 that 10 or 12 shots I'm not sure ---

11 A. --- it was straight through then it was a pause and
12 then about two more shots.

13 Q. Okay. So there was a series of rapid and then a
14 pause and then about two more after that?

15 A. Yes.

16 MR. STONE: No further questions at this time, Your
17 Honor.

18 THE COURT: Thank you. Cross-examine Mr. Bax?

19 MR. BAX: Thank you, Your Honor.

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State v Tyrone Robinson
Brittany Brinson-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Ms. Brinson, I'm going to ask you to get down from
4 the stand if you please again.

5 [Whereupon, the witness leaves the witness stand]

6 THE COURT: And once again Ms. Brinson if you will
7 stand on the other side and face in this direction. It's
8 real important that the court reporter hear what you say.
9 Thank you.

10 Q. [Mr. Bax] Thank you, Ms. Brinson. I just want to
11 have this here because I want to make sure that we've got
12 something to refer to. Ms. Brinson you testified that
13 you heard these shots and that you looked out of your
14 back door here [indicates] is that right?

15 A. Yes.

16 Q. Okay. And that Mr. Robinson was coming between
17 these two buildings [indicates]?

18 A. Yes.

19 Q. You testified that he had two bottles of beer in his
20 hands is that right?

21 A. Yes.

22 Q. Did he hold one bottle in each hand?

23 A. Like this [indicates].

24 Q. Like that, okay. Did you see a gun in his hands?

25 A. No.

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Brittany Brinson-Cross-Examination by Mr. Bax
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- 1 Q. Okay. Now you've spoken with law enforcement about
2 this case. You gave interviews to law enforcement right
3 after it happened correct?
- 4 A. Yes.
- 5 Q. Relaying to them what you've testified to here today
6 right?
- 7 A. Yes.
- 8 Q. And do you recall telling them that you looked out
9 here and saw Mr. Robinson within a few seconds of hearing
10 those last sets of shots is that correct?
- 11 A. Yes.
- 12 Q. So there was virtually no time after those shots.
13 You peeped out the window and saw -- actually stepped out
14 the back door and saw Mr. Robinson.
- 15 A. Yes.
- 16 Q. Without a gun in his hand, correct?
- 17 A. Yes. He just had two beer bottles.
- 18 Q. Now and you've also testified -- well, let me back
19 up. When you talked to law enforcement you indicated
20 that right when you looked out you saw [REDACTED]
21 [REDACTED] Minor fall.
- 22 A. Yes.
- 23 Q. And that was right as you stepped out, correct?
- 24 A. Yes.
- 25 Q. So it was a very short period of time. He wasn't --

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Brittany Brinson-Cross-Examination by Mr. Bax
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1 you didn't see him running but you came out and you saw
2 him fall.

3 A. No, I saw him running and then he fell.

4 Q. And then he fell, okay. How many steps did you see
5 him take at most?

6 A. Maybe five to six if I had to guess.

7 Q. Okay. And that was right about the same time that
8 last set of shots rang out is that correct?

9 A. Yes.

10 Q. How much time between the time you heard the last
11 set of shots and when you stepped out that back door?

12 A. I would say maybe 30 or 45 seconds. I mean I didn't
13 immediately get up and run to the back door.

14 Q. Okay. So it was seconds not minutes? It was a
15 very quick period of time correct?

16 A. Yes.

17 Q. Okay. And as soon as you came out a few steps and
18 **Minor** fell, is that right?

19 A. Yes.

20 Q. Okay. And **J.S.** was in front of him, right?

21 A. They were running side by side.

22 Q. And they were running and he was -- so they were
23 side by side?

24 A. **J.S.** was on his left side.

25 Q. **J.S.** was on his left side?

State v Tyrone Robinson
Brittany Brinson-Cross-Examination by Mr. Bax
September 16, 2014

1 A. Uh Huh.

2 Q. Okay. Could you tell whether **J.S.** was a little
3 ahead or a little behind anything like that?

4 A. They were at the same; side by side.

5 Q. They were side by side okay. And they were -- **J.S.**
6 and **Minor** they were headed in this [indicates]
7 direction?

8 A. Yes.

9 Q. Okay. So if you had come out your door you would
10 have been looking at their faces is that right?

11 A. Yes.

12 Q. Okay. Now you testified that you heard what
13 appeared to be or what you thought was fireworks.

14 A. Yes.

15 Q. And I believe you testified under direct that it was
16 two sets.

17 A. Uh Huh.

18 Q. Is that correct?

19 A. Yes.

20 Q. Were you able to tell how much time between the
21 first set and the second set of shots?

22 A. Seconds. It was rapid, pause, pow, pow.

23 Q. Okay. So not a whole lot of time between the two
24 sets of shots?

25 A. No.

State v Tyrone Robinson
Brittany Brinson-Cross-Examination by Mr. Bax
September 16, 2014

1 Q. Could you at all tell from hearing them where they
2 were coming from in your neighborhood?

3 A. Back here in this [indicates] area.

4 Q. Okay. Both sets?

5 A. Yes.

6 Q. Okay. If you will take the stand for me. Thank
7 you.

8 [Whereupon, the witness returns to the stand]

9 [Whereupon, Mr. Bax confers with his client]

10 Q. One brief follow up question Ms. Brinson. When you
11 were speaking with law enforcement do you recall
12 indicating that you also right after the shots heard a
13 car squealing off or heard a car leaving?

14 A. Yes.

15 Q. Okay. So you saw -- you saw Mr. Robinson but you
16 heard a car squealing off, correct?

17 A. After the gun shots.

18 Q. After the gun shots?

19 A. Yes.

20 Q. Did you see a car?

21 A. No.

22 Q. Okay. No further questions. Thank you Ms.
23 Brinson.

24 MR. BAX: Thank you, Your Honor.

25 THE COURT: Redirect?

State v Tyrone Robinson
Brittany Brinson-Redirect Examination by Mr. Stone
September 16, 2014

1 REDIRECT EXAMINATION
2 BY MR. STONE:
3 Q. You heard the squealing tires after the first set of
4 shots or after the second set of shots?
5 A. After the second after all the gunshots had ceased.
6 Q. Okay. I don't have any further questions.
7 THE COURT: Thank you. You can step down Ms.
8 Brinson. Thank you.
9 [Whereupon, the witness is excused and exits the
10 witness stand]
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State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: Dominique Griffin.

2 THE COURT: Come forward Mr. Griffin please and be
3 sworn.

4 [Whereupon, Mr. Griffin comes forward]

5 MR. BAX: Your Honor, may we approach prior to the
6 beginning of his testimony.

7 [Whereupon, the witness is duly sworn by the Clerk
8 of Court]

9 [Whereupon, an off the record bench conference is
10 held]

11

12 DOMINIQUE GRIFFIN,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q. Mr. Griffin, where do you live sir?

18 A. [REDACTED] Marshland.

19 Q. How long have you lived at [REDACTED] Marshland?

20 A. I would say four years now.

21 Q. So on September 1st, 2012 you lived at that address,
22 is that correct?

23 A. Yes, sir.

24 Q. Now you have seen this model I believe before have
25 you not?

State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

1 A. Yes.

2 Q. Could you come show us where your house is located
3 where you live?

4 [Whereupon, the witness steps down from the stand]

5 THE COURT: Excuse me, Mr. Stone. Mr. Griffin, if
6 you will face back in this general direction and keep
7 your voice up. This lady up here in front of me needs to
8 hear everything you're saying okay. Thank you.

9 Q. [Mr. Stone] Where do you live?

10 A. Right here [indicates].

11 Q. And that is -- I'm sorry, you told me the address
12 but I missed it. What is that address?

13 A. [REDACTED] Marshland.

14 Q. Okay. Who do you live there with?

15 A. My fiancé and my two kids.

16 Q. And who is your fiancé?

17 A. Savoya [phonetic] Simmons.

18 Q. Now your two kids live there as well. How old are
19 they?

20 A. Nine and two now.

21 Q. So September 2012 newborn I guess.

22 A. Yes.

23 Q. On September 1st, 2012 can you tell me what -- first
24 of all tell me what you were doing that afternoon
25 somewhere around 4 o'clock or 4:30?

State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

- 1 A. This room right here [indicates] on this front
2 porch.
- 3 Q. Right.
- 4 A. I'm in the room with my newborn son.
- 5 Q. Okay. What are you doing?
- 6 A. Watching T.V. mostly until I heard numerous
7 gunshots.
- 8 Q. Tell me about the gunshots.
- 9 A. It sounded as if it was a machine gun going towards
10 Marshland Road that way [indicates]. But I was on the
11 floor and after that I actually got up.
- 12 Q. Okay. So you -- did you get on the floor when you
13 heard the shots?
- 14 A. Yes, sir.
- 15 Q. And your newborn was with you at the time?
- 16 A. Yes, he was under me.
- 17 Q. Okay. What happens after that? What do you do
18 after that?
- 19 A. I ran out the backdoor to check on my stepson ---
- 20 Q. --- now who is your stepson?
- 21 A. J.S.
- 22 Q. J.S. ?
- 23 A. Yes, sir.
- 24 Q. How old was J.S. then?
- 25 A. He actually was maybe I would say seven.

State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

1 Q. Okay. What did you see when go out -- and this is
2 out of the backdoor of this house here [indicates] is
3 that correct?

4 A. Yes, the backdoor is right here [indicates].

5 Q. Keep your voice up so everybody can hear it. You go
6 out the backdoor and what do you see?

7 A. **J.S.** is running up to me pointing.

8 Q. When you see **J.S.** what does **J.S.** look like?

9 A. Crying.

10 Q. He's crying when he walks up to you -- actually he
11 was running ---

12 A. --- running out of breath crying.

13 Q. Running out of breath crying. Is anybody else
14 around?

15 A. At the moment no, it was just me and him. Then the
16 Mr. Robinson guy was coming behind him walking with him
17 or behind him. And he was pointing at him saying he shot
18 **Minor** he shot **Minor** ---

19 MR. BAX: --- objection, Your Honor.

20 THE COURT: I'll overrule the objection. I think
21 he's established the conditions **J.S.** was under running
22 out of breath crying establishes his excited utterance.
23 I'll allow it. Thank you.

24 MR. STONE: Thank you, Your Honor.

25 Q. [Mr. Stone] I'm going to show you what has been

State v Tyrone Robinson
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1 marked as State's exhibit 1.
2 [Whereupon, the witness is shown photograph]
3 Q. Do you recognize that person?
4 A. Yes.
5 Q. Speak up for me.
6 A. Yes, sir.
7 Q. Okay. And who is that?
8 A. That's Mr. Robinson.
9 Q. And where did you see Mr. Robinson?
10 A. Between this shed right here [indicates].
11 Q. Yes.
12 A. And the car; walking between coming towards.
13 Q. Okay. And here is -- let's assume this [indicates]
14 is the car. Where was this car parked?
15 A. On the backside of the add-on.
16 Q. Okay.
17 A. By the back door just like that [indicates].
18 Q. Let me show you what has been marked as State's
19 exhibit 2 and ask if you can identify that?
20 [Whereupon, the witness is shown photograph]
21 A. Yes, this is the car.
22 Q. This is the car?
23 A. That's the car that was on the side of my house.
24 Q. How close is [REDACTED] J.S. to you when he comes up to
25 the house?

State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

- 1 A. Not even a feet.
- 2 Q. So he's -- put me where he was to you.
- 3 A. Right here [indicates]. I was standing on the porch
- 4 he was right there [indicates].
- 5 Q. This is as close as far as -- where is Mr. Robinson?
- 6 A. From there he is right here [indicates] right here
- 7 [indicates] by the shed not too far behind.
- 8 Q. So he's coming in from behind **J.S.** this [indicates]
- 9 way?
- 10 A. Coming from this [indicates] way.
- 11 Q. From this [indicates] way?
- 12 A. Behind.
- 13 Q. And when **J.S.** says he did it what exactly did he
- 14 say?
- 15 A. He said -- he pointed at him and said he shot
- 16 **Minor**, he shot **Minor**.
- 17 Q. He pointed at Mr. Robinson over here [indicates] and
- 18 said that?
- 19 A. Yes, sir.
- 20 Q. Okay. What did Mr. Robinson do when **J.S.** pointed
- 21 at him and said he shot **Minor**?
- 22 A. He didn't do nothing. He just looked as if he had
- 23 to go and actually got in the vehicle and backed up into
- 24 a fig tree, a four by four stick we had holding up the
- 25 fig a tree and left.

State v Tyrone Robinson
Dominique Griffin-Direct Examination by Mr. Stone
September 16, 2014

1 Q. Left in this car?

2 A. Yes, sir. What happened when he backed up into the
3 fig tree?

4 A. His windows were falling in.'

5 Q. That's when the glass fell in?

6 A. Yes.

7 Q. Okay. Did Mr. Robinson say anything? Did he --
8 not anything?

9 A. Nothing.

10 Q. Just looked at you?

11 A. That was it.

12 Q. Go ahead and get back on the witness stand.

13 [Whereupon, the witness returns to the stand]

14 [Whereupon, Mr. Stone confers with Mr. Thornton]

15 Q. How did Mr. Robinson look to you when you looked at
16 him?

17 A. Like it was -- like it was actually up to having to
18 hurry up and leave in a hurry. Like you know I got to
19 go. Like I got to go.

20 Q. But he didn't say anything to you?

21 A. No.

22 Q. No further questions, thank you. If you don't mind
23 answering any questions he's got.

24 THE COURT: Thank you. Mr. Bax, cross-examine?

25 MR. BAX: Thank you, Your Honor.

State v Tyrone Robinson
Dominique Griffin-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. You can stay right there. I appreciate it Mr.

4 Griffin. And I know you can't see it from right here but

5 I know your own house. I think you indicated when you

6 came out of the house to find out what was going on to

7 check on J.S. you came out the back door is that

8 correct?

9 A. Yes, sir.

10 Q. And there is a little porch rail like a little porch

11 right here [indicates] right next to Mr. Robinson's car.

12 A. Yes, sir.

13 Q. That's where you came out?

14 A. Yes, sir.

15 Q. Okay. Why did you choose to come out the backdoor?

16 A. Because the front door never opens.

17 Q. Well, that's a good answer. When you heard the

18 gunfire could you tell what direction it was coming from?

19 A. If I may I can get up and...

20 Q. Come on down.

21 [Whereupon, the witness steps down from the stand]

22 Q. Stand on that [indicates] side for me.

23 A. It sounded as if it started here [indicates] and

24 continued down that way [indicates].

25 Q. Okay. Now you can go ahead and have a seat on the

State v Tyrone Robinson
Dominique Griffin-Cross-Examination by Mr. Bax
September 16, 2014

1 stand. I'm not going to ask you down again I promise.

2 [Whereupon, the witness returns to the stand]

3 Q. You've testified to what your stepson [J.S.] told
4 you outside the house right as he was running up
5 breathless and crying correct?

6 A. Yes.

7 Q. Now -- but he lives with you right?

8 A. Yes.

9 Q. Your stepson he's Savoya's son correct?

10 A. Yes.

11 Q. Okay. Did you later take him into the house that
12 day and ask him exactly what he saw?

13 A. No, I took him into the house. I didn't ask him.

14 Q. Okay. Did he tell you what he saw?

15 A. Yes.

16 Q. What did he tell you?

17 A. He shot [Minor]

18 Q. Did he ever say that he didn't actually see anyone
19 shoot anything?

20 A. No, I didn't go into details or anything. I just
21 went by what he told me when I came out the backdoor he
22 shot [Minor], he shot [Minor]; he was pointing at him.

23 Q. Okay. So there was no further discussion inside
24 the house by you?

25 A. No.

State v Tyrone Robinson
Dominique Griffin-Cross-Examination by Mr. Bax
September 16, 2014

1 MR. BAX: A moment's indulgence, Your Honor.
2 THE COURT: Yes, sir.
3 [Whereupon, Mr. Bax confers with his client]
4 Q. [Mr. Bax] Some final questions Mr. Griffin. Now
5 when you came out of the house you've testified that you
6 saw your son and you saw Mr. Robinson, correct?
7 A. Yes..
8 Q. Okay. Did you see what Mr. Robinson was holding?
9 Was he holding anything in his hands?
10 A. No, I didn't see all that.
11 Q. You didn't see anything that he was holding?
12 A. No.
13 Q. Did you see him with a gun?
14 A. No.
15 Q. Okay. Did you have a gun?
16 A. No.
17 Q. Okay. Do you own a firearm?
18 A. No.
19 Q. Did you own a firearm at that time?
20 A. No.
21 Q. No further questions. Thank you.
22 THE COURT: Thank you. Redirect?
23 MR. STONE: Nothing else, Your Honor.
24 THE COURT: Thank you Mr. Griffin, you may step
25 down.

State v Tyrone Robinson
Dominique Griffin-Cross-Examination by Mr. Bax
September 16, 2014

1 THE WITNESS: Yes, sir.
2 [Whereupon, the witness is excused and exits the
3 witness stand]

State v Tyrone Robinson
Bennie Lee Hamilton-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: The State calls Bennie Lee Hamilton.

2 THE COURT: Mr. Hamilton, come forward please sir
3 and be sworn.

4 [Whereupon, Mr. Hamilton comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 - - - - -

8 BENNIE LEE HAMILTON,

9 Having been first duly sworn,

10 Was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STONE:

13 Q. State your full name please sir?

14 A. Bennie Lee Hamilton.

15 Q. I need you to pull the microphone a little bit
16 closer to you please.

17 A. Bennie Lee Hamilton.

18 Q. How do you spell your last name, sir?

19 A. H-A-M-I-L-T-O-N.

20 Q. You're here under my subpoena is that correct?

21 A. Correct.

22 Q. May I ask you specifically about September the 1st,
23 2012? Did you see Tyrone Robinson that day?

24 A. Yes, sir.

25 Q. Okay. Let me get you to pull the microphone a

State v Tyrone Robinson
Bennie Lee Hamilton-Direct Examination by Mr. Stone
September 16, 2014

- 1 little bit closer to you.
- 2 A. Yes, sir.
- 3 Q. Where did you see Tyrone Robinson?
- 4 A. In Spanish Wells around Muddy Creek.
- 5 Q. Specifically whose house?
- 6 A. At Snake's house.
- 7 THE COURT REPORTER: At whose house?
- 8 Q. [Mr. Stone] Who is Snake?
- 9 A. Joseph.
- 10 Q. Bryant?
- 11 A. Right.
- 12 Q. That's Snake Bryant?
- 13 A. Yes.
- 14 Q. And where is that house located? I know it's in the
- 15 Spanish Wells area. Do you know what street that's on?
- 16 A. On Bryant Road.
- 17 Q. And that is going to be I guess as you go down
- 18 Marshland Road that will be off to the left? If you're
- 19 going away from the Cross Island Expressway it will be
- 20 over to the left, is that right?
- 21 A. Yes.
- 22 Q. Okay. What were you doing? You're at Bryant's
- 23 house when you see Tyrone Robinson. How do you see
- 24 Tyrone Robinson? Tell me about that encounter.
- 25 A. He just came in the house with no shirt on and some

State v Tyrone Robinson
Bennie Lee Hamilton-Direct Examination by Mr. Stone
September 16, 2014

1 gym shorts and like two beers in his hand. That's how he
2 came in.

3 Q. Okay. Did he ask you for help?

4 A. Yes. He asked me what I thought he should do?

5 Q. Did he tell you anything about where he had been?

6 A. Said he had been in a shootout.

7 Q. Said he had been in a shootout?

8 A. He said some others had been shooting at him.

9 Q. Okay. And did he specifically tell you he had been
10 in a shootout?

11 A. Yes. He said some fellows were shooting at him and
12 there has been in a shootout or something like that.

13 Q. Did he tell you that there was a child involved?

14 A. He said a little kid got shot or something like
15 that. A little kid got shot.

16 Q. Did he say if he had shot back at the people that
17 were shooting at him?

18 A. No, he didn't say exactly like he was shooting back
19 but it was like a shootout and I think that ---

20 MR. BAX: --- objection, Your Honor.

21 THE COURT: I'll sustain the objection.

22 Q. [Mr. Stone] Tell me exactly what he said.

23 A. He said he's been in a shootout on Allen Road and
24 the guys were trying to shoot him and a little kid got
25 shot.

State v Tyrone Robinson
Bennie Lee Hamilton-Direct Examination by Mr. Stone
September 16, 2014

1 Q. Did he tell you whether or not he shot?

2 A. No, he didn't say that he was shot -- shooting
3 either. He didn't say that he was shooting but there was
4 a shootout.

5 Q. Okay. What kind of help did he ask you for?

6 A. He asked me to take him to the police station.

7 Q. What else did he ask you for?

8 A. He asked if -- he used my phone and he asked if
9 there was any bleach in the house and stuff.

10 Q. He asked you for bleach?

11 A. Yes.

12 Q. Did you have any bleach at the house?

13 A. No.

14 Q. What did you have?

15 A. It wasn't my house I didn't have it. But what was
16 in the house was vinegar.

17 THE COURT: I'm sorry?

18 THE COURT REPORTER: I'm sorry I couldn't hear you.
19 You said vinegar; is that what you said?

20 A. Yes.

21 Q. [Mr. Stone] What did he do with the vinegar?

22 A. Cleaning his hands.

23 Q. He put the vinegar on his hands? Tyrone Robinson
24 put the vinegar on his hands?

25 A. Correct.

State v Tyrone Robinson
Bennie Lee Hamilton-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: Excuse me just a moment, Your Honor.

2 THE COURT: All right.

3 [Whereupon, Mr. Stone confers with Mr. Thornton]

4 Q. [Mr. Stone] That afternoon do you recall -- actually
5 a couple of days later do you recall speaking to an
6 investigator with the Beaufort County Sheriff's Office?

7 A. Yes.

8 Q. Do you also recall speaking to an investigator with
9 my office?

10 A. Yes.

11 Q. And do you recall the question coming up concerning
12 whether or not Mr. Robinson had shot at Allen Road?

13 A. Did he shoot?

14 Q. Yes? Do you recall being asked if Mr. Robinson told
15 you that he had shot at Allen Road?

16 A. I'm not sure. I just know it was shootout so I'm
17 expecting that both sides were shooting.

18 Q. And that's information you got from Mr. Robinson?

19 A. Yes, sir. It was a shootout.

20 MR. STONE: Nothing else at this time, Your Honor.

21 THE COURT: Thank you. Mr. Bax, cross-examine?

22 MR. BAX: Thank you, Your Honor.

23

24

25

State v Tyrone Robinson
Bennie Lee Hamilton-Cross-Examination by Mr. Bax
September 16, 2014

1 CROSS EXAMINATION

2 BY MR. BAX:

3 Q. Mr. Hamilton, you testified on direct that you did

4 speak to some law enforcement officers about what you've

5 just testified to back when it happened right?

6 A. Yes.

7 Q. Okay. Now did they come to the house over on Muddy

8 Creek or?

9 A. They met me on Muddy Creek.

10 Q. On Muddy Creek?

11 A. Yes.

12 Q. Okay. And this all occurred at a residence near

13 there, correct? Is that an apartment or a trailer?

14 A. Excuse me; what all occurred there?

15 Q. When you allege Mr. Robinson came over to Snake's

16 house ---

17 A. --- oh, yes ---

18 Q. --- is that a house, a trailer ---

19 A. --- yes, his trailer.

20 Q. It's a trailer? Okay. Now do you recall that when

21 you spoke with law enforcement you gave a written

22 statement that they asked you if you'd be willing to and

23 you wrote out a statement?

24 A. Right.

25 Q. Okay. Do you recall that in that statement you

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1 indicated that Mr. Robinson said the other men shot the
2 little boy; that they were trying to shoot him and they
3 shot the little boy? Do you remember that?

4 A. I remember him saying -- he was saying that yes, it
5 was something like that they were trying to shoot him and
6 the killed the little boy.

7 Q. Okay. So you recall that and that's what you told
8 the police and put in your written statement, correct?

9 A. Yes and that it was a shootout, too.

10 Q. Thank you.

11 MR. BAX: A moment's indulgence.

12 [Whereupon, Mr. Bax confers with his client]

13 MR. BAX: No further, Your Honor.

14 THE COURT: Thank you.

15 MR. STONE: Just briefly.

16 THE COURT: Yes, sir.

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State v Tyrone Robinson
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REDIRECT EXAMINATION

BY MR. STONE:

Q. Do you recall when telling the law enforcement officers that Mr. Robinson said the Youngs shot at the kid or was shooting at him and hit the kid, do you recall that?

A. Yes. He said that they were trying to shoot him and they killed the little boy.

Q. And in that same statement as he is talking to law enforcement do you recall him saying that he went down the road a little bit and shot back?

A. I believe I might have said -- I'm sorry; I may have said that, yes.

Q. That's fine.

MR. STONE: Nothing else, Your Honor.

THE COURT: Thank you. Mr. Hamilton, you may step down.

[Whereupon, the witness is excused and exits the witness stand]

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1 THE COURT: We'll take a morning -- the lunch break
2 at this point in time if that's okay Mr. Solicitor unless
3 you've got somebody else that has to testify before
4 lunch?

5 MR. STONE: We're flexible. Thank you, Your Honor.

6 THE COURT: Folks, this is a good time for us to
7 take a lunch recess. We'll be in recess until 2 o'clock.
8 If you will be back in the jury room that's an hour and
9 15 minutes; I think that's enough time for you. Please
10 remember as always not to talk about this case with
11 anybody while you're out of the courtroom or among
12 yourselves when you get back at 2 o'clock. We'll start
13 back at 2 o'clock this afternoon. Thank you.

14 [Whereupon, the jury exits at 12:45 p.m.]

15 THE COURT: Mr. Stone, anything from the State
16 before we break for lunch?

17 MR. STONE: No sir, not from the State.

18 THE COURT: Thank you. Mr. Bax, from the defense
19 before we break?

20 MR. BAX: No, Your Honor.

21 THE COURT: Thank you. 2 o'clock folks. Thank
22 you.

23 [Whereupon, court is in recess from 12:45 until 2:00
24 p.m.]

25 THE COURT: Thank you, ladies and gentlemen.

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1 Please be seated. Good afternoon. Is the State ready to
2 proceed?

3 MR. STONE: The State is ready, Your Honor.

4 THE COURT: Mr. Bax, is the defense ready?

5 MR. BAX: Yes, Your Honor.

6 THE COURT: Please bring us the jury.

7 THE BAILIFF: The jury is entering the courtroom,
8 Your Honor.

9 THE COURT: Thank you, ma'am.

10 [Whereupon, the jury enters at 2:02 p.m.]

11 THE COURT: Thank you ladies and gentlemen for your
12 prompt return from lunch. We're now ready to resume the
13 trial where we left off before lunch. The State is
14 continuing to offer evidence and testimony. Mr. Stone?

15 MR. STONE: Yes, sir.
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State v Tyrone Robinson
Martin Thomas-Direct Examination by Mr. Stone
September 16, 2014

1 MR. STONE: The State calls Martin Thomas to the
2 stand.

3 THE COURT: Mr. Thomas, come forward please and be
4 sworn.

5 [Whereupon, Mr. Thomas comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: Would you state your name and
9 spell your name for the record please.

10 THE WITNESS: Martin Thomas, M-A-R-T-I-N
11 T-H-O-M-A-S.

12 - - - - -

13 MARTIN THOMAS,

14 Having been first duly sworn,

15 Was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. STONE:

18 Q. And you're obviously with the Beaufort County
19 Sheriff's Office is that correct?

20 A. Yes, sir.

21 Q. How long have you been with the Sheriff's office?

22 A. Almost 14 years.

23 Q. In September of 2012 you were with the Sheriff's
24 Office at that time?

25 A. That's correct.

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1 Q. What were your job duties? What did you do with the
2 Sheriff's Office at that point?

3 A. I was a supervisor on the southern -- on the
4 enforcement division on the southern side, on the Hilton
5 Head side.

6 Q. When you say enforcement division what is that
7 exactly?

8 A. It's a road officer. I respond to calls for
9 service, I assist the road officers with whatever duties
10 or whatever things that they need assistance with.

11 Q. Specifically around 4 o'clock or so September the
12 1st, 2012 did you respond to the Allen Road area?

13 A. I did.

14 Q. Now your car, the patrol car that you drive is it
15 equipped with a camera?

16 A. It is.

17 Q. And is there also equipment in that car for audio
18 tape?

19 A. There is.

20 Q. Do you have a body mic of any sort that is on you,
21 on your uniform?

22 A. On my belt, yes.

23 Q. Now if the camera is rolling and videotaping is it
24 also picking up sound at the same time?

25 A. It can be.

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1 Q. And if you are -- for instance if you park your
2 patrol and you leave your patrol car is there a process
3 in which the body mic can stay on?

4 A. Yes.

5 Q. How does that work?

6 A. There is an actual button on the body mic that you
7 have turn on in the morning or at the beginning of your
8 shift when you put it on your belt.

9 So either I can activate the camera by the body mic
10 itself if I'm standing outside the car or if I turn on
11 the blue lights or sirens the camera system will engage,
12 which also engages my body mic if the body mic button has
13 been turned on. You can turn it on from the actual
14 camera itself or from the machine down on the console.

15 Q. Did you have the videotape or the camera in the car
16 working and was it on as you responded to the Allen Road
17 incident?

18 A. I did. I was running lights and siren.

19 Q. Did you also have when you got out of your car at
20 Allen Road did you also have your body mic on?

21 A. I did.

22 Q. All of that is recorded I'm assuming into some type
23 of database is that correct?

24 A. Right. For my particular camera there is 7.4 gigs
25 or whatever it is and then that is maintained in the

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1 system and then when you drive by one of the hotspots
2 it's automatically uploaded on to the server.

3 Q. When you arrived at Allen Road were you -- were
4 there a number of other officers already there or were
5 you one of the first ones there? How did that happen?

6 A. There were two officers already there and I was the
7 third. I was the first supervisor on scene.

8 Q. And what was your job when you got there? What was
9 your initial job duty when you responded?

10 A. Probably for crime scene containment. At that point
11 we didn't have a lot of information on who the shooter or
12 shooters were. So part of my job is to make sure the
13 officers are containing the crime scene and to obtain any
14 information that I had and relay that on to my supervisor
15 over the air.

16 Q. At some point during your time on Allen Road did you
17 come across Tyrone Robinson?

18 A. I did.

19 Q. And how did that happen?

20 A. I went from the actual location where the little boy
21 was and further when I was actually looking for a witness
22 that everybody was calling Savoya who witnessed the
23 incident so that I could get information to relay that
24 over. So if you're looking at the crime scene to the
25 right is where that young boy was and to the left, which

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1 is split by my patrol car and there is another house I
2 went around the backside of that trailer or that home to
3 look for this lady named Savoya who I never found.

4 Q. Okay. Now Tyrone Robinson -- let me show you what
5 has been marked as State's exhibit 1 and ask if you can
6 tell me is that a fair and accurate depiction of how
7 Tyrone Robinson looked that day when you saw him.

8 [Whereupon, the witness is shown photograph]

9 A. Yes.

10 Q. Okay. And do you see Tyrone Robinson in the
11 courtroom today?

12 A. Yes, I do.

13 Q. And can you point him out for me please?

14 A. He's the gentleman sitting in the salmon colored
15 shirt between the two counselors.

16 Q. Have you reviewed -- let me show you what has been
17 marked as State's exhibit 4 and ask if you have reviewed
18 that disk?

19 [Whereupon, the witness is shown exhibit]

20 A. Yes sir, my initials are on the disk.

21 Q. Is that a fair and accurate depiction of what your
22 camera picked up and what your body mic picked up?

23 A. Yes, sir.

24 Q. And there is a transcript that goes along with that.
25 Have you reviewed that as well?

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1 A. I have.

2 Q. And is that accurate as to what is going on in that
3 video?

4 A. It is.

5 Q. Now the video itself does not move is that correct?
6 The video ---

7 A. --- not unless you move it.

8 Q. Pardon me?

9 A. Not unless you move it physically.

10 Q. Okay. So during this video we are going to watch
11 that's just showing the outside of the car. The body mic
12 goes with you no matter what?

13 A. That's correct.

14 MR. STONE: At this time, Your Honor, we'd move
15 State's exhibit 4 into evidence.

16 THE COURT: Subject to the previous objection?

17 MR. BAX: That's correct, Your Honor. Thank you.

18 THE COURT: Thank you. State's 4 in evidence.

19 [Whereupon, State's exhibit number 4 is entered into
20 evidence by the court]

21 MR. STONE: We have already loaded that.

22 [Whereupon, the C.D. plays] [Not taken down]

23 MR. STONE: No further questions at this time, Your
24 Honor.

25 THE COURT: Thank you. Mr. Bax?

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1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good afternoon, Sergeant Thomas.

4 A. Good afternoon, sir.

5 Q. A couple of quick questions for you. Obviously

6 you've testified already that Mr. Robinson came up to you

7 while you were in that area trying to find Savoya I

8 believe it was, is that correct?

9 A. That's correct.

10 Q. Okay. And for the jury about how far were you from

11 your patrol unit when you were approached by Mr.

12 Robinson?

13 A. A guesstimate; a couple hundred yards on the other

14 side of the house that was closest to my car.

15 Q. Okay. During the time obviously we can't see you

16 or Mr. Robinson on this video because that camera is

17 aimed straight out the front of your vehicle, is that

18 correct?

19 A. That's correct.

20 Q. Okay. While you're talking with Mr. Robinson do

21 you stay in one place or do you move around a little bit?

22 A. We move around a little bit from when I was looking

23 for Savoya to when I encountered him to the very end when

24 I put him in the car.

25 Q. Okay. And we hear on this video that Mr. Robinson

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1 is trying to show you his vehicle, is that correct?

2 A. That's correct.

3 Q. During that period of time where we hear you and Mr.
4 Robinson conversing do you go over and look at his car
5 for a brief period of time?

6 A. We do.

7 Q. Okay. And what did you observe when you saw his
8 car?

9 A. The back windshield was shattered.

10 Q. Okay. I'm going to show you what's marked as
11 State's 2 and State's 3.

12 MR. BAX: Approach the witness, Your Honor?

13 THE COURT: Yes, sir.

14 Q. [Mr. Bax] Let me pass those both to you Sergeant.

15 [Whereupon, the witness is shown photographs]

16 Q. Is that the vehicle that Mr. Robinson showed you
17 that day?

18 A. Yes sir, I believe it is.

19 Q. Did it appear in basically that same condition when
20 you saw it that day?

21 A. Yes, sir.

22 Q. Okay. And are there what appears to be visible
23 bullet holes in that car?

24 A. From this picture [indicates] I see a bullet hole.

25 Q. Okay. And does the back windshield appear to be

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1 broken in some way?

2 A. It's completely shattered out.

3 Q. Completely shattered out, okay. Now it seemed like
4 from what we heard on the video that you were concerned
5 about both your safety and Mr. Robinson's safety because
6 there seemed to be a lot of people gathering around is
7 that right?

8 A. That's correct.

9 Q. Okay. As a result of that it sounded like you were
10 trying to get transportation for Mr. Robinson out of the
11 area is that right?

12 A. That's correct.

13 Q. Okay. And I believe what we heard was you calling
14 for one of your other officers to bring their vehicle
15 around is that right?

16 A. That's correct. The officer was standing right next
17 to me.

18 Q. Okay. And which officer was that Sergeant?

19 A. Corporal Lehr [phonetic].

20 Q. Now I noticed in the video that you are talking with
21 Mr. Robinson saying we're going to get you in the car and
22 he in fact says yes, I'll get in the car and then there
23 is a break in the video. Was that at the time in which
24 you put him in Lehr's car?

25 A. I don't recall the break. But no, him going into

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1 Lehr's car has nothing to do with my body mic.

2 Q. I understand, I understand. I'm just trying to
3 ascertain during the course of this video when Mr.
4 Robinson is put in the car. You had a conversation with
5 the young gentleman named [REDACTED] J.S. and we
6 hear that on the video correct?

7 A. That's correct.

8 Q. Okay. Had you put Mr. Robinson in Lehr's car
9 before that happened?

10 A. Yes.

11 Q. And had Mr. Lehr or Officer Lehr taken Tyrone
12 Robinson off scene before you talked with [REDACTED]
13 [REDACTED] J.S. ?

14 A. Yes.

15 Q. Okay. So when we hear you speaking with the young
16 boy Mr. Robinson is no longer on scene at that time?

17 A. That's correct. And I would have already walked
18 crossed back over the street to the general area where
19 the incident took place.

20 Q. Okay. Can you recall exactly how long between the
21 time that Mr. Robinson left with Mr. Lehr or Officer Lehr
22 and when you spoke to the young boy?

23 A. A very short time. A couple of minutes maybe, five
24 minutes; that's just a guess.

25 Q. Okay.

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1 MR. BAX: A moment's indulgence, Your Honor.

2 THE COURT: All right, sir.

3 [Whereupon, Mr. Bax confers with his client]

4 MR. BAX: Thank you, Your Honor. No further
5 questions at this time.

6 THE COURT: Thank you. Mr. Stone, redirect?

7 MR. STONE: Just briefly.

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State v Tyrone Robinson
Martin Thomas-Redirect Examination by Mr. Stone
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REDIRECT EXAMINATION

BY MR. STONE:

Q. I want to make sure. All of the conversation that you had with Tyrone Robinson was on this video is that correct?

A. Yes, sir.

Q. And this was an accurate video as to that conversation?

A. Yes, sir.

Q. I notice a number of times he asked you to look at his car and asked why my car is so shot up and all this kind of stuff is that right?

A. That's correct.

Q. Did he ever ask you how the kid was doing?

A. No, sir.

MR. STONE: Nothing else, Your Honor.

THE COURT: Thank you. Any follow up Mr. Bax?

MR. BAX: Yes, briefly Your Honor.

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1 MR. STONE: Corporal Wendy Conant.

2 THE COURT: Ms. Conant, come forward please ma'am
3 and be sworn.

4 [Whereupon, Ms. Conant comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please state your name and spell
8 it for the record.

9 THE WITNESS: Wendy Conant, W-E-N-D-Y, C-O-N-A-N-T.

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11 WENDY CONANT,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. STONE:

16 Q. And I called you Corporal is that correct?

17 A. That's correct.

18 Q. And you are with the Beaufort County Sheriff's
19 Office?

20 A. I am.

21 Q. What are your job duties with the Sheriff's Office?

22 A. I am currently an evidence technician. At the time
23 of this incident I was an investigator.

24 Q. Did you get called to the Hilton Head substation
25 concerning the shooting on Allen Road on September 1st,

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1 2012?

2 A. I did.

3 Q. Tell me about that.

4 A. We get called out. I was at home obviously and I
5 responded to the area of Allen Road where the incident
6 had occurred. And I was given instruction to follow
7 Corporal Lehr to the Hilton Head substation. He had the
8 defendant in his car and I was to interview him at the
9 office.

10 Q. And the defendant being Tyrone Robinson?

11 A. That's correct.

12 Q. Let me show you what has marked as State's exhibit
13 1.

14 [Whereupon, the witness is shown photograph]

15 Q. Is this the man that you dealt with that day Tyrone
16 Robinson?

17 A. Yes.

18 Q. Now you followed behind Lehr. Did you go directly
19 to the Hilton Head substation?

20 A. Yes, we did.

21 Q. And once you got there did Mr. Robinson go into an
22 interview room?

23 A. Yes, he did.

24 Q. Now what was your primary function when you got to
25 the interview room with Mr. Robinson?

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1 A. Initially I needed to do a gunshot residue evidence
2 collection kit, which we also call a G-S-R on his hands.

3 Q. How does that work?

4 A. It is a sealed kit that we receive and it contains
5 various components for checking a person's hands for
6 elements of gunshot residue.

7 We test his hands and those test results are sent up
8 to SLED for processing and SLED determines if there is
9 any gunshot residue on the hands.

10 Q. So you don't actually do the testing itself; you
11 just do the taking the sample.

12 A. Correct. I just take the samples and then I seal all
13 those samples in a bag and it goes up to SLED.

14 Q. Okay. And how do you take the sample off the
15 hands?

16 A. There are two different ways. There is one
17 component that has a little cap. You take the cap off
18 and underneath is a little black sticky patch. And that
19 sticky patch will pick up residue. So you do that on the
20 palms of his hands.

21 There is also another type in there where its swabs
22 and you wet them with a little bit of saline solution and
23 you again swab the hands with that as well. And you do
24 both the left and the right.

25 Q. And did you take gunshot residue tests from Tyrone

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1 Robinson's hands?

2 A. I did.

3 Q. And did you seal them in that package afterwards?

4 A. I did.

5 Q. Is this a package provided to you by SLED?

6 A. Correct.

7 Q. And SLED is the State Law Enforcement Division is
8 that correct?

9 A. Yes.

10 Q. Okay. Let me show you what has been marked as
11 State's exhibit 24 and ask if you could identify that for
12 me please?

13 [Whereupon, the witness is shown exhibit]

14 A. This is the gunshot residue evidence collection kit
15 that I collected when I processed the hands of Tyrone
16 Robinson.

17 Q. Now when you take that type of test do you do it --
18 there are some initials on the outside. There are some
19 stickers on this, any of that coming from you? What
20 comes from you and what comes from somebody else?

21 A. I complete the front of the bag. There is a line
22 for subject's name. It says Tyrone Lorenzo Robinson.
23 The officer's name is the person who collected and its
24 myself, Wendy Conant. I put on my badge number, in this
25 case C-3776. The agency I represent Beaufort County

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1 Sheriff's Office, and our case number and it was
2 20120901-707. These lines below are a chain of
3 possession and that gets completed when it's turned into
4 evidence.

5 So I signed it over to evidence on September 4th,
6 2012 at 12:30 and the person that received it from me was
7 Ms. Snyder and she received it at I think that says 12:30
8 hours.

9 Q. Now Ms. Snyder worked I think at that time she
10 worked in your evidence room, is that correct?

11 A. She did.

12 Q. Now how does that process work? You take the test,
13 you put it in this envelope, you fill it out, you turn it
14 into evidence is that correct?

15 A. Correct.

16 Q. What happens to it after you put it into evidence?

17 A. Evidence assigns a container number to it and that's
18 the white sticker that is on the back of it. It has a
19 container number, which is related to this specific item.
20 Each item in the case has a different container number.

21 It has the case number, the date that they received
22 it, and the receiving agency the Beaufort County
23 Sheriff's Office. And when I had given it them I had
24 also put this red seal on there and it had my initials
25 and that's how they can tell if it has been tampered

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1 with. If somebody tries to peel this back it will shred
2 or the red will stick to the bag and you can tell it has
3 been tampered with.

4 Q. So from your -- now the yellow I think -- what is
5 the yellow tape?

6 A. The yellow is all SLED and there is a SLED -- when
7 we bring it up to SLED they assign their own item number
8 to it so that's their yellow sticker.

9 And when they process it they have to get inside the
10 bag so they have to also reseal it so the yellow tape is
11 then resealing it after it has been processed.

12 Q. So the red seal you put on it and it stays in this
13 package and it goes to SLED and then they open the
14 package and -- so when it's in the evidence room nobody
15 is able to open this without breaking the red seal is
16 that correct?

17 A. Correct.

18 Q. When you put this -- when you took this test from
19 Tyrone Robinson and you put it in the bag did you change
20 or alter it in any way? Did you do anything to it other
21 than put it back in the package and seal it?

22 A. I did not. We even have a standard set of questions
23 or a form that comes with it telling us how to do it and
24 it's step by step and you always follow that same form on
25 how to do the process.

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1 Q. Okay. And then at that point you put it into
2 evidence is that correct?

3 A. Correct.

4 Q. Okay. Now, at some point in time while you are
5 talking to Mr. Robinson do you also read him his rights?

6 A. I do.

7 Q. Now this is -- I recognize we've already had a video
8 of him already having his rights read to him but you
9 weren't there at that point is that correct?

10 A. I was not there.

11 Q. So this is when you arrive at the Sheriff's Office?

12 A. Yes.

13 Q. Now how do you do that?

14 A. This was after his G-S-R. And we have a standard
15 form we use where we read it to the person and we have
16 them read along with us. And I used our standard form
17 for that.

18 Q. Okay. Let me show you what has been marked as
19 State's exhibit 5 and ask if you can identify this
20 please?

21 [Whereupon, the witness is shown document]

22 A. This is our Beaufort County Sheriff's Office Miranda
23 Warning form.

24 Q. Is that the form that you read to Tyrone Robinson?

25 A. Yes, it is.

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1 Q. Now the writing on that form is that your writing or
2 Mr. Robinson's?

3 A. It's a little bit of both of ours. The case number
4 at the top is my handwriting, the location where the
5 Miranda was issued, which was our office at Shelter Cove
6 Lane is my handwriting.

7 The name was completed by Tyrone Robinson. I
8 completed the date of birth of [REDACTED] In the statement
9 of rights section there are four lines for initials and
10 Tyrone placed his initials on those lines.

11 There is a waiver of rights section where you can
12 check off yes or no and there are two lines for that and
13 that is Tyrone's handwriting.

14 And then the form is signed and witnessed. Tyrone
15 signed it and dated it and put the time on it and then I
16 witnessed it as well as Master Sergeant Andres Florencio.

17 MR. STONE: At this time, Your Honor we would move
18 in State's exhibit number 5 into evidence.

19 MR. BAX: No objection.

20 THE COURT: All right. Without objection State's 5
21 in evidence.

22 [Whereupon, State's exhibit number 5 is entered into
23 evidence by the court]

24 Q. [Mr. Stone] Now the first thing I want you to do
25 please is tell the jury what rights you read to Tyrone

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1 Robinson that afternoon.

2 A. Yes. I will read this form entirely. It says it's
3 the Beaufort County Sheriff's Office Miranda Warning
4 form. And as I'm reading this to the defendant it's on
5 the table in front of us and he's able to follow along
6 with me.

7 The case number is written on 20120901-707, location
8 where Miranda is issued is 58 Shelton Cove Lane, Hilton
9 Head Island, South Carolina. The name was filled in as
10 Tyrone Robinson, date of birth [REDACTED].

11 The next section is a statement of rights. And I
12 read these to him; there are four of them. The first one
13 is you have the right to remain silent. Second, anything
14 you say can and will be used against you in a court of
15 law, third, you have the right to have any attorney
16 present before or during questioning, and four, if you
17 cannot afford an attorney one will be appointed for you
18 before any questioning if you wish.

19 And then there is a waiver of rights section and
20 there are two things there. The first one says do you
21 understand each of these rights I have explained to you?

22 And the person is given a chance to either initial
23 yes or no; in this case yes was initialed. And having
24 these rights in mind do you wish to talk to us now? And
25 again they have the choice of yes or no and he initialed

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1 yes. He also initialed each of the statement of rights.
2 And by placing his initials on those lines that is our
3 indication that he understands those rights. If they
4 don't they have a chance to ask us any questions they
5 might have.

6 The final process is that the defendant or whoever
7 this is being read to signs it, which he did, and he
8 dated it and timed it on 9-1-12 at 7:15 p.m. and then I
9 witnessed it and Andres Florencio witnessed it as well.

10 Q. Did he indicate to you that he understood those
11 rights?

12 A. He did.

13 Q. And he initialed that -- those are his initials
14 beside each one of those rights?

15 A. Those are his initials.

16 Q. Did you promise him or threaten him in any way while
17 you were with him to get him to give you a statement?

18 A. I did not.

19 Q. I should have asked you this earlier. On this SLED
20 bag I know you testified that you seal on the red when
21 you place it into evidence. Did you also transport this
22 to SLED?

23 A. I did.

24 Q. When you transported it to SLED was the seal still
25 intact at that time?

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1 A. It was.

2 Q. And had it been opened you would have been able to
3 tell that?

4 A. Yes.

5 Q. So it was in the same condition as you put it into
6 evidence when you took it back out to take to SLED?

7 A. Correct.

8 Q. Let me show you what has been marked as State's
9 exhibit 6.

10 [Whereupon, the witness is shown exhibit]

11 Q. Can you tell me what that is?

12 A. This is a DVD-R containing my interview of Tyrone
13 Robinson at our Hilton Head office.

14 Q. The interview room and I know State's exhibit 1
15 actually has a photograph of Mr. Robinson in that
16 interview room, that is a videotaped room, is that
17 correct?

18 A. Correct.

19 Q. And that is audiotaped at the same time?

20 A. Yes.

21 Q. All of that is contemporaneous with the event as it
22 is happening?

23 A. Yes.

24 Q. And the disk itself have you reviewed that?

25 A. I have.

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1 Q. It is accurate as to what took place in that
2 interview room?

3 A. It is.

4 Q. There is also -- have you had an opportunity to
5 review the transcript of that as well?

6 A. I have not.

7 Q. Okay. That's fine.

8 MR. STONE: Your Honor, at this time we'd offer
9 State's exhibit 6 into evidence.

10 THE COURT: Subject to previous objection?

11 MR. BAX: Exactly, Your Honor.

12 THE COURT: Thank you. In evidence subject to
13 previous objection.

14 [Whereupon, State's exhibit number 6 is entered into
15 evidence by the court]

16 MR. STONE: Your Honor, if I could hand this up to
17 you. This is concerning what we discussed last night.

18 [Whereupon, Mr. Stone provides documents to the
19 court]

20 THE COURT: Thank you.

21 MR. STONE: This has actually been added to the
22 video, Your Honor.

23 THE COURT: Okay. Thank you.

24 MR. STONE: Permission to publish at this time,
25 Your Honor?

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1 THE COURT: Yes, sir.

2 [Whereupon, the C.D. plays] [Not taken down]

3 MR. STONE: No further questions from this witness
4 at this time, Your Honor.

5 THE COURT: Thank you. Mr. Bax, cross-
6 examination?

7 MR. BAX: A moment, Your Honor.

8 [Whereupon, Mr. Bax confers with this client]

9 MR. BAX: No questions at this time.

10 THE COURT: Thank you. Corporal Conant, you can
11 step down. Thank you.

12 [Whereupon, the witness is excused and exits the
13 witness stand]

14 THE COURT: Ladies and gentlemen, this is a good
15 time to take the afternoon break. We'll send you back
16 there for about 20 minutes and we'll get you out and
17 resume around 4 o'clock. Please do not discuss this case
18 among yourselves while you are back in the jury room.
19 Thank you.

20 [Whereupon, the jury exits at 3:34 p.m.]

21 THE COURT: Folks we'll be in recess until about 4
22 o'clock. Thank you.

23 [Whereupon, court is in recess from 3:35 p.m. to
24 4:00 p.m.]

25

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1 THE COURT: Folks, both sides ready for the jury?

2 MR. STONE: Yes, sir.

3 MR. BAX: Yes, Your Honor.

4 THE COURT: Thank you. You can bring us the jury.

5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor.

7 THE COURT: Thank you.

8 [Whereupon, the jury enters at 4:00 p.m.]

9 THE COURT: Folks, some of the observant, astute
10 members of the clerk's staff and the courtroom staff who
11 are very concerned about your well-being and your comfort
12 have noticed that during the playing of the extended
13 video that you just watched that those poor unfortunates
14 who were sitting on this row [indicates] right here are
15 probably going to need a chiropractor if you have to go
16 through that much longer.

17 And it just so happens that we have three vacant
18 seats along that back row and they are going to be
19 showing some more of that stuff to you right now. So if
20 those of you on this first row right here [indicates]
21 would like to take those three seats that are vacant on
22 the back right there [indicates] that will leave this row
23 vacant and you can continue to occupy those throughout
24 the rest of the trial if you would like because there are
25 going to be some more exhibits that will be shown to you.

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1 I doubt that we will have anything that long again but
2 there will be other exhibits shown to you and that should
3 be a little more comfortable. You can thank the Clerk's
4 staff for seeing that. I saw y'all leaning back but
5 didn't occur to me that your necks were about to kill you
6 and I'm sorry about that. All right Mr. Stone, you can
7 call your next witness.
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1 MR. STONE: The State calls Ebony Campbell.

2 THE COURT: Ms. Campbell, come forward and be
3 sworn.

4 [Whereupon, Ms. Campbell comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: State your name for the record and
8 spell it please.

9 THE WITNESS: My name is Ebony Campbell E-B-O-N-Y
10 Campbell is C-A-M-P-B-E-L-L.

11 - - - - -

12 EBONY CAMPBELL,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q. Ms. Campbell, where do you live ma'am?

18 A. I live at [REDACTED].

19 Q. And how long have you lived there?

20 A. Twenty plus years.

21 Q. Are you from here originally?

22 A. Originally yes.

23 Q. Now I'm going to ask you to go back with me to
24 September 1st, 2012. Do you remember where you were that
25 day, that afternoon?

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- 1 A. I was.
- 2 Q. Where were you?
- 3 A. I was at my boyfriend's house at ■ Old Wild Horse
4 Road.
- 5 Q. Now Wild Horse Road is in the Squire Pope area of
6 Hilton Head, is that correct?
- 7 A. It is.
- 8 Q. And how is your boyfriend?
- 9 A. Aaron Young, Sr.
- 10 Q. And who was there with you?
- 11 A. My stepson Aaron Young, Jr. was at home with us.
- 12 Q. And this is all at that Squire Pope residence?
- 13 A. Yes, sir.
- 14 Q. Tell me about 4 o'clock that afternoon -- well, let
15 me back up. At any point in time during that day did you
16 see Tyrone Robinson?
- 17 A. Yes, I did.
- 18 Q. And how do you know Tyrone Robinson?
- 19 A. He is my first cousin. My brother -- or my father
20 and his father are brothers.
- 21 Q. So you've known Tyrone Robinson your whole life?
- 22 A. Yes.
- 23 Q. When -- about what time did you see Tyrone Robinson?
- 24 A. A little bit before 4:00 or possibly a little after
25 4:00.

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1 Q. How are you certain about that time?

2 A. It was around the time when everyone was going to
3 work and everyone had to be to work by 4 o'clock.

4 Q. And that would be your boyfriend as well as your
5 stepson, is that correct?

6 A. Yes.

7 Q. Where were they working at the time?

8 A. Aaron, Jr. was working at King Fisher restaurant and
9 my boyfriend Aaron, Sr. was working at Chart House.

10 Q. When you saw Tyrone Robinson tell me about that.
11 Where were you?

12 A. We were just about to get inside our truck. I was
13 going to be dropped off to my mother's house and the
14 other guys were going to work and we were ---

15 Q. --- let me stop you there I just want to make sure.
16 The truck we're talking about is State's exhibit number 9
17 is that correct?

18 [Whereupon, the witness is shown photograph]

19 A. That was our truck, yes.

20 Q. That's your truck? Or that's the truck that you
21 were riding in, is that correct?

22 A. Yes.

23 Q. Okay. So you were about to get in the truck and
24 what do you see after that?

25 A. We were just about to get into truck when we saw a

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1 dark green, what I thought was black that day but it was
2 green, Honda pull inside the driveway blocking us in. At
3 first we didn't know who it was. Jontu Singleton jumped
4 out and he just kind of said hey. I don't really
5 remember what he was talking about.

6 Q. Now Jontu Singleton how old is Jontu Singleton?

7 A. How old is he?

8 Q. Yes? Is he -- we've had some testimony about a
9 younger Jontu Singleton so this is his father?

10 A. His father, Sr.; yes.

11 Q. Okay. Now let me show you also before you get too
12 far down the line what has been marked as State's exhibit
13 2.

14 [Whereupon, the witness is shown photograph]

15 Q. Other than the back glass in that is that the car
16 that you saw pull into your driveway?

17 A. Definitely.

18 Q. And that is the car that Jontu Singleton got out.
19 He got out the driver's side or the passenger side?

20 A. He got out of the passenger side.

21 Q. And he gets up and starts talking to whom?

22 A. He starts talking to Aaron, Sr.

23 Q. Okay. Where is Tyrone Robinson?

24 A. At that time he was still behind the driver wheel,
25 behind the wheel; he was still in the car.

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1 Q. Okay. What happens after that?

2 A. Well, Jontu jumps out. I don't really remember what
3 he was saying other than he needed two dollars for a beer
4 or something along those lines.

5 And somehow or another -- no one actually even paid
6 attention to the driver, we didn't. One way or another
7 he just -- Tyrone Robinson just kind of jumped out and
8 starting screaming obscenities at us and that's yes...

9 Q. How far away were you from Tyrone Robinson?

10 A. Initially I was probably maybe 30 steps from him I
11 would say.

12 Q. So from a distance between me and you how close or
13 far away?

14 A. I guess where you would be standing would be about
15 right where I was standing and this [indicates] would be
16 the car, so about that far initially.

17 Q. Okay. That's when he first got out of the car?

18 A. Yes.

19 Q. What happens after he gets out and starts -- who is
20 he yelling the obscenities to?

21 A. I believe at my stepson Aaron, Jr.

22 Q. What happens after that?

23 A. Well, I just kind of ran to the car side where he
24 was where he was standing and I tried to ---

25 Q. --- when you say he who are you talking about?

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- 1 A. Tyrone Robinson.
- 2 Q. So you actually run towards Tyrone Robinson?
- 3 A. Yes, I did.
- 4 Q. Okay. Go ahead; I'm sorry.
- 5 A. So I just basically asking you know what are you
6 doing here? Please leave, you know please go back to
7 whatever you were doing before you came here. And so I'm
8 trying to coax him back inside the car but he's not
9 wanting to get back in the car.
- 10 He's wanting to argue or whatnot. And before I knew
11 it it's like I looked over and then I looked back over
12 and he had a gun pointed at my stepson.
- 13 Q. What kind of gun was it could you tell?
- 14 A. It was a revolver of some type. I don't know much
15 about guns.
- 16 Q. Do you know what color it was? Could you remember?
- 17 A. Black.
- 18 Q. It was black?
- 19 A. Uh Huh.
- 20 Q. And when he is pointing the revolver how close are
21 you to him when he is doing that?
- 22 A. I was still next to him but at that point I had
23 started to back away.
- 24 Q. So when you first see him is he still in the car or
25 is he kind of in the apex of the door or how was that?

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1 A. He is in the apex of the door.

2 Q. Okay. He's standing in the door and then how far
3 away from the door are you?

4 A. I am right next to him on the other side of the
5 door.

6 Q. Closer than you and I are right now or farther away?

7 A. Closer.

8 Q. Okay. So how close?

9 A. If this [indicates] is the apex of the door he is
10 standing here [indicates] and I'm here [indicates].

11 Q. Okay. And that's when you see him with the gun in
12 his hand?

13 A. Yes.

14 Q. Pointing it at [REDACTED] J.S. .?

15 A. No, Aaron, Jr.

16 Q. Aaron, Jr., excuse me; Aaron, Jr. Okay. You start
17 backing away are you still talking to him?

18 A. I believe I was but it was more to the effect of the
19 same thing that I said earlier. You know please put that
20 away, please go home, go wherever; just please don't be
21 here.

22 And the next thing I know he and my boyfriend Aaron,
23 Sr. started tussling. It was not much -- it wasn't so
24 much of a fist fight, it was more like a wrestle. And
25 during that time he had the gun pointed this way

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1 [indicates] and my boyfriend went to go and kind of knock
2 it out of his hand.
3 Q. Okay.
4 A. And when he knocked his hand this way [indicates]
5 the gun went off the first time. And that's when I
6 definitely starting running.
7 Q. That's when you ran?
8 A. That's when I ran.
9 Q. Okay. Do you know where that shot went?
10 A. Yes. It went into our neighbor's house.
11 Q. Okay.
12 A. Into one of the exterior walls.
13 Q. You start running. What happens after that?
14 A. At that point little Aaron -- I'm running faster
15 than little Aaron. Little Aaron is walking very quickly
16 but he's not running and my boyfriend is walking briskly
17 but not running.
18 Q. Got you. And what is Tyrone Robinson doing?
19 A. He's still -- he's shooting at this point. He is
20 letting off rounds at this point as we're like going
21 towards the house.
22 Q. Where did those shots go do you know?
23 A. I'm not sure.
24 Q. You're actually running away at this point?
25 A. Yes, I'm running away so I'm not sure.

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1 Q. When Robinson is holding the gun and Aaron Young
2 knocks it out of his hand or hits it out of his hand does
3 Aaron Young, Sr. have a gun at the same time?

4 A. No.

5 Q. Did anyone out there have a gun other than Tyrone
6 Robinson?

7 A. No.

8 Q. Did you see any other guns on Tyrone Robinson?

9 A. I did.

10 Q. Where was that?

11 A. In the driver's seat -- well, on the side of the
12 driver's seat. Say you open the door and along the
13 floorboard on the side of the seat there was another gun
14 just kind of stuck there. I could see the butt of it. I
15 couldn't see the head of it I could only see the butt of
16 it.

17 Q. Okay. Do you at this point go inside?

18 A. Yes.

19 Q. Does Aaron Young, Sr. come inside with you as well?

20 A. Yes.

21 Q. And where does Aaron Young, Jr. go?

22 A. Aaron Young, Jr. he came in the house as well so
23 we're all in the house, yes. The first one to go back
24 out was Aaron Young, Sr.

25 Q. And did you go back out with him when he went out?

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1 A. I did. I did, but it was several minutes later.

2 Q. Okay. And what about Aaron Young, Jr.?

3 A. He goes back out just a couple of seconds after his
4 father.

5 Q. Okay. What happens after that? Is Tyrone Robinson
6 still in the yard when they go back out?

7 A. Yes, he's still in the yard but he's trying to
8 retreat at that point. But there is a spot in our yard
9 that was concrete at one time.

10 It was poured I think back in the '70's and it
11 started to erode a little bit on the edges and the
12 undercarriage of his car got stuck on it so he wasn't
13 able to back up like he wanted to.

14 So he's still pretty much stuck there and they are
15 on their way back out to them -- back out to Tyrone and
16 he finally breaks free of the concrete and kind of just
17 skids out and leaves.

18 Q. What does Aaron Young, Jr. and Aaron Young, Sr. do
19 after that?

20 A. They talked among each other for a while and then
21 they decided that -- or Aaron Young, Sr. and I decided
22 that he wasn't going to go to work that day.

23 Junior had to go to work. He didn't have an option
24 or he wouldn't have a job so he had to go to work. So
25 the agreement was that I would stay at the house and wait

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1 for Senior to come back and I just waited.

2 Q. [REDACTED] J.S. -- excuse me Jontu Singleton did he --

3 when Robinson left was Jontu Singleton with him?

4 A. Yes.

5 Q. Okay. He was there when he got there was he still

6 there when he left?

7 A. Jontu came walking back up at some point.

8 Q. Okay.

9 A. So I'm not sure if he went with them or whether -- I

10 know that he left in the truck with them. Now when they

11 put him out ---

12 Q. --- I'm sorry -- and I apologize I didn't ask that

13 question very well. So Jontu Singleton leaves with Aaron

14 Young, Jr. and Aaron Young, Sr. is that correct?

15 A. Yes.

16 Q. So when Tyrone Robinson leaves I guess Tyrone

17 Robinson leaves Jontu there at the house?

18 A. Yes.

19 Q. Okay. I'm sorry; I didn't ask that question very

20 well. Although Jontu comes with Tyrone Robinson when

21 Robinson leaves Jontu is still there is that correct?

22 A. Yes.

23 Q. And then all three of them go off in the truck

24 together?

25 A. Yes.

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1 Q. And you thought they were going to work?

2 A. They were supposed to, yes.

3 Q. They returned at some point?

4 A. Yes. It was about 30 minutes later, 30 or 40 ---

5 THE COURT: --- when you say all three left in the
6 truck which three are we talking about.

7 MR. STONE: I apologize, Your Honor ---

8 THE WITNESS: Jontu Singleton, Sr. Aaron Young,
9 Sr., Aaron Young, Jr.

10 THE COURT: Thank you.

11 Q. [Mr. Stone] Those three people in the truck, okay.
12 At some point you see Jontu Singleton come back?

13 A. Yes, he comes walking up on feet.

14 Q. And then Aaron Young, Sr. and Aaron Young, Jr. they
15 come back at some point?

16 A. They do.

17 Q. Let me show what's been marked as State's exhibit
18 18, 19, 20, and 21.

19 [Whereupon, the witness is shown photographs]

20 Q. Are these fair and accurate depictions of your -- I
21 believe it would be your neighbor's house on September
22 1st, 2012?

23 A. Yes, all four are accurate.

24 Q. Okay.

25 MR. STONE: Your Honor, at this time we would move

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1 State's exhibits 18, 19, 20, and 21 into evidence.

2 MR. BAX: No objection, Your Honor.

3 THE COURT: Thank you. Without objection 18 thru
4 21 in evidence.

5 [Whereupon, State's exhibit numbers 18, 19, 20, and
6 21 are entered into evidence by the court]

7 MR. STONE: Let me first show, if I may Your Honor,
8 publish this to the jury. This is State's exhibit 18.

9 [Whereupon, photo is shown on screen]

10 Q. [Mr. Stone] That is -- could you tell me what that
11 is? I know you're looking at the monitor as well but can
12 you tell me what that is?

13 A. That is my boyfriend's neighbor's house. It's the
14 front of the house. That's myself standing there.

15 Q. That is you in the red dress or the pink dress; I
16 can't tell?

17 A. It was coral.

18 Q. All right. Is this a few days later when the law
19 enforcement officers arrived at the house?

20 A. It is.

21 Q. Let me show you what has been marked and entered
22 into evidence as State's exhibit 19.

23 [Whereupon, photo is shown on screen]

24 Q. Is that the same house with an officer speaking to
25 someone at the front door?

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1 A. It is.

2 Q. Now the lady at the front door who is that?

3 A. She is the daughter of the couple who rented the
4 house.

5 Q. Okay. She's renting from?

6 A. From Aaron, Sr.'s father.

7 Q. Let me show you what has been marked as State's
8 exhibit 20. It's entered into evidence.

9 [Whereupon, photo is shown on screen]

10 Q. If you can't see that I'll give you the picture back
11 closer. But is that the bullet hole from the shot from
12 Tyrone Robinson's gun?

13 A. Yes.

14 Q. And were you there when law enforcement officers
15 went to that spot to get the bullet out?

16 A. I absolutely was.

17 Q. And also State's exhibit 21 is a close up.

18 [Whereupon, photo is shown on screen]

19 Q. Is that the bullet hole caused by Tyrone Robinson's
20 gun?

21 A. Yes.

22 MR. STONE: I don't have any further questions of
23 this witness at this time, Your Honor.

24 THE COURT: Thank you. Mr. Bax, cross-examine?

25 MR. BAX: Your Honor, may I approach?

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1 THE COURT: Yes, sir.

2 [Whereupon, an off the record bench conference is
3 held]

4 MR. STONE: Your Honor, I do not have anything else
5 on that right now.

6 THE COURT: All right. Do you have a copy of any
7 statement that Ms. Campbell may have made?

8 MR. STONE: Yes, sir. I believe the defense has it
9 but I've got another copy if they need it.

10 THE COURT: Okay.

11 MR. BAX: Your Honor, I do have a copy of the
12 written statement.

13 THE COURT: Okay. We'll leave that matter open
14 and see if they may be any other information on that but
15 certainly you can cross-examine on that issue.

16 MR. BAX: Obviously, Your Honor, I would reserve
17 the right to go on the record at a later time about this
18 issue.

19 THE COURT: Sure, yes sir.

20 MR. BAX: Thank you, Your Honor.

21

22

23

24

25

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1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good afternoon, Ms. Campbell. I just want to go
4 through a few questions with you, okay. You've testified
5 that you were over at ■ Old Wild Horse Road on September
6 1st, right?

7 A. Yes.

8 Q. And this encounter with Mr. Robinson that you've
9 described for the jury happened on that day at that
10 location, correct?

11 A. It did.

12 Q. Okay. Now you've indicated that yourself and Aaron
13 Young, Sr. and Aaron Young, Jr. were getting ready to
14 leave the residence at that time correct?

15 A. We were.

16 Q. Okay. And that was to go to work?

17 A. I was going home. They were going to work.

18 Q. Okay. So they were going to drop you at home on
19 Marshland Road.

20 A. Yes.

21 Q. Now you've testified that this green car that you've
22 identified, the green Acura in the pictures is what
23 pulled up and Jontu Singleton, Sr. is the one who first
24 got out.

25 A. Yes.

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1 Q. And he was having a conversation with Aaron Young,
2 Sr. is that correct?

3 A. It wasn't so much a conversation.

4 Q. Okay. How would you describe what Jontu Singleton,
5 [REDACTED] was doing -- Sr.; excuse me?

6 A. Senior he was just kind of saying hey, how y'all
7 doing. I need two dollars for a beer and such and such
8 and such.

9 Q. Let me ask you this. Yourself and the two Youngs
10 were you still in the cab of the truck or were you
11 sitting in the truck?

12 A. No, we hadn't gotten in the truck yet.

13 Q. Hadn't gotten in the truck so you are standing in
14 proximity to the truck?

15 A. We were in front of the truck.

16 Q. In front of the truck. Was he addressing all three
17 of you when he was talking to y'all or does he talk to
18 one of y'all in particular?

19 A. Well, I understood that he wasn't speaking to me.
20 He was speaking to Senior and I'm sure Junior understood
21 as well that he wasn't speaking to him.

22 Q. Okay. So your understanding was he was talking to
23 Aaron Young, Sr. your boyfriend?

24 A. Yes.

25 Q. Okay. And he was talking about possibly borrowing

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- 1 money from him.
- 2 A. Yes.
- 3 Q. How did Aaron Young, Sr. respond to him?
- 4 A. I don't clearly remember but I'm sure he would have
5 given it to him.
- 6 Q. Well, that's my next question. Did you hear
7 anything that indicated that Aaron Young, Sr. was going
8 to loan him any money?
- 9 A. I can't say that I did. I can't.
- 10 Q. Was Aaron Young, Sr. or Junior happy to see Jontu
11 Singleton coming up asking for money?
- 12 A. They weren't upset about it, no.
- 13 Q. So you don't recall what their response was to Jontu
14 Singleton, Sr.?
- 15 A. No, I'm sorry I don't.
- 16 Q. Was there any kind of argument between Jontu
17 Singleton, Sr. and the Youngs?
- 18 A. No ---
- 19 Q. --- before Mr. Robinson got out of the car?
- 20 A. Oh, no.
- 21 Q. Now you've testified that at some point Mr. Robinson
22 gets out of the car, this altercation happens. And when
23 the shot is fired you said you run towards the house,
24 correct?
- 25 A. Yes.

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1 Q. And the Youngs walked towards the house as well;
2 Aaron Young, Sr. and Aaron Young, Jr.

3 A. Yes, behind me.

4 Q. Okay. You were running and they were walking
5 briskly I believe was your testimony, right?

6 A. Yes.

7 Q. Okay. Were they saying anything to Mr. Robinson as
8 they walked towards the car -- excuse me; the house?

9 MR. STONE: Objection, Your Honor.

10 A. I can't answer that because I don't ---

11 THE COURT: --- I'm sorry; what's the nature of the
12 objection?

13 MR. STONE: Hearsay.

14 MR. BAX: Your Honor, they can't object to hearsay
15 now when they've been eliciting it this entire time.

16 THE COURT: Right.

17 MR. STONE: That's not correct, Your Honor.

18 THE COURT: My recollection is this whole thing has
19 been about conversations between Junior and Senior and
20 the individual in this case. I think he's entitled to
21 elicit that.

22 MR. BAX: Thank you, Your Honor.

23 Q. [Mr. Bax] I'll ask the question again. Was Aaron
24 Young, Jr. or Aaron Young, Sr. saying anything to Mr.
25 Robinson as they walked briskly towards the house?

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1 A. Not that I remember. I don't want to tell you
2 something and it not be true when I don't remember it.

3 Q. So you don't recall anything that the Youngs have
4 said. You recall what [REDACTED] J.S. [REDACTED] says. You've
5 testified to that, correct?

6 A. I remember Aaron Young, Sr. saying don't be here
7 when I get back or something along those effects but
8 that's the only thing that I really remember.

9 Q. Okay. And why did he say that?

10 A. I'm not sure why he said that.

11 Q. What did you take his meaning to be when he said
12 don't be here when I come back?

13 A. I think it was a bluff of some sort.

14 Q. And you don't recall Aaron Young, Sr. saying I've
15 got guns too. I'm going to go get my guns when he walked
16 towards the house briskly?

17 A. I don't remember him saying that because I don't
18 believe he said that.

19 Q. Well, let me ask you. Is it because he didn't say
20 it or because you don't remember it, yes or no?

21 A. I don't remember it.

22 Q. Okay. Now you've indicated that after y'all
23 entered the house that you saw Mr. Robinson get back in
24 his vehicle and attempt to get out of the driveway or out
25 of the front of the house, correct?

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1 A. Yes.

2 Q. Now how were you able to see that from the house?

3 How were you seeing that? Looking through a window,
4 through an open door?

5 A. Looking out our back door window.

6 Q. A back door window, okay. And you've indicated that
7 he was stuck for a little bit but when the Youngs come
8 out his car breaks free of whatever it was stuck on and
9 speeds off, correct?

10 A. Yes.

11 Q. And your testimony was that Aaron Young, Jr. and
12 Aaron Young, Sr. were coming out of the house right about
13 that same time?

14 A. Yes.

15 Q. And did just Aaron Young, Jr. have a gun in his hand
16 or did both of them have guns in their hands?

17 A. Neither one of them had guns in their hands.

18 Q. So neither one of them had any guns on them at that
19 time?

20 A. No, sir.

21 Q. That's your testimony?

22 A. That's the truth.

23 Q. Okay. When you were looking at Mr. Robinson's car
24 you could see that it was trying to exit and then sped
25 off, correct? It was leaving the area?

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1 A. Yes.

2 Q. And Aaron Young, Jr. and Aaron Young, Sr. were
3 looking at the same thing you were looking at so they saw
4 Mr. Robinson leave correct?

5 A. Yes.

6 MR. BAX: A moment's indulgence, Your Honor.

7 THE COURT: All right, sir.

8 [Whereupon, Mr. Bax confers with his client]

9 MR. BAX: Your Honor, I'm going to have some items
10 premarked for I.D. only by the Clerk -- excuse me; the
11 court reporter.

12 THE COURT: Okay.

13 [Whereupon, defendant's exhibit numbers 1, 2, 3, 4,
14 and 5 are marked for identification only by the court
15 reporter]

16 Q. [Mr. Bax] Ms. Campbell, when they -- when Aaron
17 Young, Jr. and Aaron Young, Sr. were exiting the house as
18 Mr. Robinson was leaving in his car were they carrying a
19 bag? Were they carrying anything?

20 A. They weren't carrying anything at all.

21 Q. Okay.

22 MR. BAX: Approach the witness, Your Honor.

23 THE COURT: Yes, sir.

24 Q. [Mr. Bax] I'm just going to show you that picture.
25 You don't have to say what's on it.

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1 [Whereupon, the witness is shown photograph]

2 Q. Have you ever seen that before?

3 A. It looks like an old diaper bag.

4 Q. Well, you don't have to describe it. I'm just
5 asking you have you ever seen that before?

6 A. I think so, yes.

7 Q. Okay. Did they have that on them when they were
8 exiting the house?

9 A. No.

10 Q. Okay. I'm handing you what has been premarked as
11 defendant's exhibit 2 for I.D.

12 [Whereupon, the witness is shown photograph]

13 Q. Have you ever seen that before? Like I said you
14 don't have to describe it.

15 A. No.

16 Q. Okay. Did Aaron Young, Jr. or Aaron Young, Sr.
17 have anything like that on them when they left?

18 A. No.

19 Q. Okay. I'm going to hand you what has been marked
20 as defendant's 3.

21 [Whereupon, the witness is shown photograph]

22 Q. Have you ever seen that before?

23 A. No.

24 Q. Okay. Same question. Did they have anything that
25 looked like that on them when they left?

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1 A. No, not that I recall. Or no, there was nothing in
2 their hands.

3 Q. What about that?

4 [Whereupon, the witness is shown photograph]

5 A. No.

6 Q. Finally, 5 is just all of those things together.

7 [Whereupon, the witness is shown photograph]

8 Q. Same thing; have you seen that before or see them
9 with that that day?

10 A. No, not on that day. I've seen this [indicates]
11 before.

12 Q. Where have you seen this before?

13 A. I think in my kitchen, but it was a very, very long
14 ago; I could be wrong.

15 Q. Okay. Thank you, Ms. Campbell.

16 MR. BAX: No further questions, Your Honor.

17 THE COURT: Thank you. Redirect, Mr. Stone?

18 MR. STONE: No, nothing else Your Honor.

19 THE COURT: Thank you. Ms. Campbell, you can step
20 down. Thank you, ma'am.

21 [Whereupon, the witness is excused and exits the
22 witness stand]

23

24

25

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1 MR. STONE: Jontu Singleton.

2 [Whereupon, Mr. Singleton comes forward]

3 THE COURT: Mr. Singleton, if you'll come right
4 here [indicates] and have a seat.

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please state your name and spell it
8 for the record.

9 THE WITNESS: My name is Jontu Virgil Singleton,
10 Sr., J-O-N-T-U, V-I-R-G-I-L, S-I-N-G-L-E-T-O-N, S-R.

11

12 JONTU SINGLETON, SR.,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q. Mr. Singleton, you are currently in the Beaufort
18 County Detention Center is that correct?

19 A. Yes, sir.

20 Q. On separate charges not related to the incident on
21 Allen Road on September 1, 2012 is that correct?

22 A. Yes, sir.

23 Q. On September the 1st, 2012 you were with Tyrone
24 Robinson that day were you not?

25 A. Yes sir, I was.

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1 Q. How did that happen? How did that come about?

2 A. Well, I walked from my house around ---

3 Q. --- where was your house at that time?

4 A. It was on Gum Tree Road right around the corner from
5 Wild Horse Road.

6 Q. Got you. Go ahead.

7 A. I walked up to [REDACTED] Wild Horse Road, which is
8 Darryl Ferguson's house, one of my cousins, and
9 Robinson's car was there with the music playing loud and
10 he was arguing outside with one of the residents that
11 stays there.

12 And I walked up and asked Mr. Ferguson was he
13 looking for me. And he was like no, not really. That's
14 when I seen Robinson and I talked to Robinson as well as
15 he asked me if I wanted a beer, which I went to his car
16 and got a beer.

17 Q. So Robinson had beer in his car?

18 A. Yes, sir.

19 Q. Was Robinson drinking at that time, too?

20 A. Yes, sir.

21 Q. About what time was this?

22 A. I think it was like after 4:00.

23 Q. Okay. After 4:00 in the afternoon?

24 A. After 4:00 in the afternoon.

25 Q. Okay. And Robinson's car --let me show you what

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1 has been put into evidence as State's exhibit 3.

2 [Whereupon, the witness is shown photograph]

3 Q. Is that the car you're talking about?

4 A. Yes sir, it is.

5 Q. Okay. So do you stay there for a while and drink
6 beer with Mr. Robinson?

7 A. We wasn't there that long, probably like 10 or 15
8 minutes, sir.

9 Q. Where did you go after that?

10 A. We left to go to the store on Wild Horse Road.

11 Q. What kind of store is that?

12 A. It's a convenience store.

13 Q. What did you go to the convenience store for?

14 A. Some more beers and I told him on the way going to
15 the store to stop by Aaron, Sr.'s house so I can get some
16 money from him for some cigarettes as well.

17 Q. Okay. Did he stop by -- you're talking about
18 Aaron, Sr. What is Aaron, Sr.'s last name?

19 A. Aaron, Sr.; Young.

20 Q. Okay. And Aaron Young, Sr.'s house where is that
21 located?

22 A. Its located on Wild Horse Road as well.

23 Q. And you go there -- tell me what you do after that.

24 Do you go to the store first or do you go to Aaron Young,
25 Sr.?

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1 A. We stopped at Aaron, Sr.'s house first.

2 Q. Tell me what happened once you got there.

3 A. We pulled up in side of the bicycle path where his
4 house is located. They were standing outside Aaron
5 Young, Jr. and Aaron Young, Sr. And I got out the car --
6 and I think his girlfriend Ebony was there as well, and I
7 got out the car and was speaking with them.

8 I talked to Aaron Young, Sr. about giving me a few
9 dollars to go to the store and that's when I heard Tyrone
10 Robinson car door slam. He was in the car when I got
11 out. And he was approaching Aaron Young, Jr. and it
12 looked like a gun was in his hand and that's when they
13 started tussling over the gun.

14 Q. Who was tussling over the gun?

15 A. Aaron Young, Sr. walked off and went to Tyrone
16 Robinson and they were tussling over the gun.

17 Q. Did the gun go off at any point?

18 A. Yes, the gun did went off at that point.

19 Q. And how did the gun go off? What happened there?

20 A. After the gun went pow, one shot went off Aaron
21 Young, Sr. backed away and Robinson shot one down in the
22 ground at his feet. And he told me to come on get in the
23 car and let's go and that's when I told him no.

24 Q. So you told who no?

25 A. I told Mr. Robinson no.

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1 Q. Okay. So you didn't get back in the car with Mr.
2 Robinson?

3 A. No, sir.

4 Q. What did Mr. Robinson do?

5 A. He walked off and got in his car and was about to
6 leave and he spun off.

7 Q. Did he leave?

8 A. Yes, he left.

9 Q. What did you do?

10 A. I was like in shock for a little minute. I got
11 myself together and me and Aaron Young, Jr. and Sr. was
12 standing there and they walked off and went in the house
13 and came back out, which they had a book bag.

14 And we got in the truck and drove down Wild Horse
15 Road and went towards Spanish Wells Road. And at that
16 time we went down Oak View Road but ---

17 Q. --- let me get you to stop right there for me.

18 [Whereupon, State's exhibit number 25 is marked by
19 the court reporter]

20 Q. I'm going to show you what has been marked as
21 State's exhibit 25. There is another item in this bag
22 but right now what's in this bag, does this look like the
23 book bag that you saw that day?

24 [Whereupon, the witness is shown exhibit]

25 A. I'm definitely not sure but I believe that it was.

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- 1 Q. Okay. And who had this bag or something that
2 looked like this?
- 3 A. Aaron Young, Sr. had the bag.
- 4 Q. When you get in the -- you then get in the truck is
5 that right?
- 6 A. Yes, we get in the truck. Aaron Young, Sr. was
7 driving and me and Aaron Young, Jr.
- 8 Q. And Aaron Young, Jr. was?
- 9 A. On the passenger side.
- 10 Q. He was on the passenger side?
- 11 A. Yes, sir.
- 12 Q. What were you doing? Where were you going?
- 13 A. At that point we left going towards 278, which is
14 approaching Spanish Wells Road and that's when they
15 pulled the bag -- out of the bag was a gun in the bag.
- 16 Q. And who pulled the gun out the bag?
- 17 A. Aaron Young, Sr.
- 18 Q. Now who is driving the car?
- 19 A. No, Aaron Young, Sr. was driving and Aaron Young,
20 Jr. pulled the gun out the bag.
- 21 Q. Okay. Let me get this straight because this is
22 important. Where are you sitting? Are you in the...
- 23 A. I was in the middle.
- 24 Q. You're in the middle?
- 25 A. Yes, sir.

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1 Q. To your left who is driving the truck who is that?

2 A. Aaron Young, Sr.

3 Q. Okay. And to your right?

4 A. Which is on the passenger side Aaron Young, Jr.

5 Q. Okay. Who's got the bag?

6 A. Aaron Young, Sr.

7 Q. In the driver's side?

8 A. Aaron Young, Jr. on the passenger side.

9 Q. And at this time Aaron Young, Jr. pulls something
10 out of the bag?

11 A. Yes, sir.

12 [Whereupon, State's exhibit number 26 is marked by
13 the court reporter]

14 Q. I'm showing you what has been marked as State's
15 exhibit 26, specifically in the bag --

16 MR. STONE: And Your Honor, I'm tearing the rest of
17 the evidence tape.

18 Q. [Mr. Stone] Is this the gun you saw Aaron Young, Jr.
19 take out of the bag?

20 [Whereupon, the witness is shown exhibit]

21 A. Yes, sir.

22 MR. STONE: At this time, Your Honor, I'd move item
23 number 26 into evidence.

24 MR. BAX: No objection, Your Honor.

25 THE COURT: Without objection, 26 in evidence.

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1 [Whereupon, State's exhibit number 26 is entered
2 into evidence by the court]

3 Q. [Mr. Stone] Was the gun in that condition or did it
4 have anything else on the gun, do you recall?

5 A. Well, it looked like it had like holes at the end of
6 the barrel.

7 Q. Okay. What do you mean by that; something on the
8 end of the barrel?

9 A. It looked like a muffler of some sort.

10 [Whereupon, State's exhibit number 27 is marked by
11 the court reporter]

12 Q. I'm showing you what has been marked as State's
13 exhibit 26 -- excuse me; 27, going into the evidence bag.

14 [Whereupon, the witness is shown exhibit]

15 Q. Does that appear to be what was on the end of the
16 gun?

17 A. It looked similar to it. It looked like it had
18 holes at the end of it though if I'm not -- if I'm sure.

19 Q. And at what point -- is it stuck into this
20 [indicates] part of it, the front of the gun?

21 A. Yes, sir.

22 Q. Okay. And did the gun have a clip on it?

23 A. Yes, sir.

24 [Whereupon, State's exhibit number 28 is marked by
25 the court reporter]

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1 Q. I'm showing you what is marked as State's exhibit

2 28. Does that appear to be the clip that was in the gun?

3 [Whereupon, the witness is shown exhibit]

4 A. Yes, sir.

5 MR. STONE: Your Honor, at this time we'd move

6 State's exhibit 28 into evidence.

7 MR. BAX: No objection, Your Honor.

8 THE COURT: What about 27?

9 MR. BAX: No objection to that either, Your Honor.

10 THE COURT: All right.

11 MR. STONE: Now, all State's exhibit 26, 27, and

12 28, yes sir, into evidence.

13 [Whereupon, State's exhibit numbers 27 and 28 are

14 entered into evidence by the court]

15 THE COURT: 25 is the bag and that has not been

16 offered yet?

17 THE COURT REPORTER: Correct, that's the book bag.

18 THE COURT: Right.

19 MR. STONE: That's correct.

20 Q. [Mr. Stone] Now is this the condition -- and I'm not

21 going to be able to put everything together on this -- is

22 this the condition generally --

23 MR. STONE: And this will not go in obviously

24 because of the trigger lock, Your Honor. It is trigger

25 locked.

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1 THE COURT: Good. Thank you.

2 Q. [Mr. Stone] Is this the condition that the gun was
3 in when you saw it when Aaron Young, Jr. took it out?

4 [Whereupon, the witness is shown exhibit]

5 A. Well, he had to put it together, sir.

6 Q. He had to put it together. And he put it together
7 in the passenger side?

8 A. As he was driving -- as Aaron Young, Sr. was driving
9 down Spanish Wells Road yes, sir.

10 Q. And Aaron Young, Jr. is in the passenger side
11 putting this together?

12 A. Yes, sir.

13 Q. Did Aaron Young, Sr. have a gun?

14 A. No, sir.

15 Q. Did you see any other gun in the truck?

16 A. No, sir.

17 Q. What are you going down Spanish Wells Road for?
18 What are y'all doing?

19 A. At the time he said he was looking for Tyrone but we
20 never seen him. We seen a car like it went down Oak View
21 and we went down Oak View and we didn't see the car like
22 it no more.

23 We came back out of Oak View Road and he went to
24 Marshland Road to Allen Road. We went down Allen Road
25 where Tyrone usually be at to Little Max's house. He

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1 wasn't there and we left out and went back to Wild Horse
2 Road.

3 Q. Did Aaron Young, Jr. try to shoot the gun at anytime
4 while you were with him?

5 A. No, he could not put the gun together.

6 Q. Okay. Was he able to get it together at some
7 point?

8 A. Not when I was with him.

9 Q. Did you stay with them? What happened after that?

10 A. We went back to Aaron Young, Sr. house on Wild Horse
11 Road.

12 Q. And when you went back to Aaron Young, Sr.'s house
13 what happened then? What did you do?

14 A. We got out the truck and was talking and Aaron
15 Young, Sr. and Aaron Young, Jr. left.

16 Q. So they dropped you back at their house and then
17 they went back out?

18 A. They left out, yes.

19 MR. STONE: Nothing else for this witness, Your
20 Honor.

21 THE COURT: Thank you. Mr. Bax?

22 MR. BAX: Thank you, Your Honor.

23

24

25

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1 CROSS-EXAMINATION

2 BY MR. BAX:

3 Q. Good afternoon, Mr. Singleton.

4 A. How you doing.

5 Q. I just want to go back through a couple of things.

6 Now you testified that you met with Mr. Robinson in the

7 morning and he offered you a beer and you accepted and

8 that's when y'all started hanging out that day, correct?

9 A. No, sir. It was afternoon, sir.

10 Q. It was in the afternoon? Okay, I'm sorry so it was

11 after midday?

12 A. I'd say around 4:00.

13 Q. Around 4:00, okay. And that's when you saw him over

14 at his cousin's house with his music playing and he

15 offered you a beer is that right?

16 A. Yes, sir.

17 Q. Now you testified you were only there for about 10

18 or 15 minutes and y'all decided to go to the convenience

19 store, correct?

20 A. Yes, sir.

21 Q. To get some more to drink and some cigarettes,

22 correct?

23 A. Yes, sir.

24 Q. Your testimony is that when y'all were driving to

25 the convenience store it was you that asked to stop at

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1 the Youngs so you could borrow some money, is that right?

2 A. Yes, sir.

3 Q. Okay. And then why did you want to stop and get
4 some money from the Youngs? Did they owe you some money
5 or are you just close with them that way?

6 A. I'm close with them that way.

7 Q. And you were just wanting to get some money, a
8 couple of dollars for cigarettes or beer is that correct?

9 A. Yes, sir.

10 Q. Now when you arrived and started talking to Aaron
11 Young, Sr. and his son did they want to loan you the
12 money?

13 A. I believe he would have if I wouldn't have went
14 there with Tyrone Robinson.

15 Q. Okay. Did he -- did Aaron Young, Sr. say anything
16 to you before he went over towards Mr. Robinson?

17 A. No, sir.

18 Q. Was it a fairly short amount of time that you
19 started talking to him and then he went over to see
20 Tyrone?

21 A. Yes, sir.

22 Q. How long do you think, a minute, two minutes?

23 A. Probably like a minute.

24 Q. So in your remembrance Aaron Young, Sr. latched onto
25 the fact that Tyrone was there pretty quick?

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- 1 A. Say that again?
- 2 Q. He saw that Tyrone was with you pretty quickly
- 3 didn't he?
- 4 A. Yes, sir.
- 5 Q. Okay. Now how as Aaron Young, Sr.'s demeanor when
- 6 he went over towards Mr. Robinson?
- 7 A. Well, he walked off pretty quick because Tyrone's
- 8 car door had just slammed and Tyrone was walking towards
- 9 Aaron Young, Jr. and it looked like a gun was in his hand
- 10 at that moment.
- 11 Q. And Aaron Young, Sr. was approaching him pretty
- 12 quick?
- 13 A. Yes, sir.
- 14 Q. Okay. Now some things happened. You said they
- 15 started to tussle over the gun and you said the gun went
- 16 off. Did you see where that bullet went? When the gun
- 17 went off where did that go?
- 18 A. No sir, I did not see.
- 19 Q. You did not see. You testified that Robinson may
- 20 have shot a round into the ground. Was that the first
- 21 round or the second round?
- 22 A. Second round.
- 23 Q. Second round. And then there wasn't any other shots
- 24 by Robinson is that correct?
- 25 A. Yes, sir.

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1 Q. Okay. So he shot a round into the ground and
2 didn't fire anymore?

3 A. No, sir.

4 Q. Okay. Let me ask you this. When you got to the
5 house was Ebony Campbell there? Well, let me ask you
6 this. Do you know who Ebony Campbell is?

7 A. Yes sir, I do know who she is.

8 Q. Was she there as well?

9 A. Yes, sir.

10 Q. All right. After the gun went off -- let me ask
11 you this. Was that when people started going into the
12 house? Did Ebony head towards the house at that point?

13 A. Yes, sir.

14 Q. And Aaron Young, Jr. and Sr. they headed towards the
15 house?

16 A. Yes, sir.

17 Q. When they were headed towards the house did they say
18 anything that you recall?

19 A. No, sir.

20 Q. Could you hear everything that they were saying?

21 A. At that time I was just lost. You know I wasn't
22 really focusing at time or paying attention really.

23 Q. Okay. While we still have power here let me hurry
24 up. Mr. Singleton, you stated that Tyrone got in his car
25 to go and you decided to stay. Did he ask you to get in

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1 the car or did he say anything?

2 A. Yes, he asked me to come on and let's go and I was
3 like no.

4 Q. No. And so you chose to stay?

5 A. Yes, sir.

6 Q. And then he left?

7 A. He left.

8 Q. Okay. Now you stated that then the Youngs came out
9 of the house and when they first came out of the house
10 they had this black bag with them right here [indicates]?

11 A. Yes, sir.

12 Q. Okay. And obviously you've testified that you all
13 got into their truck, correct, and you've identified that
14 as this grey F-150 Ford truck, correct?

15 A. Yes, sir.

16 Q. Okay. Were they saying anything as they got into
17 the truck?

18 A. No sir, they was like we're just getting into the
19 truck. And they was arguing why I brought him here you
20 know. And I was like shit; I just needed to stop to
21 holler at you for a minute but...

22 Q. Okay. Now, did they tell you what they wanted to
23 do when they were getting you in the truck or not until
24 after the got the truck?

25 A. No, they just said they were going to look for

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1 Tyrone.

2 Q. So they said they were going to go look for Tyrone?

3 A. Yes.

4 Q. Okay. Now you testified that when they came out of
5 the house Aaron Young, Sr. had this black bag, is that
6 correct?

7 A. Yes, sir.

8 Q. And did you see Ebony Campbell in the door of the
9 trailer as they were coming out?

10 A. I don't recall, sir.

11 Q. Okay. But when they came out right after going in
12 they had the black bag with them, correct?

13 A. Yes, sir.

14 Q. Okay. Now you've testified that -- now was it
15 Senior or was it Junior that got this big old gun out of
16 the bag right here [indicates]?

17 A. Aaron Young, Jr.

18 Q. Junior did?

19 A. Took the gun out the bag.

20 Q. Because he was in the passenger seat, right?

21 A. He was in the passenger seat.

22 Q. So at some point Aaron Young, Sr. had to have handed
23 him the bag.

24 A. Yes, sir.

25 Q. Okay. What did he tell Aaron Young, Jr. to do?

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1 A. At the moment I did not hear him say anything to
2 Aaron Young, Jr.
3 Q. So Aaron Young, Jr. got the bag and just started
4 doing this and you don't remember any conversation?
5 A. He was trying to put the gun together and couldn't.
6 Q. Was there any discussion between the Youngs as he
7 was trying to put this together?
8 A. He was trying to explain to him how to put the gun
9 together.
10 Q. Senior was trying to explain to Junior how to put
11 the gun together?
12 A. Yes.
13 Q. Okay. Now you've testified that when you were with
14 the Youngs you went to a number of places looking for
15 Tyrone correct?
16 A. We went to Allen Road.
17 Q. Allen Road?
18 A. We went down Marshland, down Oak View and back
19 around.
20 Q. And while you're going down these roads you're
21 looking around for Tyrone Robinson, correct? They were
22 looking around for that car is that right?
23 A. I believe so.
24 Q. Okay. And you testified earlier that these were
25 places that he was known to hang out, correct?

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1 A. Yes, sir.

2 Q. In fact I think you even mentioned was it Little
3 Max?

4 A. Yes, sir.

5 Q. Who is that?

6 A. I believe it is Tyrone's cousin.

7 Q. And where does he stay at?

8 A. Off of Allen Road.

9 Q. Off of Allen Road?

10 A. Yes, sir.

11 Q. So there were specific places that they were looking
12 to see where Tyrone was?

13 A. We only went to that area after we rode around
14 Spanish Wells Road and Oak View.

15 Q. Now you went down Oak View though. I believe -- I
16 think there is a map here. I don't know if you're going
17 to be able to see it but there is a more direct path that
18 you can take down Spanish Wells to get to Marshland Road,
19 right? Let me turn so the jury can see.

20 [Whereupon, the map is shown]

21 Q. In order to go down Oak View don't you have to cut
22 off of Spanish Wells?

23 A. Yes, cut off at Spanish Wells, sir.

24 Q. And you come up right here [indicates], correct, and
25 it rejoins what turns into Marshland Road; goes

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1 underneath the overpass right?

2 A. Yes, sir.

3 Q. So if you were just trying to get to Allen Road as
4 quickly as possible you'd stay right there on Spanish
5 Wells, right?

6 A. Yes, sir.

7 Q. Now you've testified that Aaron Young, Jr. could not
8 get this gun here together, correct?

9 A. Correct.

10 Q. Okay. How was he -- from what you observed how was
11 he able to know that he wasn't getting together?

12 A. He was -- I mean I just seen him trying to put it
13 together. I mean I don't know what the hell he was doing
14 so. I don't mess with guns; I don't know.

15 Q. Okay. But obviously there was some problem is what
16 you're saying?

17 A. There was a problem, yes sir.

18 Q. There was a problem, okay. Now when they went back
19 to Old Wild Horse Road, they took you there, correct?

20 A. Yes, sir.

21 Q. They took you directly to Old Wild Horse Road?

22 A. Yes, sir.

23 Q. They didn't drop you off somewhere before they got
24 there so that you had to walk to Old Wild Horse Road?

25 A. Well, I don't recall.

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1 Q. Well, your testimony so far is that they took you to
2 Wild Horse Road.

3 A. Yes.

4 Q. Okay. Did they stop and get out of the car for a
5 minute when you got there?

6 A. We got out the car.

7 Q. So they got out of the car, correct?

8 A. Yes, sir.

9 Q. Out of the truck. Where was this gun when they got
10 out of the truck?

11 A. I don't recall. I think it was still inside the
12 vehicle.

13 Q. Okay. And at some point they got back in their
14 truck, correct?

15 A. Yes, sir.

16 Q. And they left again?

17 A. Yes, sir.

18 Q. What were they talking about before they left again?

19 A. I don't recall. I was talking to Ebony.

20 Q. Okay. So you don't recall whether they were
21 talking about still looking for Tyrone or not?

22 A. No, sir.

23 Q. But they still had the gun with them, correct?

24 A. I believe it still was inside the vehicle.

25 Q. Okay. Now after that you were at Old Wild Horse

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1 Road and they had left. Where did you go at that point?

2 A. I walked off and went home.

3 Q. Okay. So you walked -- basically walked home?

4 A. Yes, sir.

5 Q. Okay. Let me backtrack a little bit. I want to
6 make sure I ask you this. You stated when you came back
7 to Wild Horse Road with Aaron Young, Jr. and Aaron Young,
8 Sr. that you were talking to Ebony.

9 A. Yes, sir.

10 Q. You telling her about what y'all had been doing?

11 A. No, I was asking her why would Tyrone come to her
12 house like that.

13 Q. Did she ask y'all where y'all had been?

14 A. I don't recall, sir.

15 Q. Okay.

16 MR. BAX: A moment's indulgence, Your Honor.

17 [Whereupon, Mr. Bax confers with his client]

18 MR. BAX: No further questions, Your Honor.

19 THE COURT: Thank you. Redirect?

20 MR. STONE: No sir, nothing else.

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

22 [Whereupon, the witness is excused and exits the
23 witness stand]

24

25

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1 THE COURT: Solicitor, this looks like a good time
2 to stop. Do you have anybody else you need to work in
3 today?

4 MR. STONE: No, sir.

5 THE COURT: All right. Ladies and gentlemen, this
6 is a good place to stop. I'm not sure how much of a
7 favor I'm doing turning you loose at 5 o'clock with the
8 sound of things outside but I'm going to go ahead and
9 wish you luck on your way home. I'll remind you again
10 not to talk about this case among yourselves or with
11 anybody else or expose yourself to any information about
12 it. We'll see you tomorrow morning once again at 9:30.
13 Have a safe trip home and a good evening. Thank you.

14 [Whereupon, the jury exits at 4:59 p.m.]

15 MR. STONE: Anything else before we break for the
16 day?

17 MR. STONE: No, sir. I had made a note -- I had
18 made a note earlier that I think the defense made an
19 objection as far as discovery is concerned with the
20 statements from Ebony Campbell. I have a note in my
21 notes that she had mentioned that earlier in a police
22 report. I cannot at this point locate the police report.
23 I'll try to do that overnight. It might also have been
24 the interview when she was in the car. She was arrested
25 along with the other two out of the Ford truck when it

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1 was stopped. So I will try to find that over the evening
2 but I could not find it and keep the jury sitting here
3 waiting while I was looking for it.

4 THE COURT: Thanks for reminding me of that Mr.
5 Solicitor. Madame Reporter the sidebar conference during
6 the testimony of Ms. Ebony Campbell before cross-
7 examination of her Mr. Bax said that he did not have any
8 information regarding the testimony that she gave about a
9 second gun in Mr. Robinson's vehicle. And so they are
10 still searching to see where that information came from,
11 and if it can be verified or not. And Mr. Bax I'll be
12 glad to hear from you further in that regard once we
13 chase that thing down.

14 MR. BAX: Thank you, Your Honor. And I'll reserve
15 further argument for that time. I can certainly tell the
16 court we have researched, we doubled our search perhaps
17 is a better way to say it through everything that we have
18 that refers to Ebony Campbell. We do have an incident
19 report where Brandon Cooler, and officer with the
20 Sheriff's Office, interviewed her and we have her written
21 statement. And in neither of those things does it
22 mention a second gun. And obviously the reason for my
23 request at sidebar is obviously Solicitor Stone knew
24 about that because he specifically asked the question did
25 you see another gun in the car and I'm trying to

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1 ascertain where he is getting that information from, how
2 he knew to ask that question because I certainly would
3 not have known to ask that question based on what I have.

4 THE COURT: I understand. If it doesn't show up
5 anywhere else I'll allow her to be recalled during the
6 State's case and you can cross-examine her on the fact
7 that that information doesn't show up anywhere else if
8 you want to do it.

9 MR. BAX: Thank you very much, Your Honor.

10 THE COURT: All right. Okay folks, 9:30 tomorrow.

11 MR. STONE: Yes, sir.

12 MR. BAX: Yes, sir.

13 THE COURT: Thank you.

14 [Whereupon, court adjourns at 5:02 p.m.]
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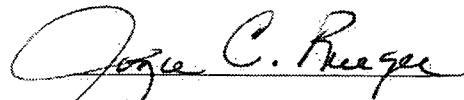
State v Tyrone Robinson
Certificate of the Court Reporter
September 16, 2014

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Beaufort County, South
Carolina on the 16th day of September, 2014.

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

January 23, 2015



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON

Defendant

COURT OF GENERAL SESSIONS

DOCKET NO. 2012-GS-07-1935

TRANSCRIPT OF RECORD

September 17, 2014
Beaufort, South Carolina**VOLUME 3 (OF 5)****B E F O R E:**

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

A P P E A R A N C E S:DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the StateARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the DefendantJOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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STATE

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4	C.D. Dash Cam	
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THE COURT: All right folks, are both the State and the defense ready for the jury?

MR. STONE: Yes sir, the State is ready, Your Honor.

MR. BAX: The defense is ready, Your Honor. I was about to approach Solicitor Stone. The only thing I was wondering is just a little bit of an idea of when I might need to start having defense witnesses ready. I do expect that we're going to have Mr. DeFreese testimony from the State and then obviously I would assume that we will also hear from the pathologist in this case, Dr. Tormos. I'm not sure what other witnesses so I'm trying to figure out what kind of timeframe I need to be aware of in order to have my investigator calling witnesses so we can keep running smoothly, Your Honor.

THE COURT: You got any ideas that you can share with us? I talked yesterday, as a matter of fact at the end of the day I came down and I was talking with Mr. Thornton and you were talking to somebody else at the time Mr. Bax so you weren't in on the conversation. But we were standing close to you because we didn't want to talk with one side without the other side being present. I got the impression that the State would take most of the day. You all tell me?

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1 MR. STONE: We'll probably take -- I would not
2 think we'll take the entire day. I think we will get
3 most everything done this morning in the morning time.

4 THE COURT: Okay.

5 MR. STONE: We've got a number of basically chain
6 witnesses that are going to go right now and that should
7 not take us very long. So if it is -- if we go after
8 lunch it will not be long after lunch.

9 THE COURT: Okay. Does that give you something to
10 go by?

11 MR. BAX: It does, Your Honor. Obviously I would
12 have the standard motions after the rest of the defense
13 [sic] case. I guess it would have to be a situation
14 where I do have at least one witness that I have here
15 that I know he is eager to testify. He won't be a very
16 long witness. But if it's late in the afternoon I may
17 ask the court just to consider whether we should start
18 the defense case in the morning or not. We'll just play
19 it by ear at this point.

20 THE COURT: Okay. You know that it will not be in
21 the morning and we will not need them before this
22 afternoon in any event.

23 MR. BAX: Yes, Your Honor.

24 THE COURT: And if for some reason the State would
25 run out before lunch time I'll recess at that point in

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1 time and we won't start until you can get your folks here
2 this afternoon.

3 MR. BAX: Thank you, sir. We're ready to go.

4 THE COURT: Bring us the jury please.

5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor.

7 THE COURT: Thank you, ma'am.

8 [Whereupon, the jury enters at 9:35 a.m.]

9 THE COURT: Good morning ladies and gentlemen.
10 Thank you for your prompt return this morning. I'll
11 renew the invitation if you all from this end want to
12 take those seats back there in back in the event -- I
13 think they will be using the video viewer this morning
14 for some evidence. So I'll leave it up to you; the seats
15 are available to you.

16 I'm glad that you all survived the flood that I sent
17 you out in yesterday. I was a little concerned that we
18 didn't have a lifeguard on duty in the parking lot when
19 you all were out there. But I'm glad you all made it
20 back. We're ready now to continue where we left off
21 yesterday. The State is continuing to offer evidence and
22 testimony in this case. Mr. Stone?

23 MR. STONE: May we approach briefly before we
24 start, Your Honor.

25 THE COURT: Yes, sir.

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1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: Ladies and gentlemen, I was reminded of
4 my need to voir dire you all and just ask you
5 individually about any exposure to the trial or evidence
6 in the trial of this or publicity about the trial of this
7 case after you left yesterday. I think it was covered on
8 the T.V. stations but the T.V. stations I think didn't
9 discover what was going on in this courtroom.

10 Nevertheless out of an abundance of caution I'll ask
11 you once again if any of you have been exposed to any
12 information about this case inadvertently or otherwise
13 outside of the courtroom. Mr. Crocker have you been?

14 MR. CROCKER: No, I haven't Your Honor.

15 THE COURT: Thank you, sir. Mr. Gaither, have
16 you?

17 MR. GAITHER: No, Your Honor.

18 THE COURT: Thank you. Mr. Dresher, have you?

19 MR. DRESHER: No, Your Honor.

20 THE COURT: Thank you. Ms. McKoy, have you?

21 MS. MCKOY: No, Your Honor.

22 THE COURT: Thank you, ma'am. Mr. Lorenz, have
23 you?

24 MR. LORENZ: No, Your Honor.

25 THE COURT: Thank you. Ms. Seabrook, have you?