

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**ORIGINAL**

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

**RECEIVED**  
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

QUADRIK MICHAEL SEAN WILLIS,

APPELLANT

APPELLATE CASE NO. 2017-002431

RECORD ON APPEAL

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1 THE COURT: Solicitor, you may call your first  
2 case.

3 MR. SORENSON: May it please the Court, Your  
4 Honor?

5 THE COURT: Yes, sir.

6 MR. SORENSON: At this time the State would call  
7 the case of the State versus Quadrik Michael Shawn Willis,  
8 there's three indictments, Your Honor, 2016-GS-18-0150; 0151  
9 2017-GS-18-1592, charging him with two counts of murder and  
10 one count of possession of a pistol by a person convicted of  
11 a crime of violence.

12 THE COURT: Thank you, sir.

13 Ladies and gentlemen of the jury panel, we're now about  
14 to begin the trial of the case of the State of South  
15 Carolina versus Mr. Quadrik Michael Shawn Willis. Before we  
16 begin the jury selection in this case, what I'm going to do  
17 is read the indictments to you. And the sole purpose for  
18 this is to see if you have any information about this case.  
19 The indictments are not evidence in this case. They're  
20 merely how the charges are brought into this court. But the  
21 reason again I read them to you is so -- in case you know  
22 anything about this case or have any information about this  
23 case.

24 The first indictment is 2016-GS-18-0150. It's an  
25 indictment for murder and it states that in Dorchester

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1 County on or about August the 14th of 2015 with malice  
2 aforethought the Defendant, Mr. Willis, did kill one Tyrone  
3 Cummings by means of shooting the victim. The victim did  
4 die as proximate result thereof. This is a -- that being a  
5 violation of the South Carolina Code of Laws.

6 The next indictment is 2016-GS-18-0151 and it is an  
7 indictment for murder and it states that in Dorchester  
8 County on or about August the 14th, 2015 with malice  
9 aforethought the Defendant, Mr. Willis, did kill one Deborah  
10 Bazzle by means of shooting a victim and the victim did die  
11 as a proximate result thereof. And this is in violation of  
12 the South Carolina Code of Laws as amended.

13 The next indictment is indictment is 2017-GS-18-1592.  
14 And this is for the possession of a pistol. And this states  
15 that in Dorchester County, South Carolina on or about August  
16 the 14th, 2015 the Defendant, Mr. Willis, did have in his  
17 possession a pistol described after being convicted of a  
18 crime of violence. This is in violation of the South  
19 Carolina Code of Laws.

20 Again, ladies and gentlemen, I read those indictments  
21 to you just in case you have any information or previous  
22 knowledge about this case.

23 Before we begin the questions on this matter for you  
24 I'm going to ask the Solicitor to please stand and introduce  
25 himself and the members of his office, please?

1 MR. SORENSON: Thank you, Your Honor. My name is  
2 Don Sorenson. I'm the First Assistant Solicitor here in  
3 Dorchester County. Our elected Solicitor is David Pasco.  
4 Seated with me, helping me in this case is Ryan Templeton.  
5 He is one of the Assistant Solicitors, and also Ms. Kerry  
6 Huff who is my courtroom coordinator.

7 Your Honor, do you want me to go through all the  
8 lawyers in our office?

9 THE COURT: Yes, sir.

10 MR. SORENSON: The other attorneys in our office  
11 are Ms. Sheila Mims, Michael Spiers, Glenn Justis, George  
12 Smythe and Virgil Deese.

13 THE COURT: Thank you, Mr. Sorenson.

14 Ladies and gentlemen of the jury panel, anyone related  
15 by blood or marriage or have a close personal or social  
16 relationship with any members of the Solicitor's office or  
17 has ever been represented in any capacity by any of their  
18 attorneys? If so, please stand.

19 (No one stands)

20 THE COURT: There is no one standing.

21 And, Mr. McCoy, I'll allow you to please do the same.

22 MR. MCCOY: Thank you, Judge. May it please the  
23 Court.

24 Good morning, my name is Peter McCoy. I work in a law  
25 firm called McCoy and Stokes. Trying this case with me here

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1 today is my associate attorney, Sara Turner. Thank you.

2 THE COURT: Thank you, Mr. McCoy.

3 Ladies and gentlemen of the jury panel, anyone related  
4 by blood or marriage or have a close personal social  
5 relationship with Mr. McCoy or any members of his office or  
6 have ever been represented by them in any capacity? If so,  
7 please stand?

8 JUROR NO. 34: (Stands)

9 THE COURT: Yes, ma'am. Would you please come  
10 forward.

11 JUROR NO. 34: (Complies)

12 THE BAILIFF: Juror No. 34.

13 THE COURT: Come on up this way, ma'am.

14 JUROR NO. 34: (Complies)

15 THE COURT: You're Ms. Connelly

16 JUROR NO. 34: Yes.

17 THE COURT: You need to get up close so the court  
18 reporter can hear what you're saying.

19 JUROR NO. 34: Okay.

20 THE COURT: You've been represented by somebody in  
21 Mr. McCoy's office?

22 JUROR NO. 34: My son has.

23 THE COURT: Okay. And how long ago was that?

24 JUROR NO. 34: Oh, gosh.

25 THE COURT: It was this year?

1 JUROR NO. 34: No, last year.

2 MR. MCCOY: Last year.

3 JUROR NO. 34: Last year.

4 THE COURT: And has it been resolved?

5 JUROR NO. 34: Yes.

6 THE COURT: Okay. Obviously, you've got a  
7 relationship with his office. Can you set that aside in  
8 this particular case and listen to the evidence solely as it  
9 comes from the witness stand?

10 JUROR NO. 34: Yes, ma'am.

11 THE COURT: And will you follow the law as I give  
12 it to you?

13 JUROR NO. 34: Yes, ma'am.

14 THE COURT: Can you be absolutely fair and  
15 impartial to both the State and to the Defense in this case?

16 JUROR NO. 34: Yes, ma'am.

17 THE COURT: All right. Thank you, ma'am.

18 JUROR NO. 34: Uh-huh. (Affirmative response.)

19 THE COURT: And Mr. McCoy, I'll allow you to  
20 introduce your client, Mr. Willis.

21 MR. MCCOY: Thank you, Judge. May it please the  
22 Court. Today I'm here representing my client, who I've  
23 represented now since this incident happened. His name is  
24 Quadrik Willis.

25 THE COURT: Thank you.

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1 Ladies and gentlemen of the jury panel, anyone related  
2 by blood or marriage or has a close, personal or social  
3 relationship with Mr. Willis? If so, please stand?

4 (No one stands)

5 THE COURT: I find that there is no one standing.

6 Ladies and gentlemen, you've heard me read the  
7 indictments in this case and I'll ask you whether anyone is  
8 related by blood or marriage or had a close personal or  
9 social relationship with the two alleged victims in this  
10 case, Deborah Bazzle and Tyrone Cummings. If so, please  
11 stand?

12 (No one stands)

13 THE COURT: I find that there is no one standing.

14 Ladies and gentlemen, I'm going to read to you a list  
15 of potential witnesses in this case. I'll ask you the same  
16 question after I read the list of potential witnesses. And  
17 if you're in the courtroom, if you'd please stand so the  
18 jury can see you.

19 Scott Eady; Bruce Williams; Jimmy Doctor; Corporal Jeff  
20 Scott; Investigator Brandon Berg; Sergeant Adam Smith;  
21 Sergeant Bradley Mullis; Lieutenant Dwayne Peters;  
22 Investigator Scott Hanks; Keith Elmore; Investigator Eric  
23 Melendez; Dr. Janice Ross; Jasmine Tell; Tonda Westbury;  
24 Agent Donna Money with SLED; Shaquanda Williams; George  
25 Sanders; Marvin Sanders; Thomas Terrell, Raymon Ashe,

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1 Darcell Brewster, Norman Glover, Michael Bannister, Latonya  
2 Campbell, Charles Delee, DeAngelo Ashe, and Austin Gettis.

3 Anyone related by blood or marriage or have a close  
4 personal or social relationship with any of the potential  
5 witnesses? If so, please stand?

6 (No one stands)

7 THE COURT: There is no one standing.

8 Is there any member of the jury panel who is a member  
9 of or a contributor to any group which has its primary  
10 concern the promotion of law enforcement or victims' rights?  
11 These groups would include, but are certainly not limited to  
12 MADD, SADD, or Citizens Against Violent Crime. If so,  
13 please stand?

14 (No one stands)

15 THE COURT: There is no one standing.

16 Do any members of the jury panel have any family  
17 relations against -- kind of with the last question -- as  
18 far as promotion of law enforcement rights or any close  
19 personal or family relation with law enforcement or any --  
20 donate to any other police organizations. If so, please  
21 stand?

22 (No one stands)

23 THE COURT: There is no one standing.

24 Are there any members of the jury panel that are  
25 employed by a cellphone service provider? If so, please

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1 stand?

2 (No one stands)

3 THE COURT: I find that there is no one standing.

4 Ladies and gentlemen of the jury panel, I read to you  
5 previously the indictments in this case. Is there anything  
6 about this type of case, which based upon your personal  
7 experiences or that of your family members, or any close  
8 personal or social relationships, anything about the type of  
9 case in this allegation that causes you any hesitation in  
10 your ability to be fair and impartial to both the State and  
11 to the Defense in this matter? If so, please sand?

12 JUROR NO. 103: (Stands)

13 THE COURT: Yes, sir. Would you come forward.

14 JUROR NO. 103: (Complies)

15 THE BAILIFF: Juror No. 103.

16 THE COURT: Good morning. You're Mr. Kelly? Yes,  
17 sir.

18 JUROR NO. 103: Yeah, for ten years I've worked  
19 with the Charleston County ElMS.

20 THE COURT: Okay.

21 JUROR NO. 103: Every day I work with murders and  
22 domestic violence. My view is kind of skewed on those  
23 things.

24 THE COURT: All right. Well, let me ask you this.

25 JUROR NO. 103: I couldn't be impartial.

1 THE COURT: And why is that?

2 JUROR NO. 103: Well, my job is to go to where  
3 people are killed in domestic violence.

4 THE COURT: All right.

5 JUROR NO. 103: I believe in the jury system as  
6 far as maybe innocent until proven guilty, but things that  
7 I've seen on crime scenes is just -- a lot of people haven't  
8 seen that.

9 THE COURT: All right. Why don't we do this.  
10 I'll transfer you to a civil term of court.

11 JUROR NO. 103: Okay.

12 THE COURT: Normally, there's not a crime  
13 involved.

14 When is our next civil term?

15 (Off record discussion between The  
16 Court and clerk of court)

17 THE COURT: All right.

18 THE CLERK: October 16th.

19 THE COURT: October 16th. All right. Thank you.

20 JUROR NO. 5: (Comes forward)

21 THE BAILIFF: Juror No. 5.

22 THE COURT: All right. Ms. Arnold, how are you  
23 today?

24 JUROR NO. 5: I'm good. How about you?

25 THE COURT: I'm doing good. Is there something

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1 about this type of case that's --

2 JUROR NO. 5: I have a cousin was (inaudible).

3 THE COURT: Okay.

4 MR. MCCOY: I didn't hear that.

5 JUROR NO. 5: My cousin (inaudible).

6 THE COURT: All right. And obviously --

7 everybody's got certain different family situations. I  
8 certainly understand that. Do you think that your cousin's  
9 situation, can you set his experience and your family's  
10 experience aside?

11 JUROR NO. 5: No.

12 THE COURT: You don't think so? You think you'd  
13 be more comfortable with?

14 JUROR NO. 5: Yes.

15 THE COURT: Okay. So why don't we transfer her to  
16 the same term.

17 THE CLERK: October 16th.

18 THE COURT: Can you come back October 16th? It'll  
19 be a civil term. Is that okay?

20 JUROR NO. 5: (Nods affirmatively.)

21 THE COURT: All right. It's October 16th.

22 JUROR NO. 63: (Comes forward)

23 THE BAILIFF: Juror No. 63.

24 THE COURT: Good morning. You're Ms. Geddis?

25 JUROR NO. 63: Yes, ma'am.

1 THE COURT: Yes, ma'am.

2 JUROR NO. 63: I don't want to make a decision like  
3 that on someone's life.

4 THE COURT: Well, let me ask you this. Obviously,  
5 you make decisions everyday. You go to the grocery store  
6 and make a decision as to which shampoo or what no on the  
7 shelf.

8 JUROR NO. 63: Well --

9 THE COURT: Well, jurors are judges of the facts  
10 and they basically just make determinations of facts based  
11 on the evidence that's presented. Can you do that?

12 JUROR NO. 63: I can try to.

13 THE COURT: Well, can you be fair and impartial is  
14 my question.

15 JUROR NO. 63: Yes, ma'am.

16 THE COURT: Can you listen to the evidence as it  
17 comes from the witness stand?

18 JUROR NO. 63: Yes, ma'am.

19 THE COURT: And will you follow the law as I give  
20 it to you?

21 JUROR NO. 63: Yes, ma'am.

22 THE COURT: And you'd be fair and impartial to  
23 both sides?

24 JUROR NO. 63: Yes, ma'am.

25 THE COURT: All right. Ma'am, stay with us.

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1 Thank you.

2 Ladies and gentlemen of the jury panel, is there any  
3 member of the jury panel that was a member of the Grand Jury  
4 which issued the indictments in this case? If so, please  
5 stand.

6 (No one stands)

7 THE COURT: I find that there is no one standing.

8 Has any member of the jury panel heard or read anything  
9 about this case prior to today or even today, this morning?  
10 If so, please stand?

11 JUROR NO. 198: (Stands)

12 THE COURT: Yes, ma'am. Would you come forward?

13 JUROR NO. 198: (Complies)

14 THE BAILIFF: Juror No. 198.

15 THE COURT: Good morning, ma'am.

16 JUROR NO. 198: It's stuff in the paper.

17 THE COURT: A while back?

18 JUROR NO. 198: Yeah.

19 THE COURT: You just remember reading it in the  
20 paper?

21 JUROR NO. 198: I do. Uh-huh. (Affirmative  
22 response.)

23 THE COURT: Can you set -- obviously, the paper  
24 doesn't always have full and accurate information.

25

1 JUROR NO. 198: Right.

2 THE COURT: Can you set that aside and make a  
3 determination?

4 JUROR NO. 198: I think I can. I'm a big hater of  
5 guns. I don't know if anybody like -- I don't know if that  
6 matters.

7 THE COURT: Well, let's talk about each of these,  
8 one at a time.

9 JUROR NO. 198: All right.

10 THE COURT: What you read in the paper, can you  
11 set that aside?

12 JUROR NO. 198: Yes.

13 THE COURT: And will you listen to evidence as it  
14 comes from the witness stand?

15 JUROR NO. 198: Of course?

16 THE COURT: Be fair and impartial to both the  
17 State and to the Defense?

18 JUROR NO. 198: Yes.

19 THE COURT: Obviously, you've heard the  
20 allegations in the indictment that this involves a gun.

21 JUROR NO. 198: Right.

22 THE COURT: And again, the same question is  
23 whether or not you personally like guns, can you set your  
24 personal feelings aside and listen to the evidence solely as  
25 it comes from the witness stand?

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1 JUROR NO. 198: I just hate guns so much. I don't  
2 know.

3 THE COURT: You don't think you can do that?

4 JUROR NO. 198: I'm not gonna say --

5 THE COURT: Well, that's why we ask.

6 JUROR NO. 198: Okay. But no.

7 THE COURT: We want to make sure that we have fair  
8 and impartial jurors that can be fair and impartial.

9 JUROR NO. 198: Yes, ma'am, I --

10 THE COURT: I think what I'm going to do is I'm  
11 going to transfer you to a civil term of court.

12 JUROR NO. 198: That would be perfect.

13 THE COURT: So you don't have to deal with any  
14 kind of criminal case. So if you'll go over there. We'll  
15 get you a new date.

16 JUROR NO. 198: Okay. Thanks.

17 JUROR NO. 203: (Comes forward)

18 THE BAILIFF: Juror No. 203.

19 THE COURT: Good morning, ma'am.

20 JUROR NO. 203: Good morning.

21 THE COURT: You're Ms. Wright?

22 JUROR NO. 203: Yes. The victim Tyrone Cummings,  
23 I know his sister.

24 THE COURT: You know his sister?

25 JUROR NO. 203: Yes.

1 THE COURT: Okay.

2 JUROR NO. 203: I know his sister. I saw it on  
3 Facebook and I heard it on the news.

4 THE COURT: Okay. Well, we've got a couple of  
5 things we got to cover here. So how well do you know his  
6 sister?

7 JUROR NO. 203: Very well.

8 THE COURT: Does she like to visit in your home?

9 JUROR NO. 203: No, but she's at my sister-in-law  
10 house all the time to visit her. So she comes over to her  
11 house and I'll see her.

12 THE COURT: Has she told you about the case and  
13 whatnot?

14 JUROR NO. 203: Yes.

15 THE COURT: Okay. Why don't we do this with you  
16 on a civil -- I'm going to excuse you from this particular  
17 case and transfer you to a civil term of court.

18 JUROR NO. 203: Okay.

19 THE COURT: Can you can come back another week?

20 JUROR NO. 203: Yes.

21 THE COURT: All right. So we'll transfer you. If  
22 you'll meet with the clerk right now.

23 JUROR NO. 203: (Complies)

24 THE COURT: Ladies and gentlemen of the jury  
25 panel, has any member of the jury panel formed or expressed

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1 an opinion about any issue or matter in this case? If so,  
2 please stand?

3 (No one stands)

4 THE COURT: I find that there is no one standing.

5 Is there any member of the jury panel aware of any bias  
6 or prejudice towards either the State or to the Defense in  
7 this case? If so, please stand?

8 (No one stands)

9 THE COURT: There is no one standing.

10 Does any member of the jury panel know of any reason  
11 whatsoever why he or she should not serve as a juror in this  
12 case, with particular emphasis being placed on your ability  
13 to be fair and impartial to both the State and to the  
14 Defendant? If so, please stand.

15 (No one stands)

16 THE COURT: And there is no one standing.

17 Any further request of voir dire from either side?

18 MR. SORENSON: Nothing from the State, Your Honor.

19 MR. MCCOY: Nothing from the Defense, Judge.

20 THE COURT: All right.

21 That will complete the list of questions, ladies and  
22 gentlemen. Before we begin the jury selection in this case,  
23 if you would just give us a few minutes. The clerk of court  
24 has to put all your names kind of in a little bit of a  
25 hopper, and then they pop up automatically and it just takes

1 us just a minute to do that.

2 (Court at ease)

3 THE COURT: Ladies and gentlemen, while we wait  
4 for your names to be placed in the hopper, I'll share with  
5 you a story that I always tell my jury panels that may make  
6 you appreciate your trip here to St. George a little bit.  
7 As members of the Judiciary, we're required to attend legal  
8 education in Reno, Nevada where there's Judges from all over  
9 the country and some from different countries. I met a  
10 judge there from Alaska who informed me that his territory  
11 is so big that he covers in order to jurors to come to court  
12 from different villages, many of them are picked up for a  
13 two-hour dogsled ride and they go on a two-hour snow mobile  
14 ride and then a two-hour plane ride and they're each given a  
15 firearm, not to protect against any dangers from jury  
16 service, but against potential bear attacks. So we're very  
17 fortunate to have a nice courthouse here.

18 (Court at ease)

19 THE CLERK: As I call your name, please come  
20 forward through the gate, and just turn around and face the  
21 back of the courtroom, and you don't have to say a thing.

22 Juror No. 37, Linda Criswell.

23 Just come all the way up front, turn around and you  
24 don't have to say anything.

25 JUROR NO. 37: (Complies)

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1 THE CLERK: What says the State?

2 MR. SORENSON: Please present Ms. Criswell.

3 THE COURT: The Defense?

4 MR. MCCOY: Please excuse Ms. Criswell.

5 THE CLERK: Have a seat back in the audience,  
6 please?

7 Juror No. 174, Henry Stoudemire, III.

8 What says the State?

9 MR. SORENSON: Please present Mr. Stoudemire.

10 THE CLERK: The Defense?

11 MR. MCCOY: Please excuse Mr. Stoudemire.

12 THE CLERK: Have a seat in the audience.

13 Juror 197, Sandra Wilson.

14 What says the State?

15 MR. SORENSON: Please present Ms. Wilson.

16 THE CLERK: The Defense?

17 MR. MCCOY: Please seat Ms. Wilson.

18 THE CLERK: Ms. Wilson, have a seat in the jury  
19 box to your left.

20 Also, please make sure you bring all your personal  
21 items. Whoever was sitting by Ms. Wilson.

22 Juror No. 138, Ian Phlegar.

23 What says the State?

24 MR. SORENSON: Please present Mr. Phlegar.

25 THE CLERK: The Defense?

1 MR. MCCOY: Please seat Mr. Phlegar.

2 THE CLERK: Go ahead and have a seat in the jury  
3 box.

4 Juror 178, Jessica Tucker.

5 What says the State?

6 MR. SORENSON: Please present Ms. Tucker.

7 THE CLERK: The Defense?

8 MR. MCCOY: Please excuse Ms. Tucker.

9 THE CLERK: Have a seat back in the audience.

10 Juror No. 6, Leonard Astfalk.

11 What says the State?

12 MR. SORENSON: Please present Mr. Astfalk.

13 THE CLERK: The Defense?

14 MR. MCCOY: Please excuse Mr. Astfalk.

15 THE CLERK: Have a seat back in the audience

16 Juror No. 16, Doris Bertolozzi.

17 What says the State?

18 MR. SORENSON: Please present Ms. Bertolozzi.

19 THE CLERK: The Defense?

20 MR. MCCOY: Please excuse Ms. Bertolozzi.

21 THE CLERK: Have a seat back in the audience.

22 Juror 102, James Keese.

23 What says the State?

24 MR. SORENSON: Please present Mr. Keese.

25 THE CLERK: The Defense?

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1 MR. MCCOY: Please seat Mr. Keese.

2 THE CLERK: Have a seat in the jury box to your  
3 left.

4 Juror 202, Jessica Wright.

5 What says the State?

6 MR. SORENSON: Please present Ms. Wright.

7 THE CLERK: The Defense?

8 MR. MCCOY: Please excuse Ms. Wright.

9 THE CLERK: Have a seat back in the audience.

10 Juror 120, Daryl Mathis.

11 What says the State?

12 MR. SORENSON: Please present Mr. Mathis.

13 THE CLERK: The Defense?

14 MR. MCCOY: Please seat Mr. Mathis.

15 THE CLERK: Have a seat in the jury box.

16 Juror 108, Kimberly Kowachich.

17 What says the State?

18 MR. SORENSON: Please present Ms. Kowachich.

19 MR. MCCOY: Please excuse Ms. Kowachich.

20 THE CLERK: You can have a seat back in the  
21 audience.

22 Juror 204, Richard Yates.

23 What says the State?

24 MR. SORENSON: Please present Mr. Yates.

25 THE CLERK: The Defense?

1 MR. MCCOY: Please seat Mr. Yates.

2 THE CLERK: Have a seat in the jury box.

3 Juror No. 81, Gregory Hopkins.

4 What says the State?

5 MR. SORENSON: Please present Mr. Hopkins.

6 THE CLERK: The Defense?

7 MR. MCCOY: Please seat Mr. Hopkins.

8 THE CLERK: Have a seat in the jury box.

9 Juror 168, Jessica Sovak.

10 What says the State?

11 MR. SORENSON: Please excuse Ms. Sovak.

12 THE CLERK: Have a seat back in the audience.

13 Juror No. 31, Robert Carlton.

14 What says the State?

15 MR. SORENSON: Please present Mr. Carlton.

16 THE CLERK: The Defense?

17 MR. MCCOY: Please excuse Mr. Carlton.

18 THE CLERK: Have a seat back in the audience.

19 Juror No. 3, Clifton Ancrum.

20 What says the State?

21 MR. SORENSON: Please present Mr. Ancrum.

22 THE CLERK: The Defense?

23 MR. MCCOY: Please seat Mr. Ancrum.

24 THE CLERK: Have a seat in the jury box.

25 Juror 157, Tracy Shelton.

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1 What says the State?

2 MR. SORENSON: Please present Ms. Shelton.

3 THE CLERK: The Defense?

4 MR. MCCOY: Please excuse Ms. Shelton.

5 THE CLERK: Have a seat back in the audience.

6 Juror No. 24, Richard Brisson.

7 What says the State?

8 MR. SORENSON: Please present Mr. Brisson.

9 THE CLERK: The Defense?

10 MR. MCCOY: Please excuse Mr. Brisson.

11 THE CLERK: Juror 195, Kenneth Williams.

12 What says the State?

13 MR. SORENSON: Please present Mr. Williams.

14 THE COURT: The Defense?

15 MR. MCCOY: No challenge from the Defense.

16 THE CLERK: Have a seat in the jury box.

17 Juror 101, Melona Keane.

18 What says the State?

19 MR. SORENSON: Please present Ms. Keane.

20 THE CLERK: The Defense?

21 MR. MCCOY: No challenge to Ms. Keane.

22 THE CLERK: Have a seat in the jury box.

23 Juror 170, Emily Stalker.

24 What says the State?

25 MR. SORENSON: Please present Ms. Stalker.

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THE CLERK: The Defense?

MR. MCCOY: No challenge from the Defense.

THE CLERK: Have a seat in the jury box.

Juror No. 87, Carol Hunter.

What says the State?

MR. SORENSON: Please present Ms. Hunter.

THE CLERK: The Defense?

MR. MCCOY: No challenge.

THE CLERK: Have a seat in the jury box.

Juror No. 149, Darryl Rose.

What says the State?

MR. SORENSON: Please present Mr. Rose.

THE CLERK: The Defense?

MR. MCCOY: No challenge for Mr. Rose.

THE CLERK: Have a seat in the jury box.

That's twelve. Two alternates? One and two?

THE COURT: (Affirmative response)

THE CLERK: Juror No. 64, Jonathan Gehr.

What says the State?

MR. SORENSON: Please present Mr. Gehr.

THE CLERK: The Defense?

MR. MCCOY: Please seat Mr. Gehr.

THE CLERK: Have a seat in the jury box. That's  
alternate one.

Juror No. 82, Mabel Hopkins.



1 will have some information for you. Please make sure you  
2 drop off your name tags. Have a nice day.

3 (Remaining jury panel out at 12:5  
4 p.m.)

5 THE COURT: Welcome, ladies and gentlemen that  
6 were selected for the trial in this case. It's about 12:15  
7 and I know you've been very patient with us this morning  
8 with everything we've had to get through, so I certainly  
9 appreciate that. It's a good time for us to take our lunch  
10 break before we actually begin the trial of this case. If  
11 you would be back in your jury room -- these nice ladies  
12 here are going to show you where to report back. If you'll  
13 be back in your jury at 1:15 we'll get started. Well,  
14 actually 1:30 is good. We'll take care of a couple of other  
15 things. If you'll be back in your jury room at 1:30 then  
16 we'll begin with the trial of this case. Please do not  
17 discuss this case with anyone or allow anyone to discuss  
18 this case with you, and that includes amongst yourself  
19 because you are to make your determination only on what you  
20 hear in this courtroom from the witness stand.

21 So, again, please don't allow anyone to speak with you  
22 about this case. If you see the attorneys and they don't  
23 speak to you, they're not being rude. They're just  
24 following the Court's instructions. Have a nice lunch and  
25 we'll see you at 1:30.

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(Jury out at 12:20 p.m.)

THE COURT: Counsel did you say you did have a Jackson v. Denno matter for the Court to take up or not?

MR. SORENSON: I don't -- you know, I don't know whether we can get into that. I don't believe we do, Your Honor.

THE COURT: Okay. So any other matters before we dismiss for lunch?

MR. SORENSON: Do you want to go ahead --

MR. MCCOY: Nothing from the Defense, Judge.

MR. SORENSON: Do you want to put anything on the record about that indictment?

MR. MCCOY: I can when we get back, that's fine. Unless you wanted me to do that now, Judge.

THE COURT: We can go ahead and take care of that now. And I appreciate your patience. Prior to the jury selection, it was brought to my attention regarding your objection on the gun charge and all of that. And if you'd go ahead and place that on the record, Mr. McCoy.

MR. MCCOY: Thank you, Judge. May it please the Court. Over the weekend and looking at the indictment in relation to the gun charge that we're here for today, I did some research. And I thought that maybe, that potentially the indictment was inappropriate based on the fact that it stated that strong arm robbery was a crime of violence,

1 Judge. And I realize now after talking to the Solicitor on  
2 the case, the difference in the statutes that listing the  
3 statutorily a crime of violence, but that it's a different  
4 statute, where there are crimes of violence that are listed  
5 as well, but not statutorily crimes of violence. But Judge  
6 I want to just put that on the record. I think that's an  
7 issue that I think probably needs to be addressed in some  
8 venue at a future time, Judge, based on the confusion alone.  
9 But I did read a 2004 case that did say that strong arm  
10 robbery was a crime of violence with intention of how it  
11 would move forward with this particular indictment, Judge.  
12 But I wanted to put that on the record, that that was a  
13 concern that I had over the weekend. But in looking at case  
14 law, I understand that it seems to be appropriate.

15 THE COURT: Anything Solicitor.

16 MR. SORENSON: Just the case that Mr. McCoy  
17 referenced, Your Honor, is Fernanders, it's F-E-R-N-A-N-D-E-  
18 R-S versus State. That's 359 SC 130. And that is a 2004  
19 Supreme Court Case that I would submit does hold that strong  
20 arm robbery does qualify as a crime of violence. While it's  
21 not listed as a violent crime -- that's a separate list --  
22 it is a crime of violence, which I do believe would make the  
23 indictment that has been true billed and presented a proper  
24 indictment.

25 THE COURT: And the Court has also reviewed

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1 Fernanders versus the State and also section 16-23-10, which  
2 states crime of violence and it does include robbery in  
3 there as an offense, which would include it in that, even  
4 though there's some statutory confusion. Maybe that can be  
5 cleared up at a future date, Mr. McCoy. So anything else  
6 before we break for lunch?

7 MR. MCCOY: Judge, the only thing I would ask is  
8 that we sequester the witnesses when we do begin the trial  
9 and that's all that I ask.

10 THE COURT: Certainly. And that would be on both  
11 sides except -- other than the -- is there a victim that's  
12 going to being represented?

13 MR. SORENSON: I mean, there's plenty of victims'  
14 family members. None of them, though, are witnesses so we  
15 don't need to worry about deciding. I would just ask that  
16 Lieutenant Peters be able to stay in here.

17 THE COURT: Do you have any problem --

18 MR. MCCOY: I have no issue with that, Judge.

19 MR. SORENSON: And also my investigator, Eric  
20 Melendez. He's on my witness list. I don't think I'm going  
21 to end up calling him, but he might be kind of coming in and  
22 out. He probably wouldn't be sitting here throughout the  
23 trial.

24 MR. MCCOY: I don't have any issue with that  
25 either, Judge.

1 THE COURT: All right. Sounds good, gentlemen.  
2 We'll be at recess until 1:30 then.

3 MR. SORENSON: Thank you.

4 MR. MCCOY: Thank you.

5 (Court in recess for lunch at 12:30  
6 p.m.)

7 (Court in session after lunch at  
8 1:30 p.m.)

9 THE COURT: Counsel, it was just brought to my  
10 attention that apparently when the jurors were being walked  
11 out, one of the jurors, Juror No. 204, blurted out something  
12 to the effect of tell the Judge I don't want to be a juror.  
13 So obviously I need to handle that matter before we swear  
14 the jury in.

15 Any objection from either party if I just bring that  
16 individual juror our and ask him about that comment or how  
17 would y'all propose --

18 MR. SORENSON: I mean, I'm fine with that.

19 MR. MCCOY: Judge, I agree. I think that, you  
20 know, your questioning would be sufficient, Judge. But I  
21 think it does need to be addressed. And I have one other  
22 matter, Judge, briefly to bring up before the jury does come  
23 back in.

24 THE COURT: Yes, sir.

25 MR. MCCOY: In going through the discovery, there

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1 is -- in the chain of custody, there is a request for a GSR  
2 kit to be tested not only on victim number 1 and victim  
3 number 2 in this case. And it says on here on the SLED --  
4 I'm sorry, on the chain of custody sheet, GSR kits on hold  
5 for testing. I know I have not received any GSR results  
6 from those testings. And I sent an email specifically this  
7 weekend asking for those tests. If they were available and  
8 if they can be produced, I'd love to have them. Judge, I  
9 was just informed out in the lobby by talking to the crime  
10 scene officer, Officer Scott, told me that he actually  
11 called up to SLED this morning to verify and check on the  
12 GSR kits. I guess they're at SLED. And they're still  
13 there. So Judge, I don't know whether -- I don't know the  
14 status of these kits. I don't know whether they've been  
15 tested and the results are here and we just don't have them,  
16 or if they have not been tested yet. I'm under the  
17 impression that SLED has been not testing as many GSR kits  
18 lately. But I do have cases in Charleston where we do have  
19 and are continuing to get SLED results for GSR testing,  
20 Judge. So I'd love some clarification on that before we  
21 move forward.

22 THE COURT: Mr. Sorenson?

23 MR. SORENSON: May it please the Court, Your  
24 Honor. They have not been tested. And it has been my  
25 understanding from talking with SLED in the past that they

1 have stopped doing GSR kits on homicide victims, especially  
2 shooting victims, because they basically don't tell us  
3 anything. Even if they come back positive guess what, they  
4 were shot. So it's not something that, you know -- so  
5 unless there's, you know, a specific, you know, issue that  
6 when a request is made, that they are not testing GSR kits  
7 on homicide victims, shooting victims. So they're sitting  
8 up there. They have not been tested.

9 THE COURT: Mr. McCoy?

10 MR. MCCOY: Judge, and I do agree with Mr.  
11 Sorenson's assessment in that, you know, with GSR testing, I  
12 mean, a lot of times if there is a victim in a case, there  
13 is going to be the presence of GSR on that particular  
14 person. My concern is where is the presence of GSR. If  
15 there is GSR on the victim's hand at all, to me the argument  
16 could be there that it was self-defense, a potential defense  
17 that we could put up. And, again, I just don't know the  
18 answer to that based on the fact that we don't have the  
19 results. I mean, I understand Judge the clothing is going  
20 to have GSR. I understand that sometimes your skin or your  
21 face will have GSR, but depending on the placement of GSR, I  
22 think is what's very critical when it comes to examining  
23 this particular case. If there is GSR on the outside of the  
24 hand or on the inside of the hand, I mean, that's going to  
25 be indicative, in my opinion, of this particular person

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1 handling a firearm. And, Judge, we're not going to know the  
2 answer to that or even be able to argue that without having  
3 these test results done. And Judge, I mean, I -- again, I  
4 don't understand why an officer would request a GSR test be  
5 done that had to be SLED if SLED simply just isn't doing GSR  
6 testing anymore. I don't think that excuse is good,  
7 especially when we're dealing with a case of the most  
8 serious crime that can be charged in South Carolina, which  
9 is murder, when you're representing somebody whose potential  
10 liberty is on the line for the rest of their life.

11 So, Judge, my concern is that and it is why or was --  
12 were there any intention for the GSR kit to be tested at  
13 SLED? And if it was not going to be tested, you know, I'd  
14 love to have an answer as to why. A follow-up to that,  
15 there's also been a request inside of the discovery of  
16 ballistics tests also being requested. I asked about that  
17 too this weekend. I was told no ballistics tests were done  
18 and I would just like some clarification on that as well,  
19 Judge.

20 THE COURT: All right. Mr. Sorenson, what's your  
21 position on that? .

22 MR. SORENSON: I mean, no firearm was ever  
23 recovered.

24 MR. MCCOY: You can still test shell casings  
25 though, Judge.

1           MR. SORENSON: There's two shell casings  
2 recovered. They were not compared to each other. I mean,  
3 I'm -- for whatever that's worth, they weren't. I mean, I'm  
4 --

5           THE COURT: Well, as far as that's concerned, Mr.  
6 McCoy, I think that would go to the weight of the evidence,  
7 not the admissibility of it, subject to obviously to the  
8 proper foundation being established that those shell casings  
9 being relevant and connected to this case. As far as the  
10 GSR issue is concerned, obviously in considering what the  
11 State has at least said as to this juncture to me would not  
12 be something exculpatory in nature. And if you -- I'm not  
13 sure how long you've had that information or that report  
14 could have potentially been tested by anybody from your  
15 office or not, you didn't quite mention that. Is that  
16 something that you've had in your possession for a while?

17           MR. MCCOY: Judge, I've had the discovery in my  
18 possession since the Solicitor sent it to me. And I  
19 understand that all of this is potential argument for me on  
20 cross-examination. You know, my concern again comes into  
21 place. I was told GSR kits weren't -- no testing was done  
22 this weekend. I'm talking to an officer who's outside  
23 that's telling me the kits were sent up there. I requested  
24 them to be tested. And he didn't know whether they had  
25 actually been tested or not. So, again, I -- again, out of

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1 an abundance of caution and protecting my client and in  
2 preserving the record, I just want to make sure that this  
3 was brought to the Court's attention, one. And two, you  
4 know, I still am having a hard time understanding why a test  
5 or a kit would be sent to Columbia for testing if the test  
6 was just never going to happen anyway. That, to me, is hard  
7 for me to wrap my head around, Judge.

8 THE COURT: Well, and I think obviously just as  
9 you've stated, I think you hit the nail on the head. That's  
10 something for cross-examination of the officer and the SLED  
11 agents as to why it would be done in that fashion, not  
12 necessarily that it's exculpatory in nature.

13 MR. MCCOY: And, Judge, I agree with you. I do  
14 agree with that.

15 THE COURT: Okay.

16 MR. SORENSON: I think part of it now is the fact  
17 that SLED's policy I think has changed since that stuff was  
18 sent up there.

19 THE COURT: All right. Anything further on that  
20 matter before I bring --

21 MR. MCCOY: No, ma'am, Judge. I just wanted to  
22 bring that to your attention. Thank you.

23 THE COURT: Thank you.

24 All right. Let's have Juror Number 204, please?

25 MR. MCCOY: You want us to approach for that,

1 Judge or just do it in open court?

2 THE COURT: I don't know. I'll have to see.

3 MR. MCCOY: Okay.

4 JUROR NO. 204: (Enters courtroom)

5 THE COURT: Mr. Yates, if you would please come  
6 over here and place your left hand on the Bible and raise  
7 your right hand.

8 JUROR NO. 204: (Complies)

9 (WHEREUPON, Richard D. Yates, III.,  
10 Juror No. 204 was duly sworn.)

11 THE COURT: Please have a seat, Mr. Yates. Right  
12 here on the stand. That way you're close and I can hear  
13 exactly what you're saying.

14 JUROR NO. 204: (Complies)

15 THE COURT: And you're not in any kind of trouble  
16 or anything. It was brought to my attention that you had  
17 made a comment after you were selected that you potentially  
18 said you did not want to be here. Is that accurate?

19 JUROR NO. 204: (Affirmative response).

20 THE COURT: Make sure you speak up so the court  
21 reporter can take down what you're saying. Can you tell me  
22 why?

23 JUROR NO. 204: Yes, I'm a -- that's just like a  
24 -- how to say it -- just nervous about being part of this  
25 case. I don't think that I would be picked out, would

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1 actually be picked. It's just something I just don't want  
2 to do. I really don't feel okay to do this. I really  
3 don't.

4 THE COURT: Well, let me ask you this. Let's kind  
5 of walk through that process a little bit. Obviously,  
6 you're a little nervous. It's a new experience for you; is  
7 that true?

8 JUROR NO. 204: Yeah.

9 THE COURT: You haven't ever served on a jury  
10 before?

11 JUROR NO. 204: Right.

12 THE COURT: And certainly it's kind of a difficult  
13 environment, there's lots of people and it's a serious  
14 matters.

15 JUROR NO. 204: Yes.

16 THE COURT: So I understand that. I think  
17 probably every juror is in that same position.

18 JUROR NO. 204: Uh-huh. (Affirmative response.)

19 THE COURT: And obviously it's not something  
20 that's easy, but it's certainly something that's very  
21 important to our system of justice that we select fair and  
22 impartial jurors and that's why you were selected. That's  
23 why we asked the questions that we do, that you could be  
24 fair and impartial. During the questioning I asked if  
25 there's any reason whatsoever why you couldn't be fair and

1 impartial to both the State and to the Defense -- I  
2 understand the nervous issue.

3 JUROR NO. 204: Yeah.

4 THE COURT: Setting that aside for that's a normal  
5 circumstance, do you think you can be fair and impartial to  
6 both sides?

7 JUROR NO. 204: Yeah.

8 THE COURT: Can you?

9 JUROR NO. 204: Yeah.

10 THE COURT: Are you sure?

11 JUROR NO. 204: I'm sure.

12 THE COURT: I know it's not easy. Your job as a  
13 juror is to determine the facts as they come from the  
14 witness stand. You make a determination based upon the  
15 facts that you hear from the witness stand. Can you do  
16 that?

17 JUROR NO. 204: Yes.

18 THE COURT: Can you be fair and impartial to both  
19 sides, both to the State and to the Defense?

20 JUROR NO. 204: No.

21 THE COURT: Can you tell me why?

22 JUROR NO. 204: Because I don't know -- Let's see.  
23 It's just prefer not to do this in public. I'm not a public  
24 speaker. I can't -- I just can't do this.

25 THE COURT: Well, let's ignore everybody out here,

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1 okay.

2 JUROR NO. 204: I just can't do this.

3 THE COURT: Just talk to me. Because it's not  
4 that speaking in public. Obviously, you hear the evidence  
5 from the witness stand. You're asked to be fair and  
6 impartial based upon what you believe -- what you hear from  
7 the witness stand and be fair to both sides. So on that  
8 part, can you do that? Can you be fair and impartial to  
9 both sides, based upon what you hear here?

10 JUROR NO. 204: Yes.

11 THE COURT: Can you follow the law as I give it to  
12 you? You understand that the State has the burden of proof  
13 beyond a reasonable doubt. And you have to be satisfied of  
14 that proof from the evidence and any exhibits that are made  
15 part of the record, anything of that nature. So you're  
16 basically the judge of the facts. Can you listen to that  
17 and be the judge of the facts, along with your fellow  
18 jurors?

19 JUROR NO. 204: Yeah.

20 THE COURT: Can you do that?

21 JUROR NO. 204: Yes.

22 THE COURT: And do you believe you can follow the  
23 law as I give it to you?

24 JUROR NO. 204: Yes.

25 THE COURT: You're telling me that you can do all

1 three of those things?

2 JUROR NO. 204: Uh-huh. (Affirmative response.)

3 THE COURT: And can you do that without  
4 hesitation. I understand it's difficult. I'm not saying  
5 it's an easy process but can you follow the law and apply it  
6 to the facts as you find them?

7 JUROR NO. 204: Yes, ma'am.

8 THE COURT: Any further question by any party?  
9 Would y'all like to approach or anything?

10 MR. SORENSON: Nothing.

11 THE COURT: No further questions.

12 MR. MCCOY: Judge, no further questioning here.

13 THE COURT: All right. Thank you, Mr. Yates. You  
14 may return to the jury room.

15 JUROR NO. 204: (Exits courtroom)

16 THE COURT: Anything either side would like to  
17 place on the record regarding Mr. Yates?

18 MR. SORENSON: I don't believe so, Your Honor.

19 MR. MCCOY: Judge, I noticed that he did appear to  
20 be hesitant in some of your questioning. I'm comfortable  
21 with the line of questioning that you did give to him in  
22 terms of asking if he could be fair and impartial to both  
23 sides and be the judge of the facts, while he would be  
24 instructed by you on the -- being the judge of the law. And  
25 he seemed to give the appropriate answers there, Judge. So

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1 I would note the hesitation but I would also note that he  
2 gave the appropriate answers, Judge.

3 THE COURT: And I agree. I think that in looking  
4 at his demeanor and the way that he answered the questions,  
5 his hesitation seemed more a bit of a shyness type situation  
6 and being put in the circumstances in front of everyone here  
7 in the courtroom. But he did appear conscientiously  
8 answering and he certainly appeared to be appropriate in his  
9 responses to the Court, that he could follow the law and be  
10 fair and impartial to both sides. So unless there's any  
11 objection, I'm going to bring out the jury at this time.

12 MR. SORENSON: Could we just real briefly -- we  
13 talked back in chambers about prior records on some of the  
14 witnesses. Can we just kind of put that on the record --

15 THE COURT: Certainly.

16 MR. SORENSON: -- about the couple that may  
17 testify this afternoon.

18 The first one would be Bruce Williams. Mr. Williams,  
19 Your Honor, the only thing I see on here is on some  
20 convictions from back in 1990 for a burglary, grand larceny  
21 and shoplifting. I think we're talking, I mean, twenty-  
22 seven years ago. So I don't think those would fall under  
23 Rule 609.

24 George Sanders has a disorderly conduct conviction from  
25 2003. I don't think that would fall under --

1 MR. MCCOY: Say that again real quickly. I'm  
2 sorry.

3 MR. SORENSON: George Sanders is a 2003 public  
4 disorderly conduct.

5 And the Shaquanda Williams --

6 MR. MCCOY: '03?

7 MR. SORENSON: '03, yes, sir. And then Shaquanda  
8 Williams has a 2009 giving false information to law  
9 enforcement. So I do think that would probably fall under,  
10 under a crime of dishonesty within the last ten years. So I  
11 think out of those three witnesses it would be my contention  
12 that that would be the only impeachable offense as to those  
13 three witnesses.

14 THE COURT: Mr. McCoy?

15 MR. MCCOY: Judge, I agree with the false  
16 information to police from Mr. Williams. And I agree with  
17 the disorderly for Mr. Sanders. And for the record, I  
18 reviewed these rap sheets with Mr. Sorenson earlier today.  
19 With the other Williams', Judge, I just have a question of  
20 whether those three charges are crimes of dishonesty  
21 burglary, grand larceny or shoplifting, and that's the only  
22 hesitation I have.

23 THE COURT: In regards to -- you mean Bruce  
24 Williams witness number two?

25 MR. MCCOY: Yes, ma'am. I'm sorry. Yes, ma'am.

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1 Mr. Williams.

2 THE COURT: But you're not saying that they're  
3 more than twenty-seven years old and the State's not  
4 intending on introducing this. So based on that basis are  
5 you okay with that decision?

6 MR. MCCOY: I mean, I know -- I recognize the age.  
7 I'm just -- for the record, I think those are crimes of  
8 dishonesty, but I could be mistaken on it.

9 THE COURT: Solicitor, what's your position on  
10 that?

11 MR. SORENSON: Well, I guess I would probably  
12 agree that a shoplifting and the larceny would be crimes of  
13 dishonest, but I do -- the fact that they're twenty-seven  
14 years old and that's kind of not the question.

15 THE COURT: Right.

16 MR. SORENSON: I mean, if they'd happened, you  
17 know, within ten years then I think even despite the fact  
18 they may not carry more than a year, then I think they would  
19 be admissible.

20 THE COURT: Right. And I think pursuant to Rule  
21 609, I don't think that they would be admissible due to the  
22 age of those crimes.

23 MR. MCCOY: Judge, we don't have an issue with  
24 that.

25 THE COURT: Okay.

1 MR. MCCOY: I just -- I thought they were crimes  
2 of dishonesty. I was just making sure.

3 THE COURT: I think just under 609(d) the time  
4 limit for those to be considered, it would be more  
5 prejudicial than probative on the issue. So those will be  
6 excluded. Anything further?

7 MR. SORENSON: No, Your Honor.

8 THE COURT: All right. Let's have our jury,  
9 please?

10 (Jury in at 2:12 p.m.)

11 THE COURT: Welcome back ladies and gentlemen of  
12 the jury. Madam Clerk, will you please swear in the jury.

13 THE CLERK: Yes, ma'am.

14 (WHEREUPON, the jury was sworn.)

15 THE COURT: Ladies and gentlemen of the jury,  
16 thank you for accepting the important responsibility of jury  
17 service and for your contribution today to our system of  
18 justice.

19 What I will now say to you is intended to serve as an  
20 introduction to the trial of this case. These remarks are  
21 not a charge on the law in this case. I will instruct you  
22 on the law applicable to this case at the end of the trial  
23 before you retire to consider your verdict. This is merely  
24 an explanation of the procedures that we will follow in this  
25 trial so that you may have a better understanding of what is

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1 going on during the trial of this case. You may not take  
2 notes during the trial of this case.

3 Ladies and gentlemen, the Defendant is charged with  
4 three indictments filed in this court; two indictments for  
5 murder; and, one indictment for possession of a pistol by a  
6 person convicted of a crime of violence. The elements of  
7 each of these offenses will be explained to you at a later  
8 date. The indictments are simply the charge by which the  
9 case is brought into court. It is not in any sense evidence  
10 of any of the allegations that they contain.

11 The Defendant has pled not guilty to these indictments.  
12 The State, therefore, has the burden of proving each of the  
13 elements of the indictments beyond a reasonable doubt. It  
14 will be your duty, ladies and gentlemen, to decide whether  
15 the State has met that burden. Your purpose as jurors is to  
16 find and determine the facts. You are the sole judges of  
17 the facts. If at any time I make any comment regarding the  
18 facts, you must disregard that. You are to determine the  
19 facts from the testimony that you hear and any other  
20 evidence that is properly introduced in court. It is up to  
21 you to determine the inferences which you may feel are  
22 properly drawn from the evidence. It is especially  
23 important that you perform your duty of determining the  
24 facts diligently and conscientiously because ordinarily  
25 there's no way to correct an erroneous determination of the

1 facts by a jury. On the other hand and with equal emphasis,  
2 the same law that makes you the judges of the facts makes me  
3 the judge of the law. The law as given by the Court is the  
4 only law that you may consider. You must accept it and  
5 follow it, even though you may disagree with it. I cannot  
6 tell you what the facts are and you cannot disagree with me  
7 on what -- about what the law is or what the law should be.  
8 Your job is to take the law as I give it to you and apply it  
9 to the facts as you find them from the testimony of the  
10 witnesses and any other evidence that was introduced. After  
11 doing that, you will render your verdict under the solemn  
12 oath that you just took as jurors.

13       Until I advise you to begin your deliberations, you  
14 must not discuss this case with anyone, this includes your  
15 fellow jurors, your friends, your family members, and anyone  
16 involved in this case. This includes any face to face  
17 discussions, anything by telephone, text, email, blogs or  
18 any other method of communication. You may not use a  
19 computer or cellphone or any other electronic device with  
20 communication capabilities at any time while in the  
21 courtroom or during your deliberations. During breaks or  
22 for meals or for overnight, if necessary, of course, you may  
23 use these devices. However, you may not at any time use  
24 these devices to get or send information about the case.  
25 This includes any information about a party or witness, an

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1 attorney or any court officer, any news accounts about the  
2 case, any research on any topics that may be raised or any  
3 topics that you might think might be helpful in deciding the  
4 case or any testimony presented about any witness. During  
5 the trial, please do not read, listen to or watch any news  
6 reports about this case. This includes anything that may be  
7 in the newspapers, on the internet, TV or radio. You must  
8 not consider anything that you have read or heard about this  
9 case outside of this courtroom, whether before or during the  
10 trial of this case.

11 After the case is submitted to you, you must discuss it  
12 only in the jury room with your fellow jurors. The  
13 attorneys and the parties in this case have been advised not  
14 to talk to you. So, again, if they see you come in and out  
15 of the courtroom or see you outside and they don't speak to  
16 you, they're not being rude. They're following the Court's  
17 instructions. It's important that you keep an open mind and  
18 not decide any issue in the case until all of the evidence  
19 has been presented, the parties have made their closing  
20 arguments and I have instructed you on the law in this case.  
21 It is your solemn responsibility to determine the guilt or  
22 innocence of the Defendant and your verdict must be based  
23 solely on the evidence as it is presented to you in this  
24 trial and on the law as I instruct you during and at the  
25 close of the trial.

1           In just a moment, the Solicitor will make what is  
2 called an opening statement, in which the Solicitor will  
3 explain to you what the issues in this case are or at least  
4 what the Solicitor thinks the issues in this case are. The  
5 attorney for the Defense may also make an opening statement,  
6 although they're not required to do so. What the attorneys  
7 tell you during their opening statement is not evidence in  
8 this case. It is only their contention as to what the  
9 issues are. The evidence in this case will be presented to  
10 you by the testimony of the sworn witnesses from the witness  
11 stand and by any exhibits that may be introduced into  
12 evidence. From time to time during the trial you may hear  
13 one of the attorneys say something like Your Honor, we may  
14 have a matter of law or may we approach the bench. Or  
15 sometimes I, myself, might find it necessary to excuse you  
16 from the courtroom for a short while so the attorneys and I  
17 can discuss a matter of law. The reason for this is because  
18 you are the judges of the facts in this case and sometimes  
19 when I'm discussing matters of law with the attorneys, it  
20 may be necessary for me to make some comment as to the facts  
21 in connection with -- as to whether or not a particular law  
22 applies. I'm not supposed to tell you what I think the  
23 facts are, so I will excuse you from the courtroom while  
24 these discussions take place so that in no way will you be  
25 influenced by anything I might say or do in connection with

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1 the facts of this case.

2 In determining what the true facts are in this case,  
3 you must decide whether or not the testimony of witnesses is  
4 believable. It will be my responsibility to rule as a  
5 matter of law whether certain testimony is admissible at all  
6 or not. But once a testimony is admitted, whether or not  
7 you believe it is solely for you to determine.

8 In deciding whether to believe a witness you have the  
9 right to consider the interest of any witness, the bias of  
10 any witness, the prejudice of any witness, the opportunity  
11 for the witness to have seen the matters and the things  
12 about which the witness would have testified, and the way  
13 that the witness acts on the witness stand. You have the  
14 right to consider anything that is in the record that will  
15 help you evaluate the testimony of the witnesses. That  
16 means it is your duty to pay close attention to these  
17 witnesses, to observe the witnesses, to pay close attention  
18 to the attorneys and to the court.

19 Please don't let your thoughts wander but give strict  
20 attention to the testimony in this case so at the end of all  
21 of the evidence, after the arguments of counsel and after  
22 you have been instructed on the law in this case, you will  
23 be in a position to determine what the true facts are and  
24 render a verdict under the solemn oath that you just took.

25 Additionally, I will appoint a foreperson later on

1 during the trial and that foreperson's duty will be to write  
2 the verdict. And if there's any questions for the Court,  
3 the foreperson will be the liaison to the Court.

4 Any objections to the opening remarks from either the  
5 State or from the Defense?

6 MR. SORENSON: None, Your Honor.

7 MR. MCCOY: Thank you, Judge.

8 THE COURT: All right. You may proceed Solicitor.

9 MR. TEMPLETON May it please the Court?

10 THE COURT: Yes, sir.

11 STATE'S OPENING STATEMENT

12 BY MR. TEMPLETON:

13 Ladies and gentlemen, you're here today because on  
14 August 14th, 2015 a murder occurred. The State contends  
15 that Quadrik Willis walked up to Tyrone Cummings and shot  
16 him point blank in the head. He then shot Deborah Bazzle  
17 just because she was there as a witness. Mr. Willis is  
18 charged with three separate indictments. First is for the  
19 murder of Tyrone Cummings; the second for the murder of  
20 Deborah Bazzle. We all know what murder is but our law  
21 defines it as the killing of another person with malice  
22 aforethought. Malice, meaning ill will or hostility in his  
23 mind, aforethought, in his mind at the time of the killing.  
24 The final indictment that he is charged with is the  
25 possession of a handgun after already being convicted of a

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1 crime of violence.

2           The State will prove that Mr. Willis has a conviction  
3 for a crime of violence and that he possessed a handgun that  
4 day. We have to prove all of those elements beyond a  
5 reasonable doubt. It's no different than any other criminal  
6 court across the entire country. It simply means that we  
7 have to make sure that each of you are firmly convinced of  
8 the Defendant's guilt.

9           I want to take you back to August the 14th -- August  
10 the 13th of 2015. That night Tyrone Cummings and Deborah  
11 Bazzle went out to the 8 Ball Club in Ridgeville, right here  
12 in Dorchester County. Went out there to have a couple  
13 drinks, to hang out, to have a good time. The problem was a  
14 cellphone went missing that night. Quadrik Willis thought  
15 that Tyrone Cummings took it. He confronted him or Tyrone  
16 Cummings was asked about that cellphone. He didn't have it.  
17 Ultimately that night the State contends that Quadrik Willis  
18 decided he was going to rung his pockets. He was going to  
19 rob him to see if he had that cellphone. Instead, he shot  
20 him in the head and then shot the second victim in this case  
21 in the head as well because she was a witness.

22           Ladies and gentlemen, when you've heard all the  
23 testimony from that witness stand, when you've seen the  
24 evidence in this case, you will be firmly convinced of the  
25 Defendant's guilt. And at that time, we're going to ask you

1 to return a verdict of guilty. Thank you.

2 THE COURT: Counsel?

3 MS. TURNER: Thank you, Your Honor. May it please  
4 the Court?

5 THE COURT: Yes, ma'am.

6 DEFENDANT'S OPENING STATEMENT

7 BY MS. TURNER:

8 Good afternoon. My name is Sara Turner, and along with  
9 Peter McCoy, I have the pleasure to represent Quadrik  
10 Willis.

11 I want to take you to the early morning of August 14th,  
12 2015 at the 8 Ball Club. Picture, the end of the night,  
13 people are walking out of the club into the parking lot.  
14 They're looking to find their car, looking to find a ride  
15 home and just go home. Some people know each other there,  
16 some people don't. Some are friends, some are families.  
17 Some people have been there drinking all night, some a  
18 couple of hours. Some people are tired. They're in their  
19 car taking a nap waiting on their friends to come back to  
20 the car. It's around 2:00 a.m. It's dark out. On August  
21 14, 2015, it was a new moon, which means that there's  
22 absolutely no illumination from the moon that evening  
23 either. The parking lot's dark. The road is dark and all  
24 of a sudden gunshots are fired. People take off.  
25 Adrenaline is pumping. People go into fight or flight mode.

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1      People can't see exactly where people went. They're worried  
2      about themselves. It's uncertain at that point in time  
3      whether someone's just firing a gun off or someone was  
4      actually injured. Tragically, the latter happened that  
5      early morning when two people were killed.

6              Not one person called 9-1-1 that evening after the  
7      shots were fired and not one person states that they saw  
8      who killed the victim. Then the chatter began. People  
9      started talking. You've heard the game of telephone where  
10     one person says something and it passes on to another  
11     person, another person, another person down the line and all  
12     of a sudden you have a different story. Do you remember in  
13     grade school when your teacher tells you that an entire  
14     story perspective, things can change when someone passes it  
15     down the line.

16             The Judge is going to charge about the specifics of the  
17     law at a later time. But I want you to keep in mind  
18     throughout this trial that the State has the burden of proof  
19     in this case and they have to prove their case beyond a  
20     reasonable doubt. A game of telephone can provide doubt.

21             Now, it's human nature if you're in the vicinity of a  
22     horrendous tragedy, that you want to provide help. You want  
23     to remember information. People start equating themselves  
24     with the victim, saying it could have been me. So you want  
25     to have that information, you want to keep it together but



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1 BY MR. TEMPLETON:

2 Q Good afternoon. I want to take you back to August  
3 14th, 2015. Do you recall what you were doing that morning?

4 A Yeah. I was getting up to go to work.

5 Q Okay.

6 A About 5:00. I left the house about 6:00.

7 Q Okay. In relation to the 8 Ball Club, where do you  
8 live?

9 A Directly behind it.

10 Q I'm going to show you State's Exhibit No. 1. Do you  
11 recognize this area?

12 A Yeah.

13 Q Okay. What is this area?

14 A That's my trailer right there.

15 Q Is this an accurate representation of that area?

16 A Yes.

17 MR. TEMPLETON: Your Honor, at this time, the  
18 State would move State's Exhibit No. 1 into evidence.

19 THE COURT: Any objection?

20 MS. TURNER: No objection, Your Honor.

21 THE COURT: All right. It's into evidence.

22 (State's Exhibit No. 1, Aerial  
23 Photo, was marked and entered.)

24 Q I'm going to let you use this to show the jury kind of  
25 where you were that night? Point out where your trailer is?

1      A      This is my trailer.

2                      MR. TEMPLETON:    Can everybody see that?

3      A      This is the club.

4      BY MR. TEMPLETON:

5      Q      Okay.    When you left your house that morning, where did  
6      you go?

7      A      I came a out, made a left right here on Gum.

8      Q      Okay.    What did you see?

9      A      Approximately here was two bodies in the road.

10     Q      Okay.    What did you do at that point?

11     A      I went and called the cops.

12     Q      Okay.    Did you go to pick up anybody else?

13     A      Yes.    I went around the corner to pick up J.D.

14     Q      Who is J.D.?

15     A      His real name is Jimmy Doctor to ride back around there  
16     with me.

17     Q      Okay.    At that point, was law enforcement already there  
18     when you arrived back or --

19     A      Shortly after we got back, he showed up.

20     Q      Okay.    Did you ever approach where the two victims were  
21     in this case?

22     A      No.    I was coming out, like I show you just then, from  
23     my house.    And there's a little cut-through, so I cut around  
24     them.    But when I came back, I pulled in that other way and  
25     I flash the light and blow the horn and nobody move.    That's

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1      when I assumed they were dead.

2      Q      Okay. Were you out at the 8 Ball the night before?

3      A      Yeah. I used to DJ there ever Thursday.

4      Q      And that Thursday night were you the DJ?

5      A      Yes, sir. I left about 11:30, 12:00.

6      Q      Okay. So you were playing music out there. Was it  
7      fairly loud?

8      A      It was -- I turn it down so it, you know, nobody won't  
9      have to bother it, but it was up enough for you to hear it.

10     Q      Okay. How dark is it out there?

11     A      Well, on that other side, it's pretty dark, on that  
12     side.

13     Q      Where the two victims in this case were found?

14     A      Yes.

15     Q      Okay. Do you remember any problems at the club that  
16     night?

17     A      No.

18     Q      Okay. Do you know a Thomas Terrell or a Marshall  
19     Terrell?

20     A      I know Marshall.

21     Q      Okay. Did he come by your house that night?

22     A      Yes, he did.

23     Q      What did he tell you?

24     A      He said somebody got shot.

25     Q      Okay. How late in the night was that; do you remember?

1      A      About 3:00, 3:30.

2      Q      So late in the night?

3      A      Yeah. That morning.

4      Q      Okay.

5                      MR. TEMPLETON: No further questions at this time,  
6      Your Honor.

7                      THE COURT: Cross-examination.

8                      BRUCE WILLIAMS - CROSS-EXAMINATION

9      BY MS. TURNER:

10     Q      Good afternoon. Can you tell me when you were coming  
11     by the street, when you saw the bodies, were you in a car or  
12     were you walking?

13     A      I was in my car.

14     Q      You were in your car? Okay. And you stated you lived  
15     pretty close to the club. So did you walk home from the  
16     club or did you drive home?

17     A      I walked home from the club.

18     Q      Okay. And you've already testified that Thomas Terrell  
19     came to your house that night?

20     A      Yes, he did.

21     Q      Okay. Did he appear to be frantic in any which way?

22     A      Yes.

23     Q      And you didn't really talk to him that much that night,  
24     correct?

25     A      No, I didn't.

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1      Q      You went back to bed, correct?

2      A      Right.

3                      MS. TURNER: I beg the Court's indulgence just one  
4      moment.

5      BY MS. TURNER:

6      Q      Isn't it correct you said there were about twenty to  
7      thirty people who were at the club that evening?

8      A      Give or take, maybe a little bit more. When I left it,  
9      there were twenty or thirty.

10     Q      And were people mostly inside or outside?

11     A      Inside, while I was there.

12     Q      Okay. Just to reiterate, you've already stated it was  
13     pretty dark down that road that night, correct?

14     A      Yeah. On that side.

15                      MS. TURNER: I beg the Court's indulgence for one  
16     moment.

17     BY MS. TURNER:

18     Q      When Thomas Terrell came to you and was acting frantic  
19     and told you that someone had been shot, did you decide to  
20     call 9-1-1 at that point in time?

21     A      No, I didn't. I was in my bed.

22     Q      Okay. It never crossed your mind to call 9-1-1?

23     A      I thought nobody was killed and something until the  
24     next morning.

25     Q      Okay.



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1            with the various types of calls.

2            Q            You went to the criminal justice academy?

3            A            I did.

4            Q            Okay. Do you recall where you were working in the  
5            county on August the 14th, 2015?

6            A            I do. I was assigned to zones two and three, which is  
7            between Edisto River and Bacon's Bridge Road.

8            Q            Okay. Does that cover the Ridgeville area?

9            A            It does.

10          Q            Do you recall being dispatched in reference to this  
11          case?

12          A            I do.

13          Q            What were you dispatched in reference to?

14          A            Unknown problems at Gum Street near Beach Street in  
15          Ridgeville.

16          Q            Did you have any other additional information when you  
17          were originally going out there?

18          A            The information that came in is there was unknown  
19          problems with two individuals laying in or on Gum street.

20          Q            Okay. And the area of Gum Street and Beach Street,  
21          what county is that in?

22          A            That's Dorchester County.

23          Q            When you arrived at that location, what did you see?

24          A            When I arrived at the location I observed two gentlemen  
25          standing next to a vehicle in front of a barber shop,

1      located off of Beach Street adjacent to Gum Street. And I  
2      pulled my patrol car up to them. I got out. Exited my  
3      vehicle. Went up to them, made contact with Mr. Williams  
4      and Mr. Doctor. And Mr. Bruce Williams stated that -- he  
5      pointed in the direction of Gum Street and he said they're  
6      laying in the street over there. I asked them --

7                    MR. MCCOY: Judge, just briefly. I just want to  
8      make aware of some precautions the Court may need to issue  
9      in terms of hearsay and repeating statements from other  
10     people.

11                   THE COURT: Sustained.

12                   MR. TEMPLETON: I'll move on, Your Honor.

13      BY MR. TEMPLETON:

14      Q      I'm going to show you State's Exhibit No. 1.  
15      Actually, I'm going to turn it over this way. Do you  
16      recognize this area?

17      A      I do.

18      Q      Okay. What is this area that?

19      A      This is Ridgeville.

20      Q      All right. And where is Gum Street?

21      A      This is Gum Street right here. In between Beach Street  
22      and Tree Land Drive -- Road.

23      Q      And do you know which one of those buildings is the 8  
24      Ball Club?

25      A      This is the 8 Ball Club here.

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1            Q            Move around so that everybody can see a little bit  
2            better. And ultimately, where did you see the victims in  
3            this case?

4            A            The victims were lying in the street. There's a little  
5            driveway that cuts from Gum Street into the parking lot of  
6            the 8 Ball. And they were just on the Beach Street side of  
7            this driveway. In the middle of the roadway right there.

8            Q            And where did you meet up with Mr. Williams and Mr.  
9            Doctor?

10          A            This is a little barber shop right here. And when I  
11          pulled my patrol car up, they were parked right here in  
12          front of the barber shop.

13          Q            Okay. When you arrived there, did you approach the  
14          victims in this case?

15          A            I did.

16          Q            What did you see?

17          A            I observed that there was a white female who was face  
18          down in the roadway. I observed a black male that was face  
19          up, laying in the roadway on his back. I observed that both  
20          of them were unconscious, not breathing. Upon closer  
21          examination, it was very apparent that both of them were  
22          deceased.

23          Q            Okay. What did you do after you approached the scene?

24          A            I immediately informed Dorchester County dispatch that  
25          I was with both of the individuals, I had located them. Was

1            with them. And that both of them appeared to be 10-7, which  
2            is 10 code for out of service.

3            Q            They were deceased?

4            A            Yes.

5            Q            Once you alerted dispatch, what did you do next at the  
6            scene?

7            A            I immediately walked back to Mr. Williams and Mr.  
8            Doctor. I asked them to pull their vehicle out of the  
9            immediate area, just over into the edge of the 8 Ball  
10           parking lot, to stay right there for me. And then I went  
11           ahead and began to secure the scene with some crime scene  
12           tape. And it was just shortly after when my supervisor and  
13           Dorchester County EMS and Chief Joyner arrived on scene.

14           Q            Approximately what time did you get out there, do you  
15           remember?

16           A            If I'm not mistaken it was around 6:23 a.m. that  
17           morning.

18           Q            Okay. And I can show you your statement if you need  
19           it. I'm going to show you your statement along with the  
20           dispatch entries. You can just let -- if that helps you  
21           remember.

22           A            It states that I arrived at 6:23:25 that morning.

23           Q            And what time did the call come in?

24           A            At 6:13:31.

25           Q            Okay. That's when you were dispatched?



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1                    MR. TEMPLETON:   None, Your Honor.

2                    THE COURT:   You may step down, Mr. Eady.   Thank  
3                    you.

4                    MR. EADY:   Thank you.

5                    THE COURT:   You may call your next witness.

6                    MR. TEMPLETON:   The State calls Jeff Scott.

7    (WHEREUPON, Jeff Scott was sworn.)

8                    THE COURT:   Your witness.

9    JEFF SCOTT - DIRECT EXAMINATION

10                    BY MR. TEMPLETON:

11                    Q     Detective Scott, where are you employed?

12                    A     Dorchester County Sheriff's Office.

13                    Q     Okay.   And how long have you been employed with the  
14                    Dorchester County Sheriff's Office?

15                    A     Since February of 2013.

16                    Q     Okay.   If you will, just briefly go through your  
17                    educational background, including law enforcement training?

18                    A     Certainly, I attended the criminal justice academy in  
19                    2003, where I graduated in August.   Since then, I've had the  
20                    opportunity to attend multiple classes to include basic  
21                    detectives, some blood stain pattern analysis, shooting  
22                    reconstruction, latent print class, basic crime scene, death  
23                    and homicide investigation classes, along with numerous  
24                    other classes.

25                    Q     Do you recall being dispatched out to Gum Street back

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1                      in August 2015?

2                      A                      Yes, sir.                      I do.

3                      Q                      What was that in reference to?

4                      A                      I was contacted by Dorchester County Dispatch to  
5                      respond to the area of Gum Street, near the 8 Ball Club in  
6                      reference to a shooting that had occurred.

7                      Q                      Okay.                      If you would, kind of describe to the jury just  
8                      basically what you saw when you first arrived on scene?

9                      A                      When I first arrived on the scene, I met with the  
10                      responding officers that had already secured the area.                      They  
11                      kind of briefed me as to what they had.                      At that time, I did  
12                      my initial walkthrough, which is basically just me walking  
13                      through the scene.                      Taking an overview of what I had.                      As I  
14                      made my way to this -- closer to the scene, I observed a  
15                      black male lying on his back and a white female lying on her  
16                      stomach, face down.                      Both appeared to be deceased and I  
17                      believe were ultimately, called deceased by EMS prior to my  
18                      arrival.                      I did locate some of the pieces of evidence and  
19                      things that I thought would be collected later on.                      And I  
20                      did all of this prior to photographing the scene as it was  
21                      when I arrived.

22                      Q                      Okay.                      Ultimately, did you do a kind of sketch of that  
23                      area?

24                      A                      Yes, sir.                      I did.

25                      Q                      And I'm going to show you State's Exhibit No. 2.                      Do



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1        A        Now, some of it -- a little bit's cut off, but I mean,  
2        it's -- that is an accurate representation of how it was  
3        when I found it.

4                Basically, what you're looking at here is a sketch that  
5        I completed of the incident location. You'll notice at the  
6        top right-hand corner you see a square, which I labeled 8  
7        Ball Club. And that's going to be the club that's out there  
8        at Gum Street, right there at Tree Lane Road and also Beach  
9        Street. In front of that you see just a little building  
10       labeled shoe repair. In front of that, you'll see another  
11       little building labeled Sanders Barber Shop. You'll also  
12       notice in the middle you'll have -- I'm not a Rembrandt, so  
13       that's my best drawing of two individuals. You'll notice  
14       that one of them has a number 1 and the other one has a  
15       number 2. I identified these with photo placards. Photo  
16       placard number 1 being the male, and photo placard number 2  
17       being the female. You'll also notice the measurements in  
18       the bottom right-hand side where I broken up into columns,  
19       as well as photo placards located throughout the sketch  
20       itself, you'll see an X along with a number. And if you  
21       look down to the bottom left, you'll see a legend, which  
22       labels what each one of those numbers are. And you'll see  
23       right in the middle, just above the number 2 and to the  
24       right, you'll see a circle, maybe kind of a grayish colored  
25       circle. That's going to be SCE&G pole number 150080, which







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1                    MR. MCCOY: Judge, May we approach briefly?

2                    THE COURT: Yes, sir.

3                    (Off the record bench conference with counsel and the  
4 Court.)

5                    THE COURT: Ladies and gentlemen in the gallery, I  
6 understand this is a difficult circumstance and there may be  
7 some sensitive photographs that may be depicted during the  
8 testimony. Obviously, this is going to be something that  
9 may be difficult for you to be in here when that happens.  
10 If you think that you are going to react in any kind of way  
11 that can be heard or seen, I'm going to ask you to please  
12 leave the courtroom if you don't think that you can be here  
13 during that portion of the testimony. But if not, I would  
14 ask you to please try to remain quiet so that the testimony  
15 can continue. If anybody wishes to leave, you may do so at  
16 this time.

17                    (No one leaves courtroom)

18                    THE COURT: You may proceed.

19 BY MR. TEMPLETON:

20 Q     Detective Scott, if you will describe what you're  
21 seeing here?

22 A     Again, this is a photograph that was taken on Gum  
23 Street facing back towards Beach Street. You'll notice the  
24 two deceased individuals. You'll also notice a couple of  
25 other items in the photograph as well.

1      Q      And we're going to see that a little bit better in  
2      State's Exhibit No. 12.

3      A      State's 12 is just a closer up photograph of the  
4      previous photograph, also a little different angle. You'll  
5      notice the deceased individuals. There is a flip flop that  
6      is there. Also a -- I believe it's a Bud Lite Beer can that  
7      is there as well.

8      Q      If you will, point out to the jury on State's Exhibit  
9      No. 1 where are we talking about?

10     A      Okay. This is Beach Street right here. This is going  
11     to be Gum Street, right here. The 8 Ball Club is located  
12     right here. The event, this incident location, took place  
13     right here, which this photograph is a little blurry, but it  
14     would be in this general vicinity right here, just to the  
15     left of the word Gum Street.

16     Q      So where this cut-in for the 8 Ball Club is?

17     A      That is correct.

18     Q      Once you took your original photographs, what did you  
19     do next?

20     A      Once I completed my initial photographs, which is of a  
21     -- an accurate representation of the scene as I arrived, I  
22     then began to identify pieces of evidence, which is  
23     something you just need, just canvassing the area, looking  
24     for things that I deemed necessary or could have some  
25     bearing on this case. And then what we do is we use photo





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1        used as a reference point to mark the bodies.

2        Q        All right. I'm going to show you State's Exhibit No.

3        14. It's going to be a little bit closer up.

4        A        Just a close up of the photograph you just saw a second

5        ago. You'll notice number 1 and the number 2, as well as

6        you'll notice 3, 4, 5, and 6. And these are marking pieces

7        of evidence.

8        Q        Okay. And then I'm going to show you State's Exhibit

9        No. 15. What is that?

10       A        State's 15 is a different angle but it's an accurate

11       representation of the scene facing from the -- to orientate

12       you a little better if you were facing down Gum Street, the

13       8 Ball Club would be off to the left-hand side of this

14       particular photograph. You'll notice on the left of the

15       photograph, there's that pole that I spoke about. You'll

16       also notice that there is a placard down here in the ditch.

17       And then you'll notice some other placards up here on the

18       roadway, the driveway, as well as right behind the deceased.

19       and on the deceased.

20       Q        Okay. And that one down in the ditch, is that number

21       11?

22       A        I believe that's number 11, correct.

23       Q        Okay. And then you also see number 10 in that picture;

24       is that correct?

25       A        That is also correct.

1        Q        Okay. I'm going to show you State's Exhibit No. 3 and  
2        4. Can you tell me what those are?

3        A        These are envelopes containing evidence from photo  
4        placard number 10 and photo placard number 11. And I know  
5        this because it's my handwriting on the front of the  
6        envelope, as well as it's my signature on the seal in the  
7        back. But this one has been broken. It has my --

8        Q        Yeah. I think Defense counsel opened both of them. If  
9        you will tell us what are inside of those individual pieces  
10       of evidence?

11       A        Inside of the envelope marked number 10 is going to be  
12       a spent cartridge casing. It's the 9mm caliber. And the  
13       one marked number 11 is going to be a spent cartridge casing  
14       also. A 9mm caliber.

15       Q        Okay. And did you collect those out there that day?

16       A        Yes, sir. I did.

17                MR. TEMPLETON: Your Honor, at this time the State  
18       would move State's Exhibit No. 3 and 4 into evidence.

19                MR. MCCOY: No objection, Judge.

20                THE COURT: All right. They're in.

21                                (State's Exhibit No. 3, shell  
22       casing, was marked and entered.)

23                                (State's Exhibit No. 4, shell  
24       casing, was marked and entered.)

25       BY MR. TEMPLETON:

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1        Q        Now I'm going to show you State's Exhibit No. 16. I  
2        think that's photo placard number 10, correct?

3        A        That is correct.

4        Q        And what is that?

5        A        That is going to be the spent 9mm cartridge casing.

6        Q        And 17, is that just a little better close up?

7        A        That is a closer photograph of that particular piece of  
8        evidence.

9        Q        And then No. 18?

10        A        That's going to be the photo placard number 11, which  
11        was located in the ditch.

12        Q        And 19?

13        A        Just a closer up of photo placard number 11, which is a  
14        spent cartridge.

15        Q        And are those the cartridges that you ultimately  
16        recovered out there that we just introduced into evidence?

17        A        Yes, sir, they are.

18        Q        I want to go back to your original sketch now that the  
19        jury's seen all those photographs. If you can, point out to  
20        the jury where number 10 and number 11 are, in particular?

21        A        Okay. I'm just going to give kind of ---

22        Q        I can zoom in a little bit more if that helps.

23        A        If you zoom in a little bit. They're in rather close  
24        proximity to one another. You'll notice in the photograph  
25        you actually have the individuals, the deceased individuals,

1      10 and 11 are going to be right here.

2      Q      Okay. And if you would, tell the jury the distance  
3      that you're talking about there between that SCE&G pole and  
4      our victim marker number two?

5      A      From the SCE&G pole to the victim number two is going  
6      to be thirteen feet and four inches, that's to the head.  
7      Eleven feet five inches, that's going to be to the left  
8      foot. And ten feet two inches, that's going to be to the  
9      right foot.

10     Q      Okay. And then in reference where are the two shell  
11     casings in reference to the SCE&G pole?

12     A      The two cartridge casings, which are again number 10  
13     and number 11. Number 10 is going to be seven feet, two  
14     inches. Number 11 is going to be four feet one inch.

15     Q      Did you collect several other pieces of evidence out  
16     there that day?

17     A      Yes, sir. We did.

18     Q      Okay. If you would tell the jury a couple -- some of  
19     those other items that you recovered out there that day?

20     A      Some of the other items we had collected were some beer  
21     bottles, some beer cans, a couple of unspent rounds, 380  
22     rounds. Obviously, the two spent 9mm cartridges. I believe  
23     there was a shoe, some swabs from the blood. And I believe  
24     there was a cellphone back as well. An LG cellphone back.  
25     We took some shoe impressions and some tire mark -- tire

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1            impressions as well.

2                            MR. TEMPLETON: I beg the Court's indulgence.

3            Q            Detective Scott, did you process or did you do any  
4            processing to the two spent shell casings in this case?

5            A            Yes, sir. We did.

6            Q            Okay. What did you do with those two items?

7            A            The two spent cartridge casings -- and you'll have to  
8            give me -- bear with me one second -- item number 4 -- my  
9            item number 4 and 5 on my lab notes. The spent 9mm  
10           cartridge casings they were fumed using cyanoacrylate, but  
11           basically super glue, for those of you who know what it is.  
12           It emits a fume when placed into a chamber when heated up  
13           have humidity. And it's a fume that adheres to moisture and  
14           to fingerprints. We used that as well as a process using  
15           RAM, which is a chemical that we use to then treat the  
16           particular pieces of evidence. Once it's dry, it adheres to  
17           the fuming within the fingerprint and then it'll allow you  
18           to look at it under an alternate light source and then the  
19           print itself will fluoresce. It'll actually show up when  
20           you brighten -- you can photograph it.

21           Q            In this case, were you able to develop any prints on  
22           the shell casings?

23           A            No ridge details located on either of the cartridge  
24           casings.

25           Q            Do you know how fingerprints are ultimately put onto an

1          item?

2          A          Not being a latent expert I can just break it down in  
3          the basic laymen's terms, which is pretty much fingerprints  
4          are moisture. Everybody has them. When you touch a  
5          surface, you transfer that moisture from your ridges onto a  
6          particular surface.

7          Q          But in this case you ultimately weren't able to develop  
8          any detail on the two cartridges?

9          A          That is correct.

10                          MR. TEMPLETON: No further questions, Your Honor.

11                          THE COURT: Cross-examination.

12                          MR. MCCOY: Thank you, Judge. May it please the  
13          Court?

14                          THE COURT: Yes, sir.

15    JEFF SCOTT - CROSS-EXAMINATION

16          BY MR. MCCOY:

17          Q          Detective Scott, how are you today?

18          A          I'm doing well.

19          Q          Thank you for -- first of all, my name is Peter McCoy  
20          and I appreciate your taking the time to talk to me earlier  
21          today before we came in here. So thank you for that.

22          A          Yes, sir. Absolutely.

23          Q          And just before today we've never had the opportunity  
24          to speak; is that correct?

25          A          That is correct.

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1        Q        And you testified a little bit about your credentials  
2        and going to the academy and learning about crime scene  
3        investigation, learning how to handle crime scenes. And you  
4        gave the jury a brief overview of some of the classes that  
5        you've attended, such as the basic crime scene, the homicide  
6        detective school, and the DNA and the blood spatter. And  
7        you've attended a lot of schools and a lot of education in  
8        your time; is that correct?

9        A        That is correct.

10      Q        And so it's safe to say that you were no rookie to  
11      crime scene investigations?

12      A        That is correct.

13      Q        Can you tell the jury approximately how many crime  
14      scenes you've probably investigated since 2013?

15      A        (Witness pauses)

16      Q        Probably a large number?

17      A        I would say definitely multiple hundred.

18      Q        And of those hundreds, how many of those would you  
19      label as a violent crime, crime scene?

20      A        Again, it's north of a hundred. I can't really put a  
21      number on it without the figures being right in front of me,  
22      but, I mean, labeling something a violent crime to me if you  
23      have your house broken into, you're going to consider that a  
24      violent crime whether it involved you being there or not.  
25      So that to me is just a person's perception as to what a

1        violent crime is.

2        Q        And I agree. I definitely agree with that assessment.  
3        Anybody goes into someone's house, definitely a violent  
4        crime. You testified on direct examination about when you  
5        arrived, that the scene was secure. Can you explain to me  
6        what that means?

7        A        The scene -- basically, when the responding officers  
8        first arrive on scene, they locate the actual crime scene  
9        itself. And then they mark it off with crime scene tape and  
10       usually they post stuff on each side of the crime scene to  
11       not allow bystanders to enter or leave if they're already  
12       inside the scene, until investigation has deemed that it's  
13       necessary for them to come in.

14       Q        And to your knowledge in viewing the crime scene log,  
15       were there any suspicious people or suspicious folks that  
16       were able to gain access to that scene?

17       A        I have not seen the crime scene log. I can't testify  
18       to that. We don't get the crime scene logs where we are.  
19       Generally, it goes to investigations.

20       Q        But as far as you can tell when you got to the scene,  
21       it was secure and the evidence was preserved?

22       A        As far as I can tell, yes.

23       Q        Okay. You gave -- I've got in front of me numerous  
24       reports that you've done on behalf of this particular  
25       investigation. And I'm going to take you to, I guess your

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1        initial report, which would be labeled the Dorchester County  
2        Sheriff Criminal Investigation Division, Investigative  
3        Report, where you kind of mark what you see, what you  
4        collect and what you've done. Is that familiar to you?

5        A        Yes, sir.

6        Q        Would you say Detective Scott that it's important, and  
7        especially in looking at a crime scene and especially where  
8        you have some folks that are deceased, would you say it's  
9        important to be as detail oriented as possible on these  
10       reports?

11       A        Yes, sir. It is.

12       Q        So when you look at this -- and I'm going to look at  
13       the first thing you've done on here is that you put down  
14       some photo placards, you took some photographs and recovered  
15       some evidence. And I'm going to take you first to the shell  
16       casings that have already been introduced into evidence. I  
17       believe they're No. 2 and No. 3. Do you recall again what  
18       caliber rounds those were?

19       A        Those spent cartridge casings were 9mm.

20       Q        When you look at a spent cartridge case, that can only  
21       be expelled by a particular kind of firearm, handgun; is  
22       that correct?

23       A        I'm not a firearms expert. I can't -- I can tell you  
24       that a spent cartridge casing was fired from a weapon.  
25       Whether or not I can tell you a specific firearm fired that

1          specific cartridge casing is something for an expert.

2          Q          And let me rephrase. And I didn't meant to get  
3          confusing on that. When you look at handguns, in  
4          particular, you've got two different kinds. You've got a  
5          revolver and you've got a semiautomatic handgun; is that  
6          correct?

7          A          I believe there are some others out there. But, again,  
8          I'm not a firearms expert. But I will concede yes,  
9          absolutely, you do have revolvers and you do have  
10          semiautomatics.

11          Q          And the revolvers, do they spit shell casings?

12          A          No, sir. They do not.

13          Q          So it's safe to say that semiautomatic handguns do spit  
14          shell casings?

15          A          That is correct.

16          Q          And in a semiautomatic handgun, are the bullets loaded  
17          in one at a time or are they put into a clip on those guns,  
18          normally?

19          A          Semiautomatics are loaded into a magazine.

20          Q          Okay. And when you look at a revolver -- you've  
21          already just testified that those don't spit cartridges --  
22          are those loaded in individually one at a time?

23          A          Yes, sir.

24          Q          Okay. And I'm going to take you to again your first  
25          report that was done where you labeled number 10 as a spent

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1        9mm shell casing and number 11 as a 9mm shell casing. And I  
2        want to take you to the next report that you've done, which  
3        is the chain of custody sheet where you list number 10 and  
4        number 11, but you've got a different caliber listed there.  
5        Is there a reason for that?

6        A        Bear with me one second.

7        Q        Sure. If you want me to hand you --

8        A        I have it right here.

9        Q        Okay.

10       A        That's just an error, just a typo.

11       Q        A typo and it's an error. So you listed on the chain  
12       of custody sheet that 9 and 10 that were spent were 380  
13       caliber. But in reality, we have these here. We have the  
14       actual shell casings that were spent here, and these were  
15       9mm, which you did document in your original report; is that  
16       correct? That's fair to state?

17       A        That is correct.

18       Q        And that's fair to say that was just an error on your  
19       part?

20       A        Yes, sir, it was. Simply because we do have two  
21       unspent 380 rounds and it was a lot of evidence to go  
22       through and a lot of paperwork to do and it's just an error.

23       Q        On State's 3 and 4. I was wrong. I thought they were  
24       2 and 3. But State's 3 and 4, that are the spent 9mm shell  
25       casings, is there any way for you to determine by looking at

1            these whether they were fired from the same handgun or by  
2            different handguns?

3            A            I have no way of knowing that.

4            Q            As a follow-up, as the lead crime scene investigator on  
5            this particular case, did you request a ballistics report on  
6            these two fired shell casings?

7            A            They were sent to IBIS, which is where we send all of  
8            our spent cartridge casings as well as our -- and some of  
9            our handguns.

10          Q            Can you tell me what the results were from IBIS on the  
11          testing of these spent shell casings?

12          A            Basically, IBIS, what they generally do is they'll fire  
13          a cartridge casing where in this particular case they'll  
14          take the already fired cartridge cases and they basically  
15          enter them into a data base. It's just like with  
16          fingerprints. Had they have gotten a hit on either of the  
17          cartridge casings being used in another crime or matching  
18          another cartridge casing, they would have been sent to SLED  
19          for further analysis. Because we got these back, they  
20          didn't go to SLED. They were simply entered into the  
21          identification data base.

22          Q            But to your knowledge no other ballistics tests were  
23          performed on these individual shell casings?

24          A            No other ballistics tests was needed because they  
25          didn't match anything.

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1                    MR. MCCOY: Judge, may I approach the witness?

2                    THE COURT: Yes, sir.

3 BY MR. MCCOY:

4 Q        Detective Scott, I'm going to show you what's marked as  
5 Defendant's 1 and 2. If you could take a look at those for  
6 me --

7 A        Sure.

8 Q        -- and tell me what those are?

9 A        Yeah. This is from photo placard number 4 and photo  
10 placard number 7, which is the unspent 380 rounds located at  
11 the scene.

12 Q        Okay. And if you could just tell me again, these are  
13 unspent rounds and they are a different caliber than the  
14 shell casings that are spent rounds; is that correct?

15 A        That is correct.

16 Q        And if we could, I'm going to zoom in. I'm going to  
17 show you what's already been admitted as State's 2. I got  
18 to figure out how to zoom in. And can you tell the jury and  
19 show the jury where those particular unspent rounds were  
20 found?

21 A        Certainly. Again, these are going to be photo placard  
22 number 4 and/photo placard number 7, which I mean, it's /  
23 right there in the center of the screen. You'll see it but  
24 I'll circle it. And that's going to be number 4 and that's  
25 going to be number 7.

1 Q The proximity-wise -- I know you did some measurements.  
2 Can you tell the jury in accordance to State's 2 --

3 A Uh-huh.

4 Q -- how far away they were from victim 1 and victim 2?

5 A We triangulated from the pole, so I can't really tell  
6 you exactly how far away they were from the deceased -- I  
7 mean --

8 Q Okay. That's right. You did measure from the pole.  
9 Okay. How far away were they from the pole?

10 A Photo placard number 4, which is the unspent 380 was  
11 thirteen feet three inches from the SCE&G pole. Photo  
12 placard number 7, again, unspent 380 was eleven feet four  
13 inches from the SCE&G pole.

14 Q And if you wouldn't mind, Detective Scott, moving past  
15 these particular spent rounds, if you look at your evidence  
16 sheet on chain of custody where it comes from -- can you  
17 read the jury everything that you collected from the scene  
18 and that you put into evidence?

19 A We recovered DNA swabs from photo placards number 1, 2,  
20 5; recovered a Bud Lite can from photo placard number 3.

21 Q You can skip the ones we've already done too?

22 A I'm sorry.

23 Q You can skip the ones that we've already gone over if  
24 that makes it easier for you?

25 A Okay. We recovered the flip flop from photo placard

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1        number 6; tire castings from photo placard number 8 and 9;  
2        recovered a Heineken Beer can from photo placard 13; photo  
3        placards 14, 15, 16, and -- 14, 15, and 16 were all Heineken  
4        Beer bottles; 17 was an LG cellphone back. And there was a  
5        CD of crime scene photos. And then there were another CD of  
6        surveillance photo -- footage from Bandit's Towing. And  
7        then a black flip flop and a pair of glasses from photo  
8        placard number 2, which was the deceased female.

9        Q        Okay. So I see on here number 8 and number 9 are tire  
10        castings. Can you explain to the jury what tire castings  
11        are?

12        A        Absolutely. When we have -- if you have an impression  
13        in sand, mud, soil, any kind of a surface where a tire  
14        impression is left behind, where an indentation is left, we  
15        use a casting material. It's just similar to what you buy  
16        in a store, plaster, pretty much. It's premixed. All you  
17        do is break the water in and let it mix up the water with  
18        the casting material. And then you -- if it's in a sandy  
19        soil, you harden up the sand. You use either a hardener  
20        that you purchase or you can use hair spray. We use a  
21        hardener that we have that we purchased through one our  
22        distributors. We sprayed it down to harden the soil so it  
23        wouldn't basically just crumble when you pour the cast on  
24        it. We then applied the casting material to the tire  
25        impressions and the footwear impressions and allow them time

1            to set up before lifting them and placing them into  
2            evidence.

3            Q            Do you know if any further testing was done on the tire  
4            castings that you took from the scene?

5            A            No further testing was done. We never recovered a  
6            vehicle to be tested in this particular case -- or not to my  
7            knowledge.

8            Q            But if you have a description of vehicles that may have  
9            been involved in the case and who they belong to, does that  
10            aid in an investigation in looking at tire castings?

11            A            You know, it can. But, again, that's information that  
12            would come from the investigator not the crime scene tech.

13            Q            Okay. In moving on past the tire castings that were  
14            taken from the scene, we got a bunch of beer cans and beer  
15            bottles. Do you know if any further testing was done on  
16            those?

17            A            Again, yes, sir, there was further testing done on  
18            them?

19            Q            Sir?

20            A            Yes, sir. There was further testing done.

21            Q            And to your knowledge do you know what the results of  
22            those test were?

23            A            Yes, sir, I do. We examined the beer bottles and the  
24            beer cans in this particular incident and I believe there  
25            were some DNA swabs taken from the mouth of some of these

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1        cans, the other cans and the bottles. There was also latent  
2        prints that were lifted some of the items as well. And they  
3        were submitted to our latent division for processing.

4        Q        Did any results come back for anybody involved as a  
5        suspect in this particular case from the DNA testing?

6                    MR. TEMPLETON: Objection, Your Honor. That's  
7        outside his scope.

8                    MR. MCCOY: Judge, he's already testified to what  
9        the results were. He can say if it matches anybody that's  
10       involved in this case, Your Honor.

11                   THE COURT: I'll allow it.

12        A        I'm not a latent examiner. I'm not aware of any of the  
13        latent print reports. I don't have anything to do with the  
14        latent division. I simply collect evidence, send it to them  
15        and then they make their identification. Whether they  
16        identified somebody that may or may not be in this case or  
17        not, that is a question for a latent examiner, not myself.

18        BY MR. MCCOY:

19        Q        But in your particular analysis, to your knowledge in  
20        this case, was anybody involved in this case triggered or  
21        hit on with the DNA or latent print results?

22        A        Again, I'm not a latent examiner and I'm not a DNA  
23        examiner. I'm not going to testify to that because that is  
24        outside of my specialty, especially involved in this case.  
25        And that's just going to further dog myself in a hole for

1      answering a line of questions that I can't answer because I  
2      don't have the expertise in that field.

3      Q      Let me ask you this, Detective Scott. In your training  
4      and in your crime scene experience, through over a hundred  
5      crime scenes, do you know what GSR testing is?

6      A      I know what a GSR kit is. I don't know how they test  
7      it but I do know what a GSR kit is.

8      Q      Can you explain to the jury what GSR is?

9      A      GSR stands for gunshot residue kit.

10     Q      And can you tell the jury what GSR means and what it  
11     is?

12     A      Absolutely. GSR basically -- again, not being an  
13     examiner of the GSR kits, I'll tell you that certain  
14     particles are left behind on an individual or individuals on  
15     surfaces that can test positive for materials located in the  
16     gunshot residue.

17     Q      Is it possible in your experience and not only the  
18     various training that you've gone through, but in your over  
19     a hundred crime scenes that you've investigated, is it  
20     possible to have GSR on clothing?

21     A      It is possible, correct.

22     Q      Is it possible to have GSR on skin?

23     A      That is possible.

24     Q      Is there a difference in the longevity of how long GSR  
25     lasts on skin as opposed to on clothing?

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1     A     That's a question for a gunshot residue expert not  
2     myself.

3     Q     And to your knowledge and in your role in this  
4     particular case, do you know if GSR kits were done on victim  
5     1 and victim 2?

6     A     Yes, sir.    The GSR kits were collected and sent to  
7     SLED.

8     Q     Do you know if any test were performed at SLED on  
9     victim 1 and victim 2 in relation to GSR?

10    A     I don't believe so, but that's a question for a SLED  
11    examiner.    All I can say is I did send them to SLED and I  
12    don't believe they were ultimately tested.    I think SLED has  
13    a policy.    But that's -- again, that's SLED, not me.

14    Q     Did you call SLED this morning to make sure the GSR  
15    kits had gotten up to SLED for testing?

16    A     There was no need to call them.    I check the item out  
17    showing that they are still located there.    Basically,  
18    everything they do, every move they make is electronic.  
19    They scan it, bar code it, and we know exactly where it is.

20            MR. MCCOY:    Judge, may I have one moment, please?

21            THE COURT:    Yes, sir.

22            MR. MCCOY:    Thank you.    Judge, just a follow-up.

23    And may I approach the witness --

24            THE COURT:    Yes, sir.

25    BY MR. MCCOY:



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1                    THE COURT: You may call your next witness.

2                    MR. SORENSON: The State calls Dr. Janice Ross.

3    (WHEREUPON, Janice Ross was sworn.)

4                    THE COURT: Your witness.

5                    MR. SORENSON: Thank you. May it please the  
6 Court, Your Honor.

7                    THE COURT: Yes, sir.

8    JANICE ROSS - DIRECT EXAMINATION

9 BY MR. SORENSON:

10 Q      Good afternoon, Dr. Ross.

11 A      Good afternoon.

12 Q      If you would, please tell the jury where it is that  
13 you're employed?

14 A      With Newberry Pathology Associates in Newberry, South  
15 Carolina.

16 Q      And if you will tell the jury what do you do with  
17 Newberry Pathology Associates?

18 A      We do autopsies for the coroners of the State of South  
19 Carolina.

20 Q      Okay. And if you would, can you go through and give  
21 the jury your educational background?

22 A      Yes. I have a bachelor's degree from the University of  
23 South Carolina. And my MD, Doctor of Medicine, from Upstate  
24 Medical Center in Syracuse, NY where I did further training  
25 in the field of pathology. Pathology, as opposed to surgery

1      or pediatrics is a discipline in medicine where we learn how  
2      to diagnose diseases using a microscope and using the  
3      laboratory in the hospital. We also learn how to do an  
4      autopsy to determine the cause of death. I did further  
5      training in the field of forensic pathology, where we are  
6      trained how to do a forensic autopsy where we learn how to  
7      identify patterns of injury and take -- and document  
8      evidence for the court of law.

9      Q      And ultimately when did you graduate from medical  
10     school then?

11     A      1972.

12     Q      Okay. And when -- did you become board certified at  
13     some point in time in the field of forensic pathology?

14     A      1985.

15     Q      And how long have you been here in South Carolina then  
16     at Newberry Pathology Associates?

17     A      Since May of 2000.

18     Q      And so over the last seventeen years have you been  
19     primarily doing autopsies for various counties around the  
20     State of South Carolina?

21     A      Yes.

22     Q      Okay. And have you had an opportunity, Dr. Ross, to  
23     come into court and testify previously regarding your  
24     findings in any of those autopsies?

25     A      Yes.

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1      Q      Okay. Now, first of all, about how many over that time  
2      period? About how many autopsies do you think you've  
3      actually performed?

4      A      Over eleven thousand.

5      Q      And how many times do you think you have testified in  
6      court regarding those findings?

7      A      Just under two hundred.

8      Q      Have you been qualified as an expert on those  
9      occasions?

10     A      Yes.

11                     MR. SORENSON: Your Honor, at this time we'd offer  
12     Dr. Ross as an expert in the field of forensic pathology.

13                     THE COURT: Any voir dire?

14                     MS. TURNER: No, Your Honor.

15                     THE COURT: The Court finds that she is qualified  
16     as a forensic pathologist.

17                     Ladies and gentlemen of the jury, normally a person  
18     cannot give opinion testimony. Normally, when a person  
19     testifies, they must testify as to what they either saw,  
20     heard or sensed by smell or something of that nature.  
21     However, there is an exception when someone is qualified  
22     because education or experience. They're permitted to give  
23     their opinion in certain areas if the court qualifies them  
24     that way. Dr. Ross will be qualified in the area of  
25     forensic pathology to give opinion testimony in that area.

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1      That does not mean you must accept the opinion, but it is  
2      evidence for you to use in any way that you see fit and give  
3      it the weight and the credibility that you deem is  
4      appropriate.

5              You may proceed.

6                      MR. SORENSON: Thank you, Your Honor.

7      BY MR. SORENSON:

8      Q      And Dr. Ross, if I could initially if I could get you  
9      to kind of describe to the jury what an autopsy consist of?

10     A      Yes. The coroner usually calls us or the deputy  
11     coroner to schedule the autopsy. The patient is brought to  
12     us in a body bag in the morgue at Newberry County Memorial  
13     Hospital. We photograph -- we unzip the bag, photograph the  
14     patient clothes, identify the clothing and the personal  
15     effects. Take all the clothing off and do photographs of  
16     the external body. And then before we proceed with the  
17     internal examination of each organ. In this case there were  
18     gunshot wounds so we did further -- actually it was before  
19     we opened the body.

20     Q      Okay. And the ultimately you then do an internal  
21     examination also?

22     A      Yes.

23     Q      What is the purpose of doing that?

24     A      To identify any patterns of injury in the organs  
25     themselves, the heart, the lungs, the liver, the brain, as

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1      well as identifying any natural diseases, any tumors or  
2      infection that might influence the cause of death.

3      Q      All right. And as part of a typical autopsy, do you  
4      also take specimens to be sent to State Law Enforcement  
5      Division to do, like, a toxicology examination?

6      A      Yes, we do.

7      Q      Now, I want to turn your attention, if could Dr. Ross,  
8      did you have an occasion back in August of 2015 to perform  
9      autopsies on two individuals by the name of Tyrone Cummings  
10     and Deborah Bazzle?

11     A      Yes.

12     Q      Okay. And is each of them assigned a separate autopsy  
13     number in your lab?

14     A      Yes.

15     Q      So I guess I'm going to go kind of chronologically,  
16     okay. So as to Mr. Cummings, if you would describe for the  
17     jury what -- how Mr. Cummings presented to you at the  
18     hospital in Newberry?

19     A      Well, he was clothed but he had an obvious gunshot  
20     wound to the forehead.

21     Q      And about how long -- do you, as a part of your kind of  
22     a general external examination that you initially do, do you  
23     measure the body?

24     A      Yes.

25     Q      Okay. And how tall was Mr. Cummings?

1      A      We measured him at seventy-four inches, which is six  
2      feet two inches. And we estimate the weight because we  
3      don't have a scale in the morgue.

4      Q      Okay. And he was estimated at about what weight?

5      A      One hundred and eighty pounds.

6      Q      And what was his hairstyle that he had?

7      A      He had long black hair and dread locks.

8      Q      And did you then have an opportunity to kind of do an  
9      initial, kind of general external of Mr. Cummings?

10     A      Yes.

11     Q      What, if any, evidence -- I know you've touched on this  
12     briefly, but what evidence of injury did you observe to Mr.  
13     Cummings?

14     A      The entrance wound in the forehead and an exit wound in  
15     the back of the head and contusion of the eyelids.

16     Q      Okay. Any other injuries that you noted to his body,  
17     anywhere besides the head?

18     A      No.

19     Q      And then did you have an opportunity then to perform --  
20     or I guess -- and you'd indicated it appeared to be a  
21     gunshot wound?

22     A      Yes.

23     Q      Okay. Did you have an opportunity to perform x-rays to  
24     see if there was either any bullet fragments or any kind of  
25     projectile still located inside of Mr. Cummings?

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1      A      We did x-rays and there was no residual metal in his  
2      brain.

3      Q      Okay. And before I get into then the internal  
4      examination, can you describe for the jury --

5                      MR. SORENSON: May I have her step down just real  
6      briefly?

7                      THE COURT: Sure.

8      A      (Witness steps down)

9      BY MR. SORENSON:

10     Q      Dr. Ross, if you could just kind of show for the jury  
11     where on me, kind of where the entrance wound, to that  
12     gunshot wound on Mr. Cummings was located?

13     A      Yes. It was in the forehead, just a little bit left to  
14     the midline.

15     Q      Okay. And were you able to observe anything when you  
16     looked at that, that entrance wound on Mr. Cummings?

17     A      Yes. Around the entrance wound was what we call  
18     stippling. When a bullet comes out of a gun, so there's  
19     soot and powder. This is the powder. And when the powder  
20     hits the skin, it causes a little stippling, little punctate  
21     marks. But the powder and the soot only go a certain  
22     distance whereas the bullet, of course, will go farther. In  
23     general, it depends on the type of gun, the ammunition,  
24     etcetera. But in general, the powder and soot will only go  
25     about eighteen to twenty-four inches. Where the bullet,

1      obviously, will go much farther.

2      Q      So in other words, if you find that stippling, that  
3      typically means that that weapon was within twenty-four  
4      inches of the person when it was fired?

5      A      Yes.

6      Q      And then you described also that there was an exit  
7      wound to that gunshot wound?

8      A      Yes.

9      Q      Okay. Where was that located at?

10      A      That would be right about here. So the wound has gone  
11      front to back and slightly to the left. It went through the  
12      left side of the brain.

13      Q      And what -- you then had an opportunity to do kind of  
14      an internal examination as to that gunshot wound?

15      A      Yes.

16      Q      Tell the jury what damage that bullet ultimately did to  
17      Mr. Cummings?

18      A      It lacerated the brain on the left side.

19      Q      And what would have been the result of that, having  
20      that damage done to you?

21      A      Well, he would have been immediately unconscious and  
22      then dead within a few minutes.

23      Q      All right. You can have a seat.

24      A      (Witness takes stand)

25      Q      And Mr. Cummings, did you get a report back from the

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1      State Law Enforcement Division as to his toxicology results?

2      A      Yes.

3      Q      And what was his toxicology?

4      A      His blood alcohol was .19 percent.    And he had a small  
5      amount of cocaine.

6      Q      And ultimately then as to Mr. Cummings, were you able  
7      to determine a cause and manner of death for Mr. Cummings?

8      A      Yes.

9      Q      And within a reasonable degree of medical certainty  
10     what was your opinion as to those?

11     A      A laceration of the brain due to the gunshot wound to  
12     the head.

13     Q      Okay.    All right.    And then turning to Ms. Bazzle.  
14     What condition did Ms. Bazzle present to you at the morgue  
15     in Newberry?

16     A      Again, she was clothed and she had a gunshot wound to  
17     the head also.

18     Q      Did you have an opportunity to do, kind of yet again,  
19     that entire overall general external examination of Ms.  
20     Bazzle?

21     A      Yes.

22     Q      Any other evidence of injury to her that you found?

23     A      She had a little bit of an abrasion.    The entrance  
24     gunshot wound was just to the right of the right eye.    And  
25     above her left eyebrow was a little bit of an abrasion,

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1      which had very little reaction to it. So it could have been  
2      where she collapsed after the -- where she hit the floor or  
3      whatever, the ground, after the gunshot wound.

4      Q      Okay.

5                      MR. SORENSON: And can I just have her briefly  
6      step down?

7                      THE COURT: Yes, sir.

8      A      (Witness steps down)

9      BY MR. SORENSON:

10     Q      Just kind of do the same thing with me that you did  
11     with regards to Mr. Cummings. And show the jury where that  
12     entrance wound was to Ms. Bazzle?

13     A      Right here, just outside the right eye.

14     Q      And did you have an opportunity to do an x-ray to see  
15     yet again whether there were any projectile or projectile  
16     fragments that were found?

17     A      Yes. No residual metal.

18     Q      And so ultimately -- I'm not sure which way you want me  
19     to turn. I guess this way or --

20     A      Yes. So it went in by the right eye and came out --  
21     and it went front to back and right to left, and went  
22     slightly upward and came out the left back of the head.

23     Q      Here again, what damage would that bullet have done  
24     then to Ms. Bazzle?

25     A      It went through, lacerated the brain.

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1      Q      And what would have been the result of that gunshot  
2      wound?

3      A      Well, immediate unconsciousness and then death in a few  
4      minutes within a few minutes. (Witness takes stand)

5      Q      And as to Ms. Bazzle, did you also get a toxicology  
6      report back on her?

7      A      Yes, I did.

8      Q      What was the result of her toxicology?

9      A      She had .166 percent alcohol and that's it.

10     Q      So both of those, I mean, these are over the legal  
11     limit on both Mr. Cummings and Ms. Bazzle?

12     A      Yes.

13     Q      And ultimately then as to Ms. Bazzle, did you, within  
14     a reasonable degree of medical certainty come to an opinion  
15     regarding her cause and manner of death?

16     A      Yes.

17     Q      And if you would, tell the jury what that was?

18     A      It was a laceration of the brain due to a gunshot wound  
19     to the head.

20     Q      And as to her, you testified earlier on Mr. Cummings  
21     that based on that stippling that you felt that shot would  
22     have been within twenty-four inches; is that correct?

23     A      Correct.

24     Q      Was any of that stippling or soot found on Ms. Bazzle's  
25     wound to her right head?

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1            A        No, none was found.

2            Q        So were you able to tell anything as it regards as to  
3            how far away the muzzle of that gun would have been when she  
4            was shot?

5            A        It's called a distant line.    It would be over two feet.  
6            It could be thirty feet.

7            Q        You can't really tell anything beyond it being over two  
8            feet; is that correct?

9            A        Correct.

10                    MR. SORENSON:    I beg the Court's indulgence.

11                    THE COURT:        Yes, sir.

12                    MR. SORENSON:    I think that's all I have for Dr.  
13            Ross.

14                    THE COURT:        Cross-examination?

15                                    JANICE ROSS - CROSS EXAMINATION

16            BY MS. TURNER:

17            Q        Good afternoon, Dr. Ross?

18            A        Good afternoon.

19            Q        I have a few questions for you.    In your report you  
20            state that Tyrone Cummings, the entrance wound was round,  
21            correct?

22            A        Correct.

23            Q        And in Ms. Bazzle's report you state that the entrance  
24            wound is somewhat oval in shape?

25            A        Correct.

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1            Q            Is there a reason why the shapes would be different?

2            A            Well, the oval shape indicates that it's going more  
3            sideways through the skin, as opposed to a circular wound to  
4            be going pretty much close or straight in.

5            Q            Okay.        Could that be affected also by the type of  
6            caliber as well or just the location?

7            A            Pretty much the location.

8            Q            Okay.        In your report you also state that once  
9            toxicology reports come back you may provide an amended  
10           report.    You did not make an amended report based upon  
11           toxicology reports, correct?

12           A            No, I did not.

13           Q            Okay.        Do you submit -- the certificates of death that  
14           are created, do you submit a time that you believe the death  
15           occurred?

16           A            No, I don't.    That kind of depends on so many factors  
17           and it's -- because I don't go to the scene, I don't see a  
18           lot of, you know, rigor mortis and whatever.    And I don't  
19           investigate the scene around the body.

20           Q            Okay.        So that's not something you make any opinion  
21           about as far as the time of death?

22           A            No.

23           Q            Okay.

24                            MS. TURNER:    I beg the Court's indulgence for just  
25           one moment.    No further questions.



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1        forewarned to not -- you don't talk to each other. You  
2        don't have to talk to each other. I understand there's  
3        difficult feelings. So what I'm going to ask that when  
4        court is over today -- first of all, nobody leaves this  
5        courtroom or stands up until the jury is completely out of  
6        the courtroom. Secondly, I will ask the victims' side of  
7        the courtroom or anyone on their side here for their  
8        support, to leave the courtroom first. And I'll ask the  
9        Defendant's side of the family or that are here in support  
10       for the Defendant, to then leave the courthouse. You're not  
11       to have interactions with each other and you're certainly  
12       not to make any threats or any implications of any threats  
13       that any parties involved in this case. I hope I've made  
14       myself very clear because the Court will take that very  
15       seriously if there's any threats made to anyone involved in  
16       this case.

17                Anything further before I bring the jury out?

18                MR. SORENSON: No, Your Honor.

19                MR. MCCOY: No, ma'am.

20                THE COURT: All right. Let's have our jury,  
21        please

22                                (Jury in at 4:00 p.m.)

23                THE COURT: Welcome back, ladies and gentlemen of  
24        the jury. We're now ready to proceed.

25                You may call your next witness.

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1 MR. TEMPLETON: The State calls Shaquanda Williams  
2 (WHEREUPON, Shaquanda Williams was  
3 sworn.)

4 THE COURT: Your witness.

5 SHAQUANDA WILLIAMS - DIRECT EXAMINATION

6 BY MR. TEMPLETON:

7 Q Good afternoon, Ms. Williams.

8 A Hi.

9 Q I want to take you back to August 13th, 2015. Do you  
10 remember what you were doing that evening?

11 A At work and went into the 8 Ball.

12 Q If you will, just tell us one more time?

13 A I was at work and went to the 8 Ball.

14 Q And so you went to the 8 Ball?

15 A Uh-huh. (Affirmative response.)

16 Q Who did you go to the 8 Ball with that night?

17 A Me and my boyfriend?

18 Q Who's your boyfriend?

19 A Kawon McCants.

20 Q Okay. Anything out of the ordinary happen to you that  
21 night?

22 A Just my phone got missing.

23 Q So someone -- your phone ended up not in your  
24 possession?

25 A Right.

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1 Q Okay. Do you remember anybody asking about your phone  
2 for you?

3 A George.

4 Q Okay. Who's George?

5 A A friend of the family.

6 Q Was he working out there that night?

7 A Uh-huh. (Affirmative response.)

8 THE COURT: You have to answer yes or no for the  
9 court reporter so she knows what you're saying instead of  
10 uh-huh.

11 A Yes.

12 BY MR. TEMPLETON:

13 Q Okay. Who was he asking about your phone?

14 A He asked Tyrone.

15 Q Okay. And Tyrone, that's Tyrone Cummings?

16 A Yes.

17 Q Did he ask anyone else about the phone that night?

18 A I kind of believe he was asking for -- about the phone.

19 Q Okay. Was Mr. Willis out there that night?

20 A Yes.

21 Q Okay. Do you remember him saying anything about your  
22 phone?

23 A Just find the phone so it won't be no problem.

24 Q Okay. Who was that directed at?

25 A He was talking to George.

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1      Q      Who was he talking about though?

2      A      Whoever got the phone.

3      Q      All right. I'm going to show you your statement. All  
4      right. I'm going to show you your statement. There's a  
5      highlighted portion on that statement. Was that statement  
6      made by Mr. Willis?

7      A      Yes.

8      Q      Who was it directed towards?

9      A      Whoever had the phone.

10     Q      All right. Ultimately, did you get your phone back  
11     that night?

12     A      No. And y'all told me y'all didn't find it.

13     Q      Okay.

14     A      Never mind. That was said and done.

15     Q      Do you remember giving this written statement to  
16     Detective Elmore --

17     A      Yes.

18     Q      -- and Detective Melendez?

19     A      Yes.

20     Q      Okay. And you talk about a victim in this statement,  
21     don't you?

22     A      The victim was Tyrone, isn't it?

23     Q      Uh-huh? (Affirmative response.)

24     A      Okay.

25     Q      Did you see in your statement where you indicated



State v Willis      George Sanders - Direct      10/9/17      120

1      BY MS. TURNER:

2      Q      Good afternoon, Ms. Williams.

3      A      Hi.

4      Q      I have two brief questions for you. Can you tell me  
5      what time you left the 8 Ball Club?

6      A      I don't know what time it was.

7      Q      Okay. And at the time you were there, you did not see  
8      any type of physical altercation of any kind?

9      A      No, ma'am.

10     Q      Okay. That's all I have for you.

11                    THE COURT: Any redirect?

12                    MR. TEMPLETON: None, Your Honor.

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

14                    MS. WILLIAMS: Thank you.

15                    THE COURT: You may call your next witness.

16                    MR. TEMPLETON: The State calls George Sanders.

17    (WHEREUPON, George Sanders was  
18      sworn.)

19                    THE COURT: Your witness.

20    GEORGE SANDERS - DIRECT EXAMINATION

21      BY MR. TEMPLETON:

22      Q      Good afternoon, Mr. Sanders?

23      A      How you doing.

24      Q      I want to take you back to August 13th, 2015. Do you  
25      remember what you were doing that night?

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1     A     Working in the club.

2     Q     And when you say the club, what club are we talking  
3     about?

4     A     The 8 Ball.

5     Q     That's out in Ridgeville?

6     A     Uh-huh. (Affirmative response.)

7     Q     Okay. Do you remember approximately what time you got  
8     out to the 8 Ball that night?

9     A     Sometime between 6:00 and 8:00.

10    Q     Okay. And you were just basically running the club  
11    that night?

12    A     Uh-huh. (Affirmative response.)

13    Q     When do people kind of start rolling in?

14    A     Between 9:00, 9:00 and 10:00.

15    Q     Okay. And did something unusual happen that night?  
16    Something go missing?

17    A     A phone.

18    Q     Okay. Whose phone was that that went missing?

19    A     Shaquanda.

20    Q     Shaquanda?

21    A     Uh-huh. (Affirmative response.)

22    Q     Is that Shaquanda Williams?

23    A     Yes.

24    Q     Okay. Did you ask anyone about that phone?

25    A     Yes. I was going around asking everybody. Me and

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1      Tyrone, we was walking around asking people if they'd seen  
2      the phone.

3      Q      And that's Tyrone Cummings?

4      A      Uh-huh. (Affirmative response.)

5      Q      Okay. Ultimately, did you ask Tyrone directly about  
6      the phone?

7      A      I asked him -- yes, I did.

8      Q      Okay. What did you ask him?

9      A      I asked him if he'd seen the phone that was on the bar.

10     Q      Had he been near it or something?

11     A      Yes. He was sitting in that area.

12     Q      Okay. And that's why you asked him?

13     A      Yeah.

14     Q      And you said that he and you were kind of going around  
15     just asking people?

16     A      Uh-huh, if they had seen the phone.

17     Q      Do you remember seeing Quadrik Willis out there that  
18     night?

19     A      Uh-huh. (Affirmative response.)

20                    THE COURT:    Sir, you need to answer yes or no so  
21     the court reporter can take down what you're saying.

22     A      Yes.

23     BY MR. TEMPLETON:

24     Q      Okay. And do you remember Mr. Willis saying anything  
25     about that phone?

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1      A      He just said tell Bro give up the phone before it  
2      cause any problems.

3      Q      Okay. And I think you gave a statement to Sergeant  
4      Peters and Detective Hanks with the sheriff's department; is  
5      that correct?

6      A      Uh-huh. (Affirmative response.)

7      Q      Okay. Do you remember telling them that he said tell  
8      Bro to give up the phone so it won't be any problems?

9      A      Yes. Uh-huh. (Affirmative response.)

10     Q      Okay. Did Mr. Willis indicate that he thought Tyrone  
11     had the phone?

12     A      He was -- he figured that he might would have had the  
13     phone because he was sitting in that area.

14     Q      Okay.

15     A      That was --

16     Q      Approximately what time did he talk about not having  
17     any problems; do you remember?

18     A      It was close to closing. I was getting ready to close.

19     Q      Do you remember, just approximately, what time you were  
20     closing that night?

21     A      No. It was any time between 12:00 and 1:00 maybe.

22     Q      Okay. I mean, y'all didn't have like a set time that  
23     you always close?

24     A      I usually close at 2:00, but being that the crowd was  
25     -- a lot of people was leaving and if it's not a lot of

1 people out there, so I would just go ahead and close the  
2 doors early.

3 Q     Okay. I mean, is it fairly loud in the club?

4 A     The music wasn't loud that night. It was on, but it  
5 wasn't loud to where you couldn't hear people talking.

6 Q     Okay. And once you kind of do last call, what do you  
7 have to still do before you leave?

8 A     Clean up, pay my bartenders, lockup.

9 Q     How long does that take you usually?

10 A     About thirty, forty-five minutes.

11 Q     You think it probably took you that long that night?

12 A     No, because there wasn't much people in there that  
13 night.

14 Q     Okay. So probably how long did it probably take you  
15 that night to close up and before you left?

16 A     Probably about thirty minutes I would say.

17 Q     Thirty minutes or so?

18 A     Yeah.

19 Q     Once you locked up, what did you do?

20 A     I jump in my truck and I went home.

21 Q     All right. Did you see anything over on Gum Street  
22 that night?

23 A     No.

24 Q     How dark is it kind of in that area of Gum Street?

25 A     It's dark. You know, there's no light on either side.

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1      It's only light in the parking lot.

2      Q      Okay. And I'm going to show you State's Exhibit No. 1.  
3      Just so the jury can see it as well, will you point out the  
4      8 Ball Club to us.

5      A      I believe this, it's --

6      Q      Right there?

7      A      Yeah.

8      Q      Do you know if there's any lights in that parking lot?

9      A      Yes. There's a light pole right here.

10     Q      Okay. But that's the only light in that area?

11     A      That, I couldn't -- that I think, yeah.

12                     MR. TEMPLETON: I beg the Court's indulgence.

13                     THE COURT: Yes, sir.

14     BY MR. TEMPLETON:

15     Q      I just asked you about your statement just a couple of  
16     minutes ago. Tell Bro to give up the phone so it won't be  
17     any problems. Who is Bro?. Who was Quadrik alluding to?

18                     MR. MCCOY: Objection to speculation, Judge.

19                     THE COURT: Only if he has specific knowledge.

20                     MR. TEMPLETON: If he knows.

21     BY MR. TEMPLETON:

22     Q      Do you know who he was alluding to?

23     A      I'm assuming he was talking about Tyrone.

24     Q      Okay.

25     A      I'm not sure.

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1          Q          And when you left who else was out there at that point?

2          A          When I left that night, I don't remember seeing anybody  
3          out there in the parking lot.

4          Q          Did anybody leave the club with you, though?

5          A          My bartender, she left -- you know left around the same  
6          time.

7          Q          Okay. But when you leave, is there anyone else out in  
8          the parking lot?

9          A          I don't remember seeing anyone else in the parking lot.

10                    MR. TEMPLETON: No further questions, Your Honor.

11                    THE COURT: Cross-examination.

12                    GEORGE SANDERS - CROSS-EXAMINATION

13          BY MS. TURNER:

14          Q          Good afternoon, Mr. Sanders.

15          A          How you doing?

16          Q          You've already testified today that it is pretty dark  
17          outside, outside of the club, correct?

18          A          Yes.

19          Q          Okay. And that when you walked outside you were just  
20          about the only person there, correct?

21          A          Uh-huh. (Affirmative response.)

22          Q          And you were leaving with your bartender about the same  
23          time, around 2:00 a.m., correct?

24          A          It was before 2:00.

25          Q          Before 2:00 a.m.?

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1            A        Yeah.

2            Q        Okay. You've provided two separate statements to  
3 police, correct?

4            A        Yeah.

5            Q        In your last statement you made to police you stated  
6 that Kawon and Tyler had something to do with the shooting,  
7 correct?

8            A        No, I didn't say that.

9            Q        You didn't say that?

10          A        No, I didn't.

11                            MS. TURNER: Your Honor, may I approach?

12                            THE COURT: You may.

13 BY MS. TURNER:

14          Q        (Hands statement to witness)

15          A        (Reviews statement), That's it. Okay.

16          Q        Is that your handwriting?

17          A        Yeah.

18          Q        So is that correct that you stated that, that Kawon and  
19 Tyler had something to do with it when asked about the  
20 shooting?

21          A        I was tell you that's what I heard. Well, that's what  
22 I said. Yeah, that's what I heard in the streets.

23          Q        And that's in your handwriting. That's what you said,  
24 correct?

25          A        Yeah.

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1                    MS. TURNER: No further questions.

2                    THE COURT: Any redirect?

3                    MR. TEMPLETON: Just briefly, Your Honor.

4                    GEORGE SANDERS - REDIRECT EXAMINATION

5 BY MS. TEMPLETON:

6 Q        In that same statement that Defense counsel was just  
7 talking about, you actually say Kawon, Tyler and Quadrik had  
8 something to do with it, right?

9 A        That's what I write on there.

10 Q        Okay.

11                    MR. TEMPLETON: That's all I've got, Your Honor.

12                    THE COURT: You may step down, sir. Thank you.

13                    MR. SANDERS: Yes, ma'am.

14                    THE COURT: Ladies and gentlemen of the jury, it's  
15 a little bit after 4:00. There's a couple of things that we  
16 have to take care of that we don't need you here for. So  
17 rather than having you wait in the jury room and not have  
18 anything to do, I'm going to go ahead and let you go for the  
19 evening. Please remember not to discuss this case with  
20 anyone and that includes your family members or amongst  
21 yourselves and don't do any independent research on the  
22 case.

23                    If you would please report back to your jury room at  
24 9:15, we'll get started with the trial once everybody gets  
25 back around 9:15. Have a nice evening and we'll see you in



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1                    THE COURT: All right. Mark, when you think it's  
2 okay for them to leave, if y'all can kind of keep a look out  
3 in the parking lot and --

4                    COURT SECURITY: Okay.

5                    THE COURT: All right. You may proceed.

6                    MR. SORENSON: May it please the Court, Your  
7 Honor.

8                    THE COURT: Yes, sir.

9                    MR. SORENSON: The first witness will be Marvin  
10 Sanders. He has from 2001 three counts of auto break in. I  
11 believe that's sixteen years ago; 2004, possession with  
12 intent to distribute cocaine; 2007, hit and run with  
13 property damage; 2017, a simple possession of marijuana. He  
14 has a DUI, driving -- a DWI in New York in 2013. And he's  
15 got a drug arrest in Georgia in 2003. I couldn't figure out  
16 if there was a disposition on that or not, Your Honor, I  
17 mean, just looking at the rap sheet.

18                    So I think, I mean, my position on those would be that  
19 the vast majority of them are outside of the ten-year  
20 window. And the ones that are within the last ten years are  
21 not crimes of dishonesty nor are they crimes that carry a  
22 potential penalty of more than a year.

23                    THE COURT: Mr. McCoy?

24                    MR. MCCOY: Judge, in cases where the State's  
25 primary goal and primary objective are going to be proven

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1 through the lay witnesses, I think we need to take an extra  
2 careful look at the convictions that these folks have on  
3 their records. And I do agree with Mr. Sorenson -- I'm not  
4 worried about a DUI in New York. I'm not worried about --  
5 we don't even know the disposition of an '03, PWID. I'm  
6 okay with no simple possession of marijuana and I'm okay  
7 with no '07 hit and run property damage. The only thing I  
8 do think is that an auto break in, three counts and a PWID  
9 of cocaine in '04, while they are outside of the ten-year  
10 window, I think the probative value far outweighs the  
11 prejudicial value. And, Judge, I would concede just saying  
12 what the actual charge is and just say you were convicted of  
13 felonies in these years. I mean, I'm okay with doing that  
14 as opposed to saying what the actual charge, but I think the  
15 probative value does outweigh the prejudicial value on those  
16 two particular charges. Where we know we have convictions  
17 on those and we have dispositions.

18            THE COURT: And tell me for what purpose do you  
19 believe that they are probative?

20            MR. MCCOY: I mean, we've got -- again, this is  
21 going to go for any of the lay witnesses that are going to  
22 come tomorrow. There is no forensic evidence in this case,  
23 none, zero, that links my client to this. So all of that  
24 hinges on these witnesses and their testimony. With any  
25 ability for them to get up there and then testify, you know,

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1    I need to have the ability to work with in terms of what  
2    they might be saying might not be full the truth and the  
3    absolute truth, Judge. And so if I can say they were  
4    convicted of felonies -- I would not say what the actual  
5    charge is -- you know, I think that would be -- I think it  
6    would be much more probative when it comes to actually doing  
7    a cross-examination on these folks. I mean, obviously if  
8    they open the door to something, that's a different story.  
9    But in this particular circumstance I'm conceding these  
10   other charges. But when it comes to those two charges that  
11   are felonies that are very serious felonies, you know, I  
12   think it's appropriate for me to be able to do that.

13                    THE COURT: Solicitor?

14                    MR. SORENSON: I mean, I just don't see how a  
15   sixteen year old auto break in and a thirteen year old drug  
16   conviction could possibly substantially outweigh the  
17   prejudicial effect on those. I mean, it's not a crime -- I  
18   mean, I almost would concede maybe if we had a crime of  
19   dishonesty maybe. But, I mean, it's -- I mean, these don't  
20   --

21                    THE COURT: I tend to agree with you. I think  
22   considering 609 and the time limit of the evidence of the  
23   conviction, first of all, I need to ask the proponent, did  
24   you give sufficient written notice of the intent to use  
25   these convictions?

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1            MR. SORENSON: I would not -- well, it would be  
2 him giving me notice. And I wouldn't be objecting on that  
3 basis because I guess I didn't provide these rap sheets to  
4 him far enough ahead in time for him to do that, so I'm not  
5 --

6            THE COURT: Okay.

7            MR. SORENSON: I'm not objecting to not having  
8 notice of him attempting to get into anything on this.

9            MR. MCCOY: Judge, we went through these together  
10 this morning.

11           MR. SORENSON: Right.

12           THE COURT: I know there's concern about the  
13 specific facts and circumstances that substantially out  
14 weight the prejudicial effect as far as a auto breaking and  
15 entering and you said that the PWID cocain from '04 is what  
16 you're concerned about?

17           MR. MCCOY: Yes, ma'am.

18           THE COURT: I just don't know how that would be  
19 more probative than prejudicial at this juncture so I don't  
20 think it comes in under 609.

21           MR. MCCOY: All right. Thank you, Judge.

22           MR. SORENSON: Your Honor, the next witness would  
23 be Charles Delee. Mr. Delee, Your Honor, has a 2000  
24 distribution of crack; a 2002 possession of crack; 2003  
25 possession with intent to distribute in the proximity. I

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1      believe all of those were a crack or cocaine base. A 2004,  
2      possession with intent to distribute crack and an assault  
3      and battery of a high and aggravated nature. And this is  
4      one that finally went to prison and it looks like got a  
5      fourteen year sentence in 2014 -- I'm sorry. 2004. When he  
6      got out in 2011 he's got giving false information to law  
7      enforcement and a 2013 bank fraud. I would probably concede  
8      that the bank fraud, the false information, and probably  
9      even the 2004 conviction just based on the fact that he did  
10     do a fourteen year sentence by the time that was done. ???.

11                    THE COURT: Mr. McCoy?

12                    MR. MCCOY: Judge, I would argue just based on the  
13     fact that this is a pretty critical witness in this case and  
14     based on the fact -- this is a little bit of a different  
15     scenario from Mr. Sanders that we just discussed. This guy  
16     seems to be more of a career guy, Judge, starting in 2000.  
17     So to lay the groundwork for the lengthy record that Mr.  
18     Delee has, I think it's more probative than prejudicial,  
19     Judge, for me to be allowed to start with the 2000  
20     conviction based on the fact that it gives and paints a more  
21     full picture of Mr. Delee as opposed to cutting it off at  
22     '03, making it sound like his convictions started at that  
23     time, Judge.

24                    THE COURT: What's your position on that,  
25     Solicitor?

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1            MR. SORENSON: I'll leave that in the Court's  
2 discretion. I think -- drug convictions. I not sure  
3 whether it's going to matter a whole lot whether the jury  
4 hears that he had one, two, three or four of those before we  
5 came here today.

6            THE COURT: I tend to agree on that one  
7 considering the fact that there are somewhat related as far  
8 as crack and -- other than and the ABHAN. So those will be  
9 admissible. I think the Court does find that the probative  
10 value outweighs the prejudicial effect on that with Mr.  
11 Delee. So I will allow those convictions.

12           MR. SORENSON: Going all the way -- basically the  
13 whole list on the rap sheet?

14           THE COURT: Correct.

15           MR. SORENSON: All right. The next witness is  
16 LaTonya Campbell. She has a 2006 ABHAN conviction. That  
17 would be it. Again, it's outside the ten-year window. It's  
18 not a crime of dishonesty, but she has had nothing since  
19 then. That's why I'm looking to see what she got. She  
20 received a two-year probationary sentence on that. She's  
21 had nothing but a driving arrest since then, a DUS non-  
22 conviction.

23           THE COURT: Mr. McCoy?

24           MR. MCCOY: Thank you, Judge. May it please the  
25 Court. I would argue that we be allowed to use the 2006

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1    ABHAN conviction based on a couple of reasons, Judge. One,  
2    it's -- for purposes of this hearing, it's barely outside of  
3    the ten-year window. But I would add, Judge, that based on  
4    his arrest date, it's within the ten-year window. And the  
5    reason I say that is we don't pick and choose the time that  
6    these cases are tried, Judge. And so we've waited two years  
7    to try this case and it has put this outside of the ten-year  
8    window. So I think it's very probative when it comes to  
9    examining Ms. Campbell and her credibility when she  
10    testifies on the witness stand tomorrow.

11            THE COURT: Well, let me ask you this about the  
12    timeliness concerning -- you said she was placed on two-  
13    years probation starting in '06 and she was on probation in  
14    '06, '07 and '08?

15            MR. SORENSON: Yes, ma'am.

16            THE COURT: So then that would make it within the  
17    ten-year time limit.

18            MR. SORENSON: I mean, I guess, Your Honor, I  
19    can't remember without looking at the case law. I know  
20    there are some cases that define confinement -- the time  
21    from since the date of conviction or the release of the  
22    witness from confinement imposed for that conviction. I  
23    don't recall any on probation. I don't know the -- I know  
24    there's actually some case law, I think, that answers that.  
25    I just don't want to misspeak because I don't remember

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1      whether being on probation means you're confined.

2                    THE COURT:    Why don't we do this.    Why don't we  
3      take a look at that case law and then see what we can come  
4      up with in the morning, see if it falls within that --

5                    MR. MCCOY:    Okay.

6                    MR. SORENSON:    Okay.

7                    MR. MCCOY:    And I think Mr. Sorenson is correct in  
8      saying there is case law out there on that, Judge.    I don't  
9      want to speak to that either.    I know I've read something.

10                   MR. SORENSON:    I'm almost positive that there is.  
11      I just don't know which way it goes.

12                   THE COURT:    I'm sure there is, but it's kind of  
13      late in the day so we may not pull the correct information  
14      from in here --

15                   MR. SORENSON:    Mr. Templeton's going to see if he  
16      can find that before we finish here.    He's on the clock.

17                   The next one that will be testifying tomorrow is  
18      Michael Bannister.    Mr. Bannister has a 2010 pointing and  
19      presenting a firearm and possession of a stolen pistol.    And  
20      I would concede that they are crimes that carry more than a  
21      year.    And he's not the defendant so, I mean, I think  
22      they're admissible.    I don't really have an argument  
23      otherwise about him.

24                   THE COURT:    All right.    So the next one.

25                   MR. SORENSON:    And I think the last one I think we

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1            need to address is Thomas Terrell. And he has a 2003  
2            possession of a controlled substance; a 2002 -- so those all  
3            kind of happened around the same time -- a grand larceny and  
4            a possession of cocaine. 2005, a burglary in the third  
5            degree, possession of cocaine, simple possession of  
6            marijuana, second offense, and a failure to stop for blue  
7            lights. 2010, possession of a controlled substance. And  
8            then I believe he's currently on probation for a burglary  
9            second, that he got put on probation this year.

10            THE COURT: And which of those were you intending  
11            on trying to introduce?

12            MR. MCCOY: Judge, again, I think Mr. Terrell kind  
13            of follows in the same kind of category as Mr. Delee does.  
14            This is not a guy that's new to the game. His record has  
15            been lengthy. He's been around quite some time. So to cut  
16            it off after the ten-year period, Judge, I think would be  
17            prejudicial to my client in showing the full picture of Mr.  
18            Terrell and his criminal activity. And I don't -- I mean, I  
19            understand, that's a -- I that's zero to six months. I'm  
20            not worried about that. Is that a zero three? Or is that  
21            the zero -- I don't know.

22            MR. SORENSON: That's two controlled substance --

23            MR. MCCOY: And if those two controlled substance  
24            convictions, Judge, fall underneath the one-year sentence,  
25            then I would concede that we wouldn't ask about that. But I







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1    counsel)

2                    THE COURT:    Any luck?

3                    MR. TEMPLETON:    Not to this point, Your Honor.

4                    THE COURT:    We'll just take it up in the morning  
5 before the jury comes back in and make a determination then.  
6 If y'all find something, let me know.

7                    MR. TEMPLETON:    Okay.

8                    MR. MCCOY:    Thank you, Judge.

9                    THE COURT:    We'll be at ease until 9:15.

10                   MR. MCCOY:    Judge, thanks for your time today. We  
11 appreciate it.

12                   THE COURT:    Thank you.

13                   And Ms. Turner -- can we get somebody to walk Ms.  
14 Turner to her car?

15                   COURT SECURITY:    (Affirmative response).

16                   THE COURT:    All right.

17                   MS. TURNER:    Thank you so much.

18                   THE COURT:    Y'all have a good evening.

19                   MR. MCCOY:    Thank you, Judge.

20                   Judge, I didn't hear. Did you state a start time? Is  
21 there any way that we can start at, you know, 9:30 tomorrow  
22 based on distance wise for us?

23                   THE COURT:    Sure.

24                   MR. MCCOY:    I don't want to put y'all --  
25 inconvenience y'all and all, but --

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1                    THE COURT: I know how that is. I usually tell  
2 the jury 9:15 in hopes that we can get started by 9:30 by  
3 the time we get everybody situated. So that's fine.

4                    MR. MCCOY: Okay. Judge, thank you. I appreciate  
5 that.

6                    (Court in recess October 9, 2017 at  
7 5:02 p.m.)

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1 (Court in session October 10, 2017  
2 at 9:30 a.m.)

3 (Court in conference with counsel in chambers.)

4 (Court in session at 9:50 a.m.)

5 THE COURT: Counsel, as we discussed in chambers  
6 this morning, upon further reflection, the Court further  
7 considered your request to admit the remote convictions of  
8 potential witnesses. And I have discussed that with both  
9 counsel. And the Court does find that the standard has not  
10 been met pursuant to the qual -- factors to appropriately  
11 put those remote convictions in. And that is pursuant to  
12 State versus Black and also pursuant to Rule 609. So those  
13 remote convictions will not be admitted.

14 Any objection from the State or from Defense?

15 MR. SORENSON: No, Your Honor.

16 MR. MCCOY: Just to renew my previous objections,  
17 Judge.

18 THE COURT: Yes, sir. Anything further before we  
19 bring the jury out?

20 MR. SORENSON: No, ma'am.

21 MR. MCCOY: No, ma'am.

22 THE COURT: All right. Let's have our jury,  
23 please.

24 (Jury in at 9:5 a.m.)

25 THE COURT: Good morning, ladies and gentlemen of

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1      the jury. Welcome back. I hope that you had a nice  
2      evening. Please pay very close attention as we continue  
3      with the testimony in the trial.

4              You may call your next witness.

5              MR. TEMPLETON: The State calls Marvin Sanders.

6                              (WHEREUPON Marvin Sanders was  
7      sworn)

8              THE COURT: Your witness.

9              MR. TEMPLETON: Thank you, Your Honor.

10                              MARVIN SANDERS - DIRECT EXAMINATION

11      BY MR. TEMPLETON:

12      Q      Good morning, Mr. Sanders.

13      A      Good morning.

14      Q      If you would, I want you to try and think back to  
15      August the 13th, 2015. Do you remember where you were that  
16      night?

17      A      Yeah, at the 8 Ball.

18      Q      At the 8 Ball club?

19      A      Yeah.

20      Q      Okay. Do you remember approximately what time you got  
21      out there?

22      A      Not really. About 9:30 or 10:00.

23      Q      Okay. And ultimately, had something gone missing that  
24      night?

25      A      A telephone.

1 Q A cellphone?

2 A Yes, a cellphone.

3 Q Okay. Do you recall anything about who might have had  
4 that cellphone?

5 A They said that Tyrone had it.

6 Q Ultimately, were you shown a photograph of the  
7 Defendant in this case?

8 A Yes, I was.

9 Q Okay. And did the Defendant say anything while he was  
10 in the club that you remember?

11 A Not that I remember. I know outside he said something  
12 about he was going to run his pockets or something.

13 Q Okay. So that was outside?

14 A Yeah.

15 Q And that was something that Defendant said about  
16 running Tyrone's pockets?

17 A I guess. Whoever had the phone. I don't really know.

18 Q Okay. Did you give a description of the person that  
19 you heard say he's going to run his pockets?

20 A Yeah. He had on flip flaps and white tee shirt.

21 Q Okay. Anything about tattoos?

22 A I think he had one on his face.

23 Q Once you left the club that night, where did you go?

24 A Down the street to Tonya's house.

25 Q Okay. Do you know approximately how far that is?

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1    A    Not really.

2    Q    Okay. Were you in the house? Out in the yard?

3    A    Out in the yard.

4    Q    Okay. When you were out in the yard, did you hear  
5 anything?

6    A    Three gunshots.

7    Q    Okay. And then after those gunshots, did you hear  
8 anything else?

9    A    I heard somebody say something like you can't run now.

10    Q    Okay. And then did you hear anything else after that?

11    A    I just heard more gunshots.

12    Q    Okay. Gunshots, those words and then more gunshots?

13    A    Yeah.

14    Q    Okay. Did you see any vehicles leaving the area?

15    A    No.

16    Q    Okay. I'm going to show you your statement to see if  
17 you remember that after reading your statement.

18                    MR. TEMPLETON: May I approach the witness, Your  
19 Honor?

20                    THE COURT: You may.

21 BY MR. TEMPLETON:

22    Q    Read that real quick and see if that reminds you if  
23 y'all saw a vehicle leaving the area?

24    A    I just saw a vehicle pulling up to the house, not  
25 leaving the area.

1     Q     Okay.

2     A     Yeah. I was already gone.

3     Q     All right. So you saw a vehicle pull up to what house?

4     A     To the yard where we was standing at.

5     Q     Okay.

6     A     Yeah.

7     Q     Did it just stay there in the yard or --

8     A     I'm not sure -- It stayed there and it left.

9     Q     Okay. It left from the area?

10    A     It left from the area.

11    Q     Okay. After the shooting, did anybody come up to where  
12    y'all were?

13    A     I saw Tyler came up there.

14    Q     Do you know the rest of Tyler's name.

15    A     No.

16    Q     You just know him as Tyler?

17    A     Yeah.

18    Q     Okay. If you would, tell the jury kind of what his  
19    demeanor was?

20    A     He was kind of scared. Look shook up. That was about  
21    it.

22    Q     Okay. Did he have a weapon on him or anything?

23    A     No.

24    Q     All right.

25                    MR. TEMPLETON: I beg the Court's indulgence. I

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1 don't have any further questions, Your Honor.

2 THE COURT: Cross-examination

3 MARVIN SANDERS - CROSS-EXAMINATION

4 BY MS. TURNER:

5 Q Good morning, Mr. Sanders?

6 A How you doing?

7 Q So you heard a total of seven gunshots that evening,  
8 correct?

9 A Yes.

10 Q And after seven gunshots, you didn't think to call 9-1-  
11 1?

12 A No, not at all.

13 Q So that's normal to hear seven gunshots in the evening?

14 A I wasn't calling.

15 Q Okay. And you said -- you already testified that  
16 Tyler's behavior was strange, correct?

17 A Yeah.

18 Q He was acting jittery, correct?

19 A (Nods head affirmatively.)

20 Q So accompanied with seven gunshots and your friend  
21 acting jittery, you still decided not to call 9-1-1,  
22 correct?

23 A Correct.

24 Q Okay. Tell me the names of people who were at the  
25 house with you?

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1 A Tonya and Tish and that's -- Tyler, that's about it

2 Q What's Tish's actual name?

3 A I have no idea.

4 Q And no one else was with you?

5 A No.

6 Q You don't recall someone named Florida?

7 A Yeah, he was there too.

8 Q What's Florida's actual name?

9 A I don't know.

10 Q Okay.

11 MS. TURNER: I beg the Court's indulgence for one  
12 moment. I don't have any further questions.

13 Q Thank you.

14 THE COURT: Any redirect?

15 MR. TEMPLETON: None, Your Honor.

16 THE COURT: You may step down. Thank you for  
17 coming.

18 MR. SANDERS: Thank you.

19 THE COURT: You may call your next witness?

20 MR. SORENSON: The State calls Thomas Terrell.

21 (WHEREUPON Thomas Terrell was  
22 sworn)

23 THE COURT: Your witness.

24 MR. SORENSON: Thank you. May it please the  
25 Court, Your Honor?

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1                    THE COURT: Yes, sir.

2                    THOMAS TERRELL - DIRECT EXAMINATION

3 BY MR. SORENSON:

4 Q      Good morning, Mr. Terrell.

5 A      Good morning.

6 Q      If you would, tell the jury what your -- do you have a  
7 nickname that you go by?

8 A      No.

9 Q      Do you have a middle name that somebody sometimes uses  
10 instead of your first name Thomas?

11 A      I go by Marshall.

12 Q      Marshall, okay. I want to turn your attention if I  
13 could, Marshall, back to the evening of August the 13th,  
14 2015. Do you recall that day or that evening?

15 A      Yes.

16 Q      Okay. And had something happened earlier that day?

17 A      Yes.

18 Q      What was that that had happened that day?

19 A      There was a shooting that day.

20 Q      Well, even prior to that? I mean, something that  
21 afternoon on August the 13th. Had you been somewhere that  
22 you'd gotten out of?

23 A      Oh, I'd just got out of jail, yes.

24 Q      Okay. And later on -- so then that evening of August  
25 the 13th into the early morning hours of August the 14th,

1      where did you go that evening?

2      A      I went to a friend's house and then after that I went  
3      to the club.

4      Q      Okay. What club was that, that you went to?

5      A      It was the 8 Ball.

6      Q      Okay. Where is the 8 Ball Club located at?

7      A      I think it's Beach Street.

8      Q      And back at that time were you living kind of close to  
9      the 8 Ball Club?

10     A      Yes.

11     Q      Okay. And do you know about what time you got there  
12     that night?

13     A      I think it was 10:00 or 11:00.

14     Q      And how did you get there?

15     A      I walked.

16     Q      Okay. Were you by yourself when you walked up?

17     A      No, it was me and a friend.

18     Q      Okay. What was that friend's name?

19     A      Danny.

20     Q      Danny. All right. Now, I'm going to ask you were you  
21     in the club then from 10:00 or 11:00 basically up until  
22     right around closing time?

23     A      Yes.

24     Q      And were there any arguments or altercations inside the  
25     club that you recall while you were there?

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1      A      No.

2      Q      Now, do you recall about what time it was that you  
3      left?

4      A      I think it was around closing time like 2:00 or 3:00,  
5      around that. Between 2:00 and 3:00.

6      Q      Okay. And did you leave by yourself?

7      A      Yes.

8      Q      And how about -- you said you'd gotten there with a  
9      friend named Danny. Did you know where Danny was at that  
10     point in time?

11     A      That's what I was doing. I was actually looking for  
12     him and I think he'd already left with somebody.

13     Q      Had he been talking with somebody inside the club there  
14     when you were there?

15     A      I think he was talking to some girl and left with her.

16     Q      Okay. All right. So when you went looking for Danny,  
17     was that inside the 8 Ball Club or outside the 8 Ball Club?

18     A      Well, both.

19     Q      Both? All right. And tell the jury kind of when you  
20     got outside where was it that you went?

21     A      I ended up being like in front of -- there's like a  
22     little barber shop. I was kind of like -- I was in this  
23     little side road that runs through there. And I was  
24     standing right there in front of it, like the parking lot.

25     Q      Okay. And did you find Danny at all outside?

1      A      No.

2      Q      Now, do you recall Marshall, were there other cars and  
3      people still in the parking lot when you would come out and  
4      were kind of wandering around outside?

5      A      I noticed there was like four or five cars.

6                      MR. SORENSON: Can I have him step down just real  
7      quickly?

8                      THE COURT: Yes, sir.

9      A      (Witness steps down)

10     BY MR. SORENSON:

11     Q      I'm going to show you State's Exhibit No. 1. Do you  
12     recognize that map?

13     A      Uh-huh. (Affirmative response.)

14     Q      Okay. Show the jury where the 8 Ball Club is? And  
15     make sure you're not blocking the jurors over there.

16     A      All right.

17     Q      Okay.

18     A      Let's see. It's right here, right?

19     Q      Is that the 8 Ball up there?

20     A      Yeah.

21     Q      All right. And then you had said --

22     A      This is the front of it, right?

23     Q      Yeah. So that's -- so you had said that you were kind  
24     of out in the front, kind of point--

25     A      I think I was like right in here.

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1      Q      Okay. Walking around. Did you say there was kind of a  
2      side street that runs beside --

3      A      That's it right here.

4      Q      That's Gum Street right there?

5      A      Uh-huh. (Affirmative response.)

6      Q      Okay. You can have a seat.

7      A      (Witness takes stand)

8      Q      Now tell the jury, Marshall, at some point in time as  
9      you were kind of in that area that you were just showing the  
10     jury, did you hear or see something?

11     A      I heard somebody saying like put the gun away. And  
12     then I heard the gun cocking.

13     Q      You heard the gun what?

14     A      Like cocking. Cocking a gun.

15     Q      So you heard someone say put the gun away and then a  
16     gun cocking?

17     A      Uh-huh. (Affirmative response.)

18     Q      In what direction was that that you were hearing that  
19     come from?

20     A      It would have been back towards the road.

21     Q      Okay. Back into the parking lot or up Gum Street, the  
22     side street?

23     A      It was the parking lot. Or Gum Street, I guess, yeah.

24     Q      Okay. Let me make sure I've got -- so you have  
25     testified you're out in this area; is that correct?

1      A      Uh-huh. (Affirmative response.)

2      Q      So was it down this road that you heard that or back  
3      into the parking lot that you heard that?

4      A      I mean, I couldn't really tell. I was like in that  
5      general area.

6      Q      Okay. All right. At some point in time what did you  
7      do after you heard that?

8      A      What did I do?

9      Q      Uh-huh. Did you look anywhere, go anywhere?

10     A      Well, I mean, then the -- then a shot went off.

11     Q      Okay. All right. Well, tell the jury, I mean, were  
12     you able to see anything prior? I mean, you heard the gun  
13     cock and heard the put the gun up.

14     A      Whenever the shot went off, like soon as it -- like I  
15     seen the guy falling and I took off running.

16     Q      Okay. That's what I wanted -- because you haven't told  
17     us about that yet. So who or what did you see prior to that  
18     gunshot going off?

19     A      I guess the guy that got shot. I seen him falling.

20     Q      Okay. And where was that at? Was that in the parking  
21     lot or was that Gum Street?

22     A      It was on Gum Street.

23     Q      Okay. I'm showing you State's Exhibit No 8. Is that  
24     kind of consistent with the angle that you had?

25     A      Yeah.

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1      Q      Your view?

2      A      Close.

3      Q      So prior to that gunshot when you looked up Gum Street,  
4      tell the jury what it was that you saw prior to hearing any  
5      gunshots?

6      A      I'm not understanding what you're saying?

7      Q      Did you see anything prior to hearing the gunshot. I  
8      guess that's what my question is?

9      A      (No response)

10     Q      Did you see anybody; anybody standing; anybody running;  
11     anybody doing anything?

12     A      Well, I mean the guy that got killed, I seen him. He  
13     was --

14     Q      Okay. That's why I want you to tell the jury what you  
15     saw Marshall --

16     A      Yeah, I see it. He was right directly in front of me.  
17     I couldn't see who was behind him, but I could see him.

18     Q      Okay. So you saw him --

19     A      Or the silhouette of him.

20     Q      Got you. And describe that person then?

21     A      I mean, he was tall with dreads.

22     Q      Okay. And was there anybody else -- and you said he  
23     was in front of you. Was he facing you or facing --

24     A      His back was to me.

25     Q      Facing away from you?

1      A      Uh-huh. (Affirmative response.)

2      Q      And was there anybody else beside him?

3      A      I guess the girl.

4      Q      And was she facing you or facing away from you?

5      A      I can't remember. I didn't really see her that good.

6      Q      Okay. All right. And then could you tell if there was  
7      somebody then basically on the other side of them?

8      A      I mean, I couldn't see. I didn't see him.

9      Q      Okay. And describe what -- looking up Gum Street  
10      there, what is the lighting like up in that area?

11      A      It's pretty poor lighting.

12      Q      Okay. All right. And you said you heard a gun cocking  
13      and then you heard a gunshot?

14      A      Right.

15      Q      Okay. And what happened when you heard the first  
16      gunshot?

17      A      Like I said, I ran. And then as I was running to the  
18      woods I heard a girl scream and then another shot went off.

19      Q      Okay. How quick -- was there much --

20      A      It was in like seconds --

21      Q      -- much time in between the --

22      A      -- like twenty, thirty seconds.

23      Q      Between the first shot and the second shot?

24      A      Uh-huh. (Affirmative response.)

25                      THE COURT: Mr. Terrell, if you could say yes or

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1      no instead of uh-huh. That way the court reporter can take  
2      down what you're saying.

3      A      I'm sorry.

4                      THE COURT: That's all right.

5      BY MR. SORENSON:

6      Q      And then you said you took off running? What direction  
7      did you run, Marshall?

8      A      Towards 27, like --

9      Q      So you're up in this area --

10     A      Yeah.

11     Q      And you sort of testified that you were looking kind of  
12     down Gum Street.

13     A      Ran across, straight across into right in here.

14     Q      Into the woods, towards -- that's, I guess, Highway 27  
15     out there.

16     A      It was in those woods.

17     Q      All the way over here?

18     A      Yeah. Like right on the edge.

19     Q      Anybody chase after you that you're aware of?

20     A      No.

21     Q      Hear anybody yelling after you as you were running  
22     away?

23     A      No.

24     Q      After you heard those gunshots, did you see any  
25     vehicles at all, leaving or doing anything?

1      A      I seen a few vehicles leaving.

2      Q      And ultimately where did you end up going after you ran  
3 over into the woods over here?

4      A      I ended up walking down this road and coming back to  
5 the house. And then to Bruce's behind the club.

6      Q      And Bruce lives back here behind the club?

7      A      That's it right there.

8      Q      And --

9      A      That was a while, like probably a good hour, you know,  
10 because I didn't know if somebody was after me. I was  
11 trying to stay out of sight.

12      Q      And was Bruce home when you got to his place?

13      A      He was sleeping. He was home.

14      Q      Did you tell him what you had just seen?

15      A      Yes.

16      Q      Did he get up or respond to you at all?

17      A      He was like half asleep. And --

18      Q      Let me ask, did -- so did he get up and call 9-1-1?

19      A      No.

20      Q      Did you call the police?

21      A      I didn't have a phone. No..

22      Q      Do you recall Thomas meeting with the sheriff's office  
23 a day or so later?

24      A      Yes.

25      Q      You gave them a statement, I guess, at that point in

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1      time?

2      A      Yes.

3      Q      And do you recall a few days later after that coming in  
4      and having them show you a photo lineup?

5      A      Yes.

6                      MR. SORENSON: I'd like to get this marked for  
7      I.D.

8                      THE COURT: Yes, sir.

9                                      (State's Exhibit No. 21, photo  
10      lineup, was marked for I.D.)

11                      COURT REPORTER: State's 21 for I.D.

12                      MR. SORENSON: Can I approach the witness, Your  
13      Honor?

14                      THE COURT: Yes, sir.

15      BY MR. SORENSON:

16      Q      Marshall, let me show you State's Exhibit No. 21. Is  
17      that the photo lineup of six people that Lieutenant Peters  
18      showed you on August the 20th? Does that look like it?

19      A      Yeah. I can't remember. It looks like it, I guess.

20      Q      Let me ask you, is that your signature at the bottom?

21      A      Yes.

22      Q      Okay. The one that indicates do not know anybody?

23      A      Right.

24      Q      Dated 8/20/15; is that right?

25      A      That's right.

1      Q      All right. Were you able to pick anybody out of that  
2      lineup?

3      A      No.

4      Q      Let me ask you this. Did you ever get a good look at  
5      whoever the shooter was?

6      A      No.

7                      MR. SORENSON: At this time we'd offer State's 21  
8      into evidence.

9                      THE COURT: Any objection?

10                     MR. MCCOY: No objection, Judge.

11                     THE COURT: All right. It's in.

12    (State's Exhibit No. 21, photo  
13      lineup, was marked and entered.)

14                     MR. SORENSON: I beg the Court's indulgence.

15      Q      That'd be all I have. Please answer any questions Mr.  
16      McCoy has.

17                     THE COURT: Cross-examination.

18                     MR. MCCOY: Thank you, Your Honor. May it please  
19      the Court?

20                     THE COURT: Yes, sir.

21    THOMAS TERRELL - CROSS-EXAMINATION

22      BY MR. MCCOY:

23      Q      Mr. Terrell, good morning. How are you?

24      A      I'm all right. Good morning.

25      Q      I appreciate your being here with us today. And my

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1      name is Peter McCoy. We've never had the opportunity to  
2      speak; is that correct?

3      A      That's right.

4      Q      You testified a little bit about what you saw and what  
5      you did and your interactions, not only on the 13th, but the  
6      night of the 13th at the 8 Ball; is that correct?

7      A      Correct.

8      Q      Is it correct -- I know you testified earlier that you  
9      had just been released from jail. And is it correct that  
10     you have now been convicted of a burglary second based on  
11     that arrest?

12     A      Right.

13     Q      When you got out of jail, according to your statement,  
14     you went to a friend's house; is that correct?

15     A      Yes.

16     Q      And that you start to drink alcohol at that point?

17     A      Yes.

18     Q      Do you remember what time of the day that was?

19     A      Oh, probably 3:00 or 4:00.

20     Q      3:00 or 4:00 in the afternoon?

21     A      Yes.

22     Q      Of the 13th?

23     A      Right.

24     Q      And that was with Danny; is that correct?

25     A      Yes.

1      Q      Would you say that you continued to drink alcohol  
2      throughout that afternoon and into the evening?

3      A      Yes.

4      Q      Okay. At what point did you and Danny decide to walk  
5      to the 8 Ball?

6      A      I guess it was like 10:00, I think.

7      Q      Okay. But it's a walkable distance from where Danny  
8      lives?

9      A      Yeah. It's a short -- not even a quarter of a mile.

10     Q      Okay. Once you got there, what was the 8 Ball like?  
11     How many people were there?

12     A      It was pretty packed. It was a good many people.

13     Q      When you say pretty packed, would you guess twenty,  
14     thirty people or is it a smaller club?

15     A      It was more than that.

16     Q      Okay. More?

17     A      Probably like sixty or eighty.

18     Q      Okay. Can you describe the parking lot of the 8 Ball?  
19     Is there an opportunity for multiple cars to park there or  
20     was it a smaller parking lot?

21     A      It's a good-sized parking lot.

22     Q      Okay. And can you tell the jury once you enter the  
23     front door of the 8 Ball, what does the inside look like?  
24     What's the layout like?

25     A      You walk in and the bar is straight ahead. It's like

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1      tables and chairs on the left. There's a big dance floor in  
2      the back and then there's pool tables like straight ahead to  
3      the left.

4      Q      Are there separate rooms or can you see the entire club  
5      from any vantage point inside?

6      A      No, they're separate rooms.

7      Q      They're separate rooms?

8      A      Uh-huh. (Affirmative response.)

9      Q      Did you make your way throughout all the rooms that  
10     night?

11     A      I think I did.

12     Q      Okay. Did you recognize anybody there besides Danny  
13     that night?

14     A      Not that I remember.

15     Q      Okay. So it was just the two of y'all hanging out?

16     A      Except, I mean, the guy, you know -- the guy that got  
17     killed. You know, I knew of him.

18     Q      You knew of him?

19     A      Uh-huh. (Affirmative response.)

20     Q      Did you see him there that night?

21     A      Yes.

22     Q      Inside?

23     A      Yes.

24     Q      Did you see him have any sort of altercation, any sort  
25     of discussion, any sort of --

1      A      No.

2      Q      Any sort of something that would raise your suspicion  
3      as to there was a fight or an argument about to happen?

4      A      No.

5      Q      Did you see any firearms at all on anybody while you  
6      were inside the club?

7      A      No.

8      Q      And you testified too on direct that you would  
9      occasionally come out side. And I guess people walk outside  
10     to smoke; is that correct?

11     A      Yes.

12     Q      When you were outside did you see anybody else you knew  
13     out there when you made your frequent trips outside?

14     A      No.

15     Q      Did you see anybody with a gun while you were outside  
16     at all?

17     A      No.

18     Q      Okay. And you've testified that you stayed until, I  
19     guess, you know, 1:45 or 2:00 whenever they shut the place  
20     down and then came outside; is that correct?

21     A      Yes.

22     Q      At what point in time that night did you lose track of  
23     Danny?

24     A      It was right before closing, I guess.

25     Q      Okay. And he didn't give you any sort of heads up that

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1      he was leaving or walking elsewhere?

2      A      No.

3      Q      Okay. At that point, is it safe to say you didn't know  
4      anybody there?

5      A      No, I don't remember seeing anybody I knew.

6      Q      Okay. When you testified earlier that you walked out  
7      of the parking lot of the 8 Ball, kind of towards Gum  
8      Street, how many people would you say were out and about in  
9      that parking lot after that?

10     A      Oh, I can't remember. It was not many.

11     Q      No many?

12     A      Not too many.

13     Q      When you say not many, can you give me a guess on that?

14     A      I don't know. It was like four or five cars I remember  
15     when I looked, you know, when I left.

16     Q      Still in the parking lot?

17     A      Yeah.

18     Q      So ten people, is that safe to say?

19     A      Maybe.

20     Q      Okay. Did you see at any point in time a red sedan or  
21     a red car backed into a driveway at all, near Gum Street?

22     A      No.

23     Q      Okay. With the car running?

24     A      No.

25     Q      Okay. And while you were outside walking around were

1      you just hanging out with some folks or were you, you know,  
2      getting prepared to walk somewhere?

3      A      I was by myself.

4      Q      You were by yourself. Were you talking to anybody at  
5      all?

6      A      No.

7      Q      How long would you say you stayed in that parking lot  
8      after the doors shut?

9      A      I don't know, ten or fifteen minutes.

10     Q      Okay. And while you were on Gum Street and you  
11     testified that victim number 1, which is Mr. Cummings, had  
12     his back to you; is that correct?

13     A      Yes.

14     Q      How close would you say you were to him with his back  
15     to you?

16     A      Like twenty to thirty yards.

17     Q      Twenty to thirty yards. I mean, farther than we're  
18     apart right now?

19     A      Probably from here to that door?

20     Q      Here to the door at the end of the courthouse -- I  
21     mean, in the courtroom?

22     A      Right.

23     Q      Okay. And that's where you're standing and you see his  
24     back, which is basically where the doors are here?

25     A      Right.

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1      Q      And you testified that it was dark. You testified that  
2      there isn't much lighting back there. Were you able to see  
3      beyond him at all?

4      A      No.

5      Q      Did you see anybody back there at all?

6      A      No. I mean, there had to be -- there was obviously  
7      somebody, but I couldn't see them.

8      Q      Sure. Sure. Do you know if there was more than one  
9      person back beyond Mr. Cummings?

10     A      No, I couldn't tell.

11     Q      Okay. And victim number 2 was standing next to Mr.  
12     Cummings; is that correct?

13     A      Yeah.

14     Q      Was she standing with her back to you or was she facing  
15     kind of to the side?

16     A      I guess kind of to the side maybe.

17     Q      Okay. And if you're here and this is -- I guess,  
18     twenty or thirty yards away where they're standing, are they  
19     having a conversation with anybody there?

20     A      Not that I know of.

21     Q      Okay. They're just standing on Gum Street?

22     A      I mean, it was like, you know, I guess it was -- it had  
23     to be them that was saying put, you know, put the gun up.

24     Q      Okay. But you heard put the gun up coming from this  
25     direction, correct?

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1      A      Right.

2      Q      Where are the other people who were in the parking lot  
3      at that time, do you know?

4      A      I guess that would like to my left?

5      Q      To your left?

6      A      Straight and to the left.

7      Q      On the way out towards where Mr. Cummings was?

8      A      Like they was there. They was here, and then the other  
9      -- and the parking lot's over here with the other people.

10     Q      Okay. And you know for certain that the statement put  
11     your gun up came from Mr. Cummings directions and not where  
12     the other folks were?

13     A      That's what I was assuming. I don't know.

14     Q      Well, we're not here to assume.

15     A      I mean, it sounded like it came from that direction,  
16     yeah.

17     Q      Sounded like it came from that direction. Okay. And  
18     when you heard a gun cock, again, did it come from the  
19     direction of where Mr. Cummings was?

20     A      Yeah.

21     Q      Okay. And you're standing by yourself at this point  
22     away from everybody else?

23     A      Uh-huh. Yes.

24     Q      Do any cars have doors open or people hanging out  
25     inside their cars at all?

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1      A      They seemed to, yeah.

2      Q      Okay. Well, did anybody have any music on while  
3 they're hanging out in the parking lot?

4      A      I think I remember hearing music.

5      Q      Okay. Once you hear the gun cock and you hear a shot  
6 happen, what's your immediate reaction?

7      A      When the shot happened, I turned around and took off  
8 running.

9      Q      Okay. And you heard one shot at that point?

10     A      Right.

11     Q      And you didn't see -- it came from a direction beyond  
12 where Mr. Cummings was, but you don't know who was back  
13 there?

14     A      Right.

15     Q      Okay. And you ran towards Highway 27; is that correct?

16     A      Yes.

17     Q      Where did -- and if you don't remember, that's okay.

18     Do you remember what other folks did who were in their cars  
19 or who were gathered around there at all, do you remember  
20 what they did?

21     A      Everybody was just leaving.

22     Q      Everybody got in their cars and left?

23     A      Yeah.

24     Q      Anybody run in the direction that you were running?

25     A      No, I didn't see it. I wasn't looking. I was running.

1      Q      Did you hear anybody else make any statements or yell  
2      anything out at all?

3      A      No.

4      Q      Okay. Once you ran and you got into the woods, how  
5      long do you think you stayed there?

6      A      About thirty minutes.

7      Q      Okay. Did you hear any other shots after the initial  
8      shot happened?

9      A      Well, I heard the second shot.

10     Q      Okay. So you heard two shots total?

11     A      Right.

12     Q      Okay. How far away from the parking lot of the 8 Ball  
13     do you think you were in relation to where you were in the  
14     woods? I mean, is it visible? Can you still see it?

15     A      Yes.

16     Q      Okay. Is it like a football field away?

17     A      It's probably -- from where I ended up in the woods,  
18     yeah, it was probably like a football field..

19     Q      Okay. And you stayed there for thirty minutes as you  
20     testified. And then you went where?

21     A      I did like a -- I walked down 27 and came back down,  
22     back behind the club, to Bruce's.

23     Q      Okay. Did you see anybody else out and about while you  
24     were walking towards Bruce's?

25     A      No.

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1      Q      Okay. When you went to Bruce's did you have a key to  
2      his house? How did you get in?

3      A      I knocked on the door and he came, answered the door.

4      Q      Okay. And he opened up and let you in. He obviously  
5      knew who you were?

6      A      Yes.

7      Q      And when you went inside, what's the first thing you  
8      said to Bruce?

9      A      I told him some people got shot.

10     Q      Okay. What was his reaction?

11     A      I guess he was like -- he just woke up and didn't --  
12     really believe what I was saying, like I was just joking or  
13     something.

14     Q      Okay. Certainly not something to joke about though?

15     A      No.

16     Q      At that point in time did it enter your mind to say  
17     hey, these folks may still be alive. I need to call 9-1-1  
18     to make sure they're okay. Did that enter your mind at all?

19     A      You know, I felt -- I felt -- you know, I felt bad  
20     about it that I didn't -- that I didn't do nothing about it.

21     Q      Did you ask Bruce if you could use his telephone?

22     A      I don't think he had one.

23     Q      Okay. And so no efforts were made whatsoever to call  
24     the police?

25     A      Not by me.

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1 Q Okay. You also testified on direct that you did look  
2 at a photo lineup with Detective Peters; is that correct?

3 A Yes.

4 Q And you didn't pick anyone out of that photo lineup; is  
5 that correct?

6 A That is correct.

7 Q So is it safe to say here today your testimony that you  
8 saw the shooting happen but you have no idea who did the  
9 shooting?

10 A Correct.

11 Q Thank you, Mr. Terrell.

12 A You're welcome.

13 THE COURT: Any redirect?

14 MR. SORENSON: No, Your Honor.

15 THE COURT: You may step down, sir. Thank you.

16 MR. TERRELL: All right.

17 THE COURT: You may call your next witness.

18 MR. SORENSON: The State calls Michael Bannister.

19 (WHEREUPON Michael Bannister was  
20 sworn)

21 THE COURT: Your witness.

22 MR. SORENSON: Thank you, Your Honor. May it  
23 please the Court?

24 THE COURT: Yes, sir.

25 MICHAEL BANNISTER - DIRECT EXAMINATION

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1 BY MR. SORENSON:

2 Q Good morning, Michael?

3 A (Nods head affirmatively)

4 Q If you would, you've got to speak up more, okay?

5 A Okay.

6 Q You can't shake your head. You've got to answer. Tell  
7 the jury, do you have a nickname that you go by?

8 A Ty.

9 Q Ty. All right. I'm going to turn your attention if I  
10 could back to the evening of August the 13th of 2015. It's  
11 about two years ago. Do you remember where you went that  
12 night?

13 A To the 8 Ball.

14 Q And the 8 Ball is a club?

15 A Yes, sir.

16 Q Okay. Where is the 8 Ball club located at?

17 A It's located on Beach Street.

18 Q And do you know -- who did you go there with that  
19 night?

20 A My cousin.

21 Q Okay. You need to make sure you speak up. Can you  
22 pull that a little --

23 THE COURT: Try to get close to that microphone.

24 A My cousin, Norman.

25 BY MR. SORENSON:

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1 Q All right. Whose your cousin.

2 A Norman Glover.

3 Q And who else?

4 A Kim.

5 Q And who?

6 A Kim.

7 Q And Kim. Was Kimberly Gaddis; is that right?

8 A Yes, sir.

9 Q And do you know about what time you got there that  
10 night?

11 A 9:00, 9:30.

12 Q Okay. And did you see any kind of -- let me ask you  
13 this. How did you get there that night?

14 A I rode with Kim.

15 Q Okay. And what kind of car was that?

16 A A red HHR.

17 Q Okay.

18 MR. MCCOY: Judge, I'm having a little bit of  
19 difficulty.

20 COURT REPORTER: I can't hear him either, Judge.

21 THE COURT: Mr. Bannister, can you scoot over and  
22 get real close to that microphone so we'll be able to hear  
23 you, okay?

24 A A red HHR.

25 BY MR. SORENSON:

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1 Q Okay. Is that a car or an SUV or --

2 A A SUV.

3 Q Okay. And do you remember where y'all parked?

4 A In the front of the club.

5 Q Okay. That's actually in the parking lot?

6 A Yes, sir, by the street.

7 Q Okay. And let me ask you, so you said you got there  
8 about 9:00. How long do you think -- how long were y'all  
9 there?

10 A Maybe three or four hours.

11 Q Okay. Until closing time or right around closing time?

12 A Yes, sir.

13 Q Okay. And were there any kind of problems or  
14 altercations in the club while you were there that night?

15 A No, sir.

16 Q And at some point in time did you leave the club?

17 A Yeah. I was sitting there buckle up.

18 Q And who else -- is that in Kim's car that you were  
19 sitting in?

20 A Yes, sir.

21 Q And who else was out there sitting in the parking lot?

22 A Me, Kim, and my cousin, Norman.

23 THE COURT: I'm sorry. And your cousin who?

24 MR. BANNISTER: Norman.

25 THE COURT: Okay.

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1 BY MR. SORENSON:

2 Q And that's still in the same spot, just out in front of  
3 the club in the parking lot?

4 A Yes, sir.

5 Q And at some point in time were y'all actually just  
6 sitting in the car hanging out?

7 A Yes, sir.

8 Q Okay. Now, at some point in time did you get out of  
9 the car?

10 A Yeah. To go and get a beer.

11 Q Okay. Where was the beer you were getting?

12 A In the back.

13 Q In the back?

14 A Yes, sir.

15 Q Like in the trunk?

16 A Yes, sir.

17 Q Now, tell the jury when you got out of your car, did  
18 you hear or see anything out there in the parking lot or  
19 around the 8 Ball parking lot?

20 A Yes, sir.

21 Q Tell the jury what it was that you either saw or heard?

22 A I heard somebody on the side of the club saying I'm  
23 going to run your pockets, one in the head.

24 Q Someone had made the comment I'm going to run your  
25 pockets and then one in the head?

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1 A Yes, sir.

2 Q Okay. Who was that that you heard say that?

3 A Quadrik.

4 Q Quadrik? Is that Quadrik sitting over there at the  
5 Defense table in the white shirt?

6 A Yes, sir.

7 Q You said that was over at the side of the club. If  
8 you're facing the club, what side was that?

9 A It would be the left side, facing the road.

10 Q You're facing the road?

11 A Yes, sir.

12 Q As you come out of the club, off to the left?

13 A Yes, sir.

14 Q Now, from where you were in the parking lot so you said  
15 you heard that. Could you actually see where he was from  
16 where you were?

17 A I saw just some person standing there.

18 Q Some person standing there. And describe that area  
19 over there where you heard the Defendant make those  
20 comments. What's that area like over there?

21 A On the side the barber shop.

22 Q Is there any street lights over there or any lighting  
23 over there?

24 A One street light.

25 Q One street light?

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1 A Yes, sir.

2 Q And after you heard those comments, did you hear  
3 anything else after that?

4 A Two gunshots.

5 Q Let me ask you have you heard anything in between those  
6 comments and the gunshots?

7 A No, sir.

8 Q Do you remember giving a statement to the police?

9 A Yes, sir.

10 Q Okay. I need to show you that to help kind of refresh  
11 your memory.

12 MR. SORENSON: May I approach the witness, Your  
13 Honor.

14 THE COURT: Yes, sir.

15 BY MR. SORENSON:

16 Q See where you said you heard an argument and heard a  
17 gun -- what is that?

18 A Load.

19 Q And you described that later on also as a gun being  
20 cocked; is that correct?

21 A Yes, sir.

22 Q So tell the jury, did you hear something? Does this  
23 help refresh your memory? Did you hear something in between  
24 those comments the Defendant made and the gunshots you  
25 heard?

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1 A The gun cock.

2 Q Okay. And then you said you heard two gunshots?

3 A Yes, sir.

4 Q Okay. What did you do when you heard those two  
5 gunshots?

6 A I got in the car and we left.

7 Q And Norman was in the car?

8 A Yes, sir.

9 Q Kim was in the car?

10 A Yes, sir.

11 Q Was somebody named Rock in the car also?

12 A Yeah, but he wasn't -- He was there.

13 Q He wasn't somebody that was with you otherwise?

14 A No. (Shakes head negatively.)

15 Q All right. Let me ask you when you got in the car did  
16 you say -- tell Norman something when you got in the car?

17 A I told him Quadrik shot somebody.

18 Q So you get in the car. Where did y'all go then when  
19 you got in the car?

20 A Back to my house.

21 Q Okay. So obviously you left out of the parking lot.  
22 Did you go left or right out of the parking lot?

23 A Right.

24 Q Right? Do you have any idea where he went, where the  
25 Defendant went?

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1 A (No response.)

2 Q Let me ask you, was there a guy named Tyler that was  
3 out over there around y'all also?

4 A Yeah. But he ran off from the car.

5 Q He ran off from the car?

6 A Yes, sir.

7 Q Okay. Was he in the car at the time of the gunshots?

8 A No, sir.

9 Q So he was outside of the car also?

10 A Yes, sir.

11 Q And Tyler, do you know who Tyler is?

12 A Not really.

13 Q Do you know how he's related to --

14 A No, sir.

15 Q -- Quadrik? And Michael let me ask you, at any point  
16 in time did you or any of the people that were in the car  
17 with you, either Norman or Kim, did any of y'all call 9-1-1?

18 A No, sir.

19 MR. SORENSON: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. SORENSON: That's all I have, Your Honor.

22 Thank you.

23 THE COURT: Cross-examination.

24 MICHAEL BANNISTER - CROSS-EXAMINATION BY

25 BY MS. TURNER:

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1 Q Good morning, Michael. As you've already testified on  
2 direct, you are cousins with Norman Glover; correct?

3 A Yes, ma'am.

4 Q So it's fair to say that you hang out from time to  
5 time, right?

6 A Not no more.

7 Q Okay. Well, at the time of this incident you hung out  
8 from time to time, correct?

9 A Yes, ma'am.

10 Q And so you would communicate with each other from time  
11 to time, correct?

12 A Yes, ma'am.

13 Q Would you say you mostly would text back and forth?

14 A Call, text.

15 Q Call and text. Okay. And you still maintain contact  
16 with him?

17 A Yes, ma'am.

18 Q So after the time of the shooting is it fair to say  
19 that he had texted you a couple of times?

20 A Yeah.

21 Q Okay. Do you remember him sending you a text that said  
22 Jamar called me and said that thug Quad did it?

23 A No.

24 Q You don't remember getting that text message?

25 A No.

1 Q Okay.

2 MS. TURNER: Your Honor, may I approach?

3 THE COURT: You may.

4 BY MS. TURNER:

5 Q This is a printout of text messages between you and  
6 your cousin Norman. And this shows a message that was sent  
7 from him, from Norman to you. Can you read what that says.

8 MR. SORENSON: Your Honor, I'm going to object. I  
9 mean, I don't believe that --

10 THE COURT: You have to establish a proper  
11 foundation first.

12 MR. SORENSON: I mean, he's not going to know what  
13 that piece of paper is.

14 MS. TURNER: Okay.

15 BY MS. TURNER:

16 Q So it's fair to say that you and Norman did text back  
17 and forth during this incident, afterwards, because you're  
18 cousins and you're pretty close, correct?

19 A Yeah. We talk all the time.

20 Q Talk all the time. Great. And you've previously  
21 testified on direct that there was absolutely no  
22 altercations whatsoever in the club?

23 A No.

24 Q Okay. And you were outside and you were kind of  
25 waiting to leave and at that point in time Tyler is on the

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1 outside of the car not inside the car, correct?

2 A Yes, ma'am.

3 Q Gunshots go off, correct?

4 A Yes, ma'am.

5 Q You don't see what happens though, correct?

6 A No, I don't see anyone get shot.

7 Q You don't see anyone get shot, correct?

8 A Yes, ma'am.

9 Q And so your statements that you think Quadrik did it  
10 was just based upon you saying that. You had absolutely no  
11 direct knowledge because you didn't see anything, correct?

12 A Well, I saw what he had on. He had on the same thing.

13 Q But you didn't see the shooting, correct?

14 A No, ma'am. I didn't see nobody get shot, no.

15 Q Okay. So you did not see any shooting, correct?

16 A No.

17 Q You provided two separate statements to police?

18 A I think I did.

19 Q And in your second statement --

20 MS. TURNER: And may I approach?

21 THE COURT: You may.

22 BY MS. TURNER:

23 Q You were asked a question, did you hear any other  
24 statements made during the argument? And what is your  
25 answer?

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1 A I didn't hear any.

2 Q And then you're asked do you know who said that? What  
3 is your answer?

4 A No.

5 Q So you did not hear who made that statement, correct?

6 A I heard him say it.

7 Q You said in your statement that you did not know who  
8 said that?

9 A That's the first one.

10 Q This is your second statement. And after this whole  
11 shooting we hear gunshots go off. Again, you don't think to  
12 call 9-1-1, correct?

13 A No. I went home.

14 Q I'm sorry?

15 A I went home.

16 MS. TURNER: I beg the Court's indulgence.

17 BY MS. TURNER:

18 Q And is it correct that you've been convicted of two  
19 felony gun charges in 2010?

20 A Yes, ma'am.

21 MS. TURNER: I have no further questions.

22 THE COURT: Any redirect?

23 MR. SORENSON: No, Your Honor.

24 THE COURT: You may step down, sir. Thank you.

25 MR. SORENSON: May I approach?

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1 (Off the record bench conference with counsel and the  
2 Court.)

3 THE COURT: Ladies and gentlemen of the jury, it's  
4 about 10:30. It's a good time for us to take a brief  
5 morning recess. Before we do so, the gentleman right there  
6 with the red shirt on. And what is your name, sir?

7 JUROR NO. 149: Darryl Rose.

8 THE COURT: I'm sorry.

9 JUROR NO. 149: Darryl Rose.

10 THE COURT: Mr. Rose, I'm going to appoint you as  
11 our foreperson because you're sitting in a lucky seat. You  
12 will be our foreperson. Again, please remember not to  
13 discuss this case with anyone and that includes amongst  
14 yourselves. We'll be right back with you.

15 (Jury out at 11:00 a.m.)

16 THE COURT: We'll be at ease for a few minutes.

17 Did you have something else, Mr. McCoy?

18 MR. MCCOY: Judge, briefly. I just wanted to take  
19 this up outside the presence of the jury without having to  
20 send them back out. But one of the remaining witnesses for  
21 this particular case is Ms. Westbury from the Clerk's office  
22 who will be testifying again about the conviction for the  
23 2007 strong arm robbery. And, again, Judge I would renew my  
24 objections to what we discussed previously and I would also  
25 note that to me this is an extremely prejudicial way to get

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1 in my client's record on the stand by doing this and having  
2 this person testify as to their record. I understand that  
3 that's what they're doing per this charge and that's what  
4 they have to do per the elements of the charge, but again,  
5 Judge, I've never seen this done in Court and I've been  
6 practicing law for twelve years. I've never seen anybody  
7 able to get on a witness stand and testify as to a  
8 Defendant's prior criminal record in order to prove elements  
9 of a crime.

10 So Judge I would just add and renew my previous  
11 objections to say I think it's extremely prejudicial to my  
12 client and I don't see how this doesn't have a detrimental  
13 effect on him to the jury.

14 THE COURT: Solicitor?

15 MR. SORENSON: Well, Your Honor, we've done this  
16 in front of Your Honor just this year, we had a murder case  
17 with this very same charge. It may have been a violent  
18 crime, instead of a crime of violence but still there's a --  
19 there was a separate gun charge. I mean, and I don't have  
20 any objection to working out something as opposed to calling  
21 Ms. Westbury as far as a stipulation or something, because I  
22 think that's actually what we did in that other case, I  
23 believe. Stipulating that he had a prior conviction for a  
24 crime of violence that would prohibit him from possessing a  
25 handgun.

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1 MR. MCCOY: I would prefer to do a stipulation,  
2 Judge. But, again, I still renew my previous objections.

3 THE COURT: Certainly, and your objection is  
4 noted, Mr. McCoy. But obviously it is an element of the  
5 offense for which he is indicted for, so certainly it's  
6 admissible. If you're willing to work out a stipulation so  
7 Ms. Westbury doesn't have to testify about it, I think that  
8 would certainly be appropriate as well.

9 MR. MCCOY: Thank you, Judge.

10 THE COURT: Just let me know when you're ready.

11 MR. SORENSON: Thank you.

12 (Court in recess for short break.)

13 (Court in session after short  
14 break.)

15 MR. SORENSON: We're ready.

16 THE COURT: You're ready? All right. Let's have  
17 our jury, please?

18 (Jury in at 11:15 a.m.)

19 THE COURT: Welcome back, ladies and gentlemen of  
20 the jury. We're now ready to proceed with the trial of this  
21 case.

22 (You may call your next witness.)

23 MR. SORENSON: Thank you, may it please the Court?

24 THE COURT: Yes, sir.

25 MR. SORENSON: The State calls Charles Delee.

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1 (WHEREUPON Charles Delee was sworn)

2 THE COURT: Your witness.

3 MR. SORENSON: Thank you, Your Honor.

4 CHARLES DELEE - DIRECT EXAMINATION

5 BY MR. SORENSON:

6 Q Charles, you need to make sure you keep your voice up  
7 nice and loud for us, okay?

8 A Gotcha.

9 Q All right. If you would and tell the jury, do you have  
10 a nickname that you go by?

11 A Main.

12 Q Main? All right. And I'm going to turn your  
13 attention, if I could, Charles, back to the evening of  
14 August the 13th of 2015. Did you go out to the 8 Ball Club  
15 that night?

16 A Yes, sir.

17 Q Okay. And do you know about what time you got out  
18 there that night?

19 A Maybe about 10:30, 11:00.

20 Q And how did you get there?

21 A Drove.

22 Q All right. And what kind of vehicle were you driving  
23 back then?

24 A A Cadillac.

25 Q Okay. And was it a Cadillac car or an SUV?

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1 A SUV.

2 Q Okay. And what color was that SUV?

3 A Red.

4 Q And did you go by yourself that night or was anybody  
5 with you?

6 A By myself.

7 Q Okay. Let me ask you now, the Defendant in this case,  
8 Quadrik Willis, do you know Mr. Willis?

9 A Yes, sir.

10 Q How do you know Mr. Willis?

11 A He's family.

12 Q Okay. Is he your cousin?

13 A Yes.

14 Q Okay. So you've known him basically your entire life?

15 A Yes, sir.

16 Q All right. Now, that night at the 8 Ball Club, do you  
17 recall were there any altercations or arguments or  
18 situations that you observed out there that night?

19 A I really do not know altercations or arguments.

20 Q Were you aware at any point in time of somebody losing  
21 a cellphone?

22 A Yeah, I heard someone say something about a cellphone  
23 missing.

24 Q Okay. All right. Now, at some point in time obviously  
25 you left that night?

1 A Uh-huh. (Affirmative response.)

2 Q Okay. Do you know about what time that was you left?

3 A I couldn't say the exact time. I know it was around  
4 closing.

5 Q Okay. All right. And did you -- when you left the  
6 club, did you immediately get in your SUV and leave the  
7 club?

8 A Not immediately.

9 Q Okay. Where -- did you go out and get in your vehicle?

10 A I was, you know, intoxicated and I walked outside,  
11 smoke a cigarette and I had to get myself together before I  
12 actually left.

13 Q Okay. And did you see the Defendant outside?

14 A I can't say exactly I seen him outside. There was a  
15 couple people to my left when I walked out the door. And  
16 somebody to my right when I walked out the door.

17 Q Okay. All right. And had you still seen him out  
18 there, though at the end of the night?

19 A To be exactly, I can't say I exactly seen him. I know  
20 he was there earlier, but not exactly -- I can't say for  
21 sure when I left.

22 Q Okay. All right. And ultimately did you eventually  
23 get in your vehicle?

24 A Yes.

25 Q Okay. Where was it that you -- did you move your

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1 vehicle anywhere or did you go get it in where -- pretty  
2 much where --

3 A I sat in it for a while, five minutes, before I left.

4 Q Okay. Where was that at that your vehicle was?

5 A I want to say it mostly like directly right in front.

6 Q Okay.

7 A In the parking lot.

8 Q Okay. In the parking lot or outside of the parking  
9 lot?

10 A In the parking lot.

11 Q Okay. All right. And did you move your car anywhere?

12 A No. The only time I moved it when I left.

13 Q Okay. All right. And tell the jury, at some point in  
14 time did something happen out in the parking lot when you  
15 were in the vicinity of the 8 Ball Club?

16 A I guess you could say when I was sitting in there  
17 smoking a cigarette, I heard a shot go off and I cranked my  
18 car up, proceeded to leave, that was it.

19 Q So you proceeded to leave the 8 Ball Club?

20 A Yes, sir.

21 Q Okay. And did anybody get in the car with you?

22 A No.

23 Q Anybody come up to your car as you were leaving?

24 A Someone came up and like tapped up on the back end.  
25 But, you know, I didn't -- I heard the shots so I looked

1 back and kept going.

2 Q Okay. So you heard somebody tap on your window and you  
3 looked back. So did you see who it was?

4 A I can't say exact who it was.

5 Q All right. Did you see if that person had anything in  
6 their hands?

7 A Like I said, I was really intoxicated but, you know,  
8 they could have had something in their hand.

9 Q Okay. All right. And let me ask you this. Did you  
10 see anybody else running by your car out there that night?

11 A Yes. I can't remember his name exactly. It was a  
12 white guy running straight past me as I was leaving out the  
13 parking lot.

14 Q All right. Okay. And do you remember giving a -- you  
15 gave a couple of statements to law enforcement, didn't you,  
16 Mr. Delee?

17 A Yes.

18 Q And the first one you gave was back on August the 18th  
19 of 2015, a couple of days after this incident happened; is  
20 that correct?

21 A I guess so.

22 Q Okay. And correct me if I'm wrong, but in that  
23 statement you told the police that you were gone long before  
24 the shooting occurred; is that correct?

25 A Yes.

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1 Q And that's not the truth, right?

2 A No, cause I didn't want to get involved in it.

3 Q Okay. And ultimately you ended up getting charged as a  
4 result of that with obstruction of justice; is that correct?

5 A Yeah.

6 Q And do you have a -- and that charge is still pending;  
7 is that correct?

8 A Yes.

9 Q You have a lawyer on that charge; is that correct?

10 A Yes.

11 MR. SORENSON: I beg the Court's indulgence one  
12 second.

13 BY MR. SORENSON:

14 Q Mr. Delee, I want to ask you because obviously -- so  
15 your testimony today in front of this jury is that you don't  
16 know who it was that ran up to your car?

17 A I don't want to say exact -- I don't want to say that  
18 it was somebody and it actually wasn't. You know, I don't  
19 -- I can't say exactly.

20 Q Okay. So today your testimony is you can't say exactly  
21 --

22 A No.

23 Q -- is that right? And your testimony is also that the  
24 person may have had something in their hand --

25 A Yes.

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1 Q -- but you're not sure; is that correct?

2 A Correct.

3 Q Okay. Now, that is not what you've told law  
4 enforcement prior to this; is that correct?

5 A Correct.

6 Q Okay. And I want to go over that with you at this  
7 point in time.

8 MR. SORENSON: Can I mark this for --

9 THE COURT: You may.

10 MR. SORENSON: -- I.D. purposes.

11 COURT REPORTER: State's 22 for I.D.

12 (State's Exhibit No. 22, Charles  
13 Delee statement, was marked for I.D.)

14 MR. SORENSON: May I approach the witness, Your  
15 Honor.

16 THE COURT: Yes, sir.

17 BY MR. SORENSON:

18 Q All right. Mr. Delee, now in this statement on  
19 September 1st of 2015, and that was given to Detective  
20 Peters here; is that correct? Sitting right here. He's one  
21 of the people you were talking to?

22 A I believe so.

23 Q All right. And looking at kind of that first paragraph  
24 you reference there -- well, what do you tell law  
25 enforcement? If you go down one, two, three, four, five,

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1 six, seven lines. It says then I heard shots, looked around  
2 and started car to drive off, I was leaving out, correct?

3 A Uh-huh. (Affirmative response.)

4 Q -- of the parking lot. Someone started hitting the  
5 back of the car --

6 MR. MCCOY: Objection, Judge. He's just reading  
7 the statement. I would ask if there's a question in there.

8 THE COURT: Sustained.

9 MR. SORENSON: All right.

10 BY MR. SORENSON:

11 Q What did you tell law enforcement back then?

12 A I only said that because when I first--

13 Q Okay. Answer my initial -- my initial question and  
14 then you can explain if you need to.

15 A Uh-huh. (Affirmative response.)

16 Q What did you tell on September 1st of 2015?

17 A Yeah. That I saw -- someone did come to the back of  
18 the car.

19 Q Did you tell them in that first little narrative, that  
20 first little paragraph --

21 A And that -- I told them how someone hit the back of the  
22 car. I stopped and then pulled off because I saw a gun.

23 Q So in that first -- in that paragraph at the front,  
24 that's your handwriting, right?

25 A Yeah, that's me.

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1 Q All right. So you tell them that you saw a gun  
2 initially, right?

3 A Uh-huh. (Affirmative response.)

4 Q Okay. Then they do a little bit of a question and  
5 answer session with you, right?

6 A Yes.

7 Q Kind of on the bottom of that first page and onto the  
8 second page; is that correct?

9 A Uh-huh. (Affirmative response.)

10 Q All right. And did you tell them back on September  
11 5th, some two weeks after this incident, did you tell them  
12 who was hitting your car?

13 A Yeah. The only reason I did that is because before I  
14 even wrote a statement they already been telling me -- the  
15 officers already telling me that they have at least thirty  
16 witnesses saying that they saw this person come to my car.  
17 So I didn't feel after -- like I didn't want to be the only  
18 person, you know, standing out saying that's -- you know the  
19 opposite.

20 Q Well, that's your cousin you've known all your life,  
21 right?

22 A Uh-huh. (Affirmative response.)

23 Q Well, here's my question -- was one of the questions  
24 that you were asked was who was hitting your car? Were you  
25 asked that question back on September 5th?

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1 A Uh-huh. (Affirmative response.)

2 Q And in your handwriting, what did you tell the police?

3 A Yes, exactly. I said that person.

4 Q Quadrik, right?

5 A Yes.

6 Q Okay. And when you were asked the question what did  
7 Quadrik have in his hand? And in your handwriting, what did  
8 you write?

9 A Exactly. I'm writing exactly because I felt, you know,  
10 that I was pressured -- being pressured to say this, you  
11 know, because I'm already -- get, like thirty -- they saying  
12 they got thirty people, witness, already saying that they  
13 see him come to my car with a gun.

14 THE COURT: Mr. Delee, you need to answer the  
15 question and then you can explain it. If he ask a question,  
16 answer the question.

17 A Okay. Repeat your question?

18 BY MR. SORENSON:

19 Q The question was what did you tell the police when they  
20 asked -- wrote down the question. What --

21 A That I said it was him.

22 Q And then the next question, what did Quadrik have in  
23 his hand? What is your answer?

24 A I said a gun.

25 Q A gun. And then the next question, describe the gun?

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1 Yet, again, in your handwriting, what's the description?

2 A (Witness pauses)

3 Q You see where I'm at?

4 A Not long, dark color.

5 Q Not too long handgun, dark color; right?

6 A Correct.

7 Q Yet again that's your handwriting, right?

8 A Okay.

9 Q Right?

10 A Yes.

11 Q Okay. Next question, did Quadrik say anything to you?

12 A No --

13 Q What was your answer? What did you tell the police?

14 A Like I said the first time, somebody tapped on the  
15 window and said like hey, hey.

16 Q Hey, hey, hey?

17 A Yeah.

18 Q Okay. Then asked the question, the next question did  
19 you stop for him?

20 A No.

21 Q What is your answer?

22 A I stopped. I stopped to see and then I saw whatever it  
23 was in their hand, the gun and kept driving off.

24 Q I did stop to see who it was, then saw the gun and kept  
25 driving off. Correct? I mean, that's your handwriting,

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1 right?

2 A Correct.

3 Q It's your testimony that all that, that they pressured  
4 you into writing that about your cousin?

5 A I even wrote a statement -- excuse me -- I already got  
6 like, they was telling me, thirty people already saying they  
7 see him come to my car with a gun. You know, I felt like,  
8 you know, I ain't never been in nothing like this here  
9 before, so I felt like I couldn't, you know, be the only  
10 person to go the opposite direction and saying something  
11 different. I ain't wanting nothing to do with it, so I went  
12 along with it. I figured that would have been the end of  
13 it.

14 Q Okay. So you went along -- so that's the reason why  
15 you said that you saw Quadrik Willis run up to your car and  
16 you saw Quadrik Willis with a gun; is that -- that's your  
17 answer?

18 A Yes. Like I said I was -- I couldn't really see who it  
19 was. I was, I was really intoxicated.

20 Q Okay. This is all in your handwriting, correct?

21 A Yes.

22 Q The answers -- the initial narrative and the answers;  
23 is that correct? Your handwriting?

24 A Correct.

25 Q They didn't write it down for you. They let you write

1 it?

2 A I was intoxicated when I wrote this statement.

3 Q Okay. Intoxicated today?

4 A No.

5 Q Let me ask you this Mr. Delee.

6 A Yes, sir.

7 Q As I said at the beginning you got charged with  
8 obstruction of justice; is that correct?

9 A Yes, sir.

10 Q Okay. And you had an opportunity last week in your  
11 lawyers office with your lawyer present, with your lawyer's  
12 investigator present, with me present, Mr. Templeton present  
13 and my investigator --

14 A Uh-huh. (Affirmative response.)

15 Q -- to sit down and talk to us about this; is that  
16 correct?

17 A Yes.

18 Q Okay. And given the fact that you said just a week ago  
19 that it was Quadrik Willis that ran up and knocked on your  
20 car window, you just weren't sure what was in his hand?

21 A (Witness pauses)

22 Q Answer my question and then you can explain it. Is  
23 that not what you told all of us, your lawyer --

24 A That wasn't the exact words.

25 Q So you deny the fact that you said a week ago that it

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1 was Quadric4k Willis that came up and knocked on --

2 A You asked me the question that was on the statement I  
3 wrote and I answered it.

4 Q Okay.

5 A Was that what it was? And I said yes, that's what was  
6 on the statement.

7 Q So you deny being asked, I mean, basically what --

8 A No, you did. You did. You asked me that question that  
9 was on the statement already.

10 Q Went over your statement with you --

11 A Yes. And you just asked me the same question.

12 Q -- went over what basically you were going to testify  
13 about. I mean, what you -- your story is now; is that  
14 correct?

15 A I'm basically telling the truth.

16 Q So do you deny last week telling us that it was Quadrik  
17 Willis that ran up and knocked on your car that night after  
18 you heard the shots. That's a yes or no question? Do you  
19 deny --

20 A That's what --

21 Q I understand that's what's in the statement. That's  
22 not my question, Mr. Delee.

23 A Okay.

24 Q Last week when we sat down in your lawyer's office --

25 A Uh-huh. (Affirmative response.)

1 Q -- your lawyer was present, his investigator present --

2 A Uh-huh. (Affirmative response.)

3 Q Okay. Do you deny telling us that it was Quadrik  
4 Willis that came up and knocked on your window after you  
5 heard that gunshot?

6 A No, because the question wasn't really asked like that.

7 Q So you deny telling us that --

8 A No.

9 Q -- that that's what happened?

10 A No, I -- you asked me the questions throughout the  
11 statement. I told you yes, I wrote the statement. It  
12 wasn't really no more -- you didn't really -- like how  
13 you're coming at me with the question now, you didn't do the  
14 same thing.

15 Q Okay. So you deny -- It's just, I mean, yes or no. I  
16 mean, you still haven't answered this. You deny telling all  
17 of us in your lawyer's office last week that Quadrik came up  
18 and tapped on the car for a ride, that you weren't sure --  
19 but you weren't sure what was in his hand.

20 A I wasn't sure.

21 Q That you couldn't say it was a gun, you weren't sure?

22 A I wasn't sure if it was a gun. I wasn't even sure -- I  
23 can't identify and say that I actually see his face.

24 Q And that's your cousin that you've known all your life,  
25 right?

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1 A Basically all my life. Not the younger years.

2 MR. SORENSON: What number is that, 21, 22? At  
3 this time we'd offer State's 22 into evidence.

4 THE COURT: Any objection?

5 MR. MCCOY: Judge, I'd object and I'd like to  
6 approach, please.

7 THE COURT: Okay.

8 (Off the record bench conference with counsel and the  
9 Court.)

10 THE COURT: Number 22 is in.

11 (State's Exhibit No. 22, Charles  
12 Delee statement, was marked and entered.)

13 BY MR. SORENSON:

14 MR. SORENSON: Thank you. May I approach the  
15 witness?

16 THE COURT: Yes, sir.

17 BY MR. SORENSON:

18 Q So just so we're clear, Mr. Delee --

19 MR. SORENSON: So this is State's Exhibit No. 23.  
20 If you'll mark that?

21 (State's Exhibit No. 23 was marked  
22 for I.D.)

23 BY MR. SORENSON:

24 Q Just so we're clear. This was given on September 1st,  
25 2015; is that right?

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1 A That's what it says, yes, sir.

2 Q And this part right here where my, where my fingers are  
3 right there, in between my pointer finger and my thumb,  
4 that's all your handwriting; is that correct?

5 A Yes, sir.

6 Q And then there's questions and your answers. And the  
7 Q's say Sergeant D. Peters. And after A, it says Charles  
8 Delee; is that correct? And they're a different color ink  
9 also, right?.

10 A Correct

11 Q So the red ink -- you look over it. The blue ink is  
12 all your handwriting; is that correct?

13 A Yes, sir. It's the same one.

14 Q That's what you just had up here was --

15 A Yeah.

16 Q So the blue ink is all your handwriting?

17 A Yes, sir.

18 Q And you never called the police that night, Mr. Delee?

19 A No.

20 Q And the white guy that you saw, that you -- that's in  
21 your statement here at the bottom, at the bottom of the  
22 second page the question, what else did you see when you  
23 drove off? And your answer was some white guy came running  
24 by my car. And you even testified about that a little while  
25 ago. Did you see where he went?

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1 A From the way it looked, it looked like he ran right  
2 straight across to the street and jumped in the woods.

3 Q Okay. Were there other cars out there at the time?

4 A Yes, sir.

5 Q Okay. About how many other cars you think were out in  
6 the parking lot --

7 A It wasn't many, maybe about three; three or four.

8 Q Just so we're clear, the Quadrik that's in this  
9 statement, that's him you're talking about, right?

10 A Yes, sir.

11 MR. SORENSON: That's all I have, Your Honor.

12 THE COURT: Cross-examination?

13 MR. MCCOY: Thank you, Judge. May it please the  
14 Court?

15 THE COURT: Yes, sir.

16 MR. MCCOY: If you would pre-mark this, please,  
17 Defendant's Exhibit for I.D. purposes only No. 3.

18 COURT REPORTER: You want it all marked together?

19 MR. MCCOY: Yes, ma'am. It's the statement --  
20 it's one statement.

21 COURT REPORTER: Do you want me to staple it  
22 together?

23 (Defendant's Exhibit No 3,  
24 statement, was marked for I.D.)

25 CHARLES DELEE - CROSS-EXAMINATION

1 BY MR. MCCOY:

2 Q Mr. Delee how are you today?

3 A Could be a lot better?

4 Q If you could, I know you've been up there a little  
5 while now. I still need to make sure you speak up and  
6 everybody can hear, especially the court reporter and the  
7 jury okay?

8 A Yes, sir.

9 Q Mr. Delee, I want to start with a couple of things with  
10 you. Isn't it true in 2004 you were convicted of an assault  
11 and battery of high and aggravated nature as well as  
12 possession with intent to distribute crack cocaine?

13 A Yes, sir.

14 Q And then again in 2011 you were convicted of giving  
15 false information to police; is that correct?

16 A Yes, sir.

17 Q And then in 2013 you were also convicted of a bank  
18 fraud; is that correct?

19 A Yes, sir.

20 Q And you've also been charged in this case, correct?

21 A Correct.

22 Q And are you aware that obstruction of justice is a  
23 felony that carries ten years in prison?

24 A Yes, sir.

25 Q Okay. We heard you testify that you know Quadrik

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1 Willis. We heard you testify that he's a family member of  
2 sorts?

3 A Yeah.

4 Q Can you describe that family relationship, please?

5 A You know, in all my younger days I ain't seen too much  
6 of him. I started mostly seeing him more like around my  
7 teen years, more adult age.

8 Q Okay. And obviously the prosecution is making a big  
9 deal about that, you being related to him. But we're here  
10 to do one thing and that's to tell the truth; is that  
11 correct?

12 A Yes, sir.

13 Q And we're here to tell the truth about what happened on  
14 August the 13th going into August the 14th night of 2015; is  
15 that correct?

16 A Yes, sir.

17 Q In your first statement, which I've had marked for  
18 Defendant's I.D. purposes only, you gave this statement on  
19 8/18 of 2015; is that correct?

20 A I can't remember exactly.

21 Q A few days after the incident happened?

22 A Yes, sir.

23 Q Did you go down to the station and give this statement  
24 yourself? How were you approached by the police?

25 A I'm going to say -- I can't remember if it was the

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1 first time I went or the second time I went. You know it  
2 has been aggression. You know, I ain't --

3 Q What do you mean by that? What --

4 A You know --

5 Q Listen I -- and I just want you to take it slow and  
6 easy because I wasn't there.

7 A Uh-huh. (Affirmative response.)

8 Q These jurors weren't there and so we're trying to catch  
9 up with where you are and what's going on. So I asked you a  
10 simple question, which was, number one, how did you first  
11 come to learn that the police wanted to talk to you?

12 A Through other people that they've -- I guess like  
13 already talked to or something like that. I can't remember  
14 exactly.

15 Q Okay. Well, did you contact them after you heard that?

16 A Yes, sir.

17 Q And what did you do?

18 A Went -- came in there to see them.

19 Q You went down to the police station?

20 A Yes, sir.

21 Q And you gave a statement. And it was a few days -- you  
22 don't know the exact date, but it was a few days after the  
23 incident occurred; is that correct?

24 A Correct.

25 MR. MCCOY: Judge, may I approach the witness?

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1 THE COURT: You may.

2 BY MR. MCCOY:

3 Q Mr. Delee, I want to show you what's called -- or  
4 what's been marked, sorry -- as Defendant's Exhibit No. 3  
5 for identification purposes only. Can you take a look at  
6 that and tell me what that is?

7 A It look like the statement.

8 Q So that's the first statement you gave?

9 A Okay.

10 Q And did you sign that statement?

11 A Yes, sir.

12 Q Okay. Were you given your Miranda rights when you gave  
13 that statement?

14 A I couldn't really remember that, I couldn't.

15 Q But this is a fair and accurate representation of the  
16 first statement you gave to police a few days after the  
17 incident occurred?

18 A Yes.

19 MR. MCCOY: Judge, at this time, I would move  
20 Defendant's Exhibit 3 into evidence.

21 THE COURT: Any objection?

22 MR. SORENSON: No objection.

23 THE COURT: All right. It's in.

24 (Defendant's Exhibit No. 3,  
25 statement, was marked and entered.)

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1 BY MR. MCCOY:

2 Q So Mr. Delee, we're here to find the truth. We're here  
3 to learn the truth. Did you tell the truth in your first  
4 statement to police?

5 A It might have been something that was off in there.

6 Q There may have been some things that are off?

7 A I couldn't -- I couldn't -- right now, I couldn't even  
8 tell you -- I don't even remember what I wrote.

9 Q Well, do you want to take a look at it and read it?

10 A That's fine.

11 Q Okay.

12 MR. MCCOY: Judge, may I approach again?

13 THE COURT: Yes, sir.

14 MR. MCCOY: Thank you.

15 BY MR. MCCOY:

16 Q Take as much time as you need, okay?

17 A All right. Yes, sir. (Reads statement) Yeah.

18 Q Are you familiar with that statement again?

19 A Yes, sir.

20 Q Are you familiar with what you said in that statement?

21 A Yes, sir.

22 Q So is what you've said in that statement true or is it  
23 false?

24 A No, I actually did when I left from the -- I actually  
25 did go back to my sister's house and ended up going to a

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1 friend house.

2 Q Okay. But did you tell them in that first statement  
3 that you heard shooting, heard a shot, were around when the  
4 shooting occurred. Did you tell them that in the first  
5 statement?

6 A Not in the paragraph, no.

7 Q Okay. Let me ask you this. After you gave that first  
8 statement, did you have any other interaction with police?

9 A After this statement?

10 Q Yes, sir.

11 A When they wanted me to come back.

12 Q When they wanted you to come back. And how did you  
13 learn that they wanted you to come back?

14 A They called me.

15 Q Okay. And what did they say to you?

16 A They wanted me to come in and ask me more questions.

17 Q All right. And what did you do?

18 A I went down there to see what they wanted to talk  
19 about.

20 Q Had you been charged at that point with obstruction of  
21 justice?

22 A They actually did that day.

23 Q They actually did that day?

24 A Yes, sir.

25 Q When you sat down to give your second statement, number

1 two, which has already been admitted by the prosecution,  
2 were you threatened with being charged with obstruction of  
3 justice at that time?

4 A When I first went they tried to charge me with the  
5 homicide.

6 Q Okay.

7 A And then when I went on the second one, that's when  
8 they brought the obstruction of justice.

9 Q Did they tell you at any point in time that you need to  
10 write this second statement and say this or else we'll  
11 charge you with obstruction of justice?

12 A I couldn't say that. You know, they just got to me  
13 because, you know, they walked out the room, came back --

14 Q Now, say that -- slow down now. Say it again. I  
15 didn't understand what you said?

16 A You know what I'm saying they didn't -- couldn't --  
17 didn't actually say it.

18 Q Okay.

19 A But, you know, they walked out of the room, came back  
20 in with all seven detectives, you know, sitting around me to  
21 write this next statement. So, I'm like, you know, I wonder  
22 like why is that. Even when I had my sister be here, you  
23 know, they sat her down on the floor just to get the car  
24 keys from her.

25 Q Now, I want to make sure I understand, okay? I'm just

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1 -- I'm trying to follow it. I'm not trying to slow down  
2 what you're doing?

3 A Uh-huh. (Affirmative response.)

4 Q But you went in to give the second statement?

5 A Uh-huh. (Affirmative response.)

6 Q They made you sit and they made you wait. You got a  
7 ride from a sister?

8 A Yeah. My sister --

9 Q Okay. And when you got down there, there were seven  
10 detectives that were in the room?

11 A No, at first -- first thing, as soon as I walked  
12 through the door, the first thing they did was ask for the  
13 keys to the car.

14 Q Okay.

15 A So I gave them to my sister and my sister didn't want  
16 to give them to them because the car was in her name.

17 Q Okay.

18 A So she didn't want to give them to them, so they  
19 wrestled her down to the floor just to get them out of her  
20 hand. And then I told her, you know, just go ahead and give  
21 them to them, because they -- I don't see why they wanted  
22 them, but they got them. And they kept the -- they kept the  
23 car for a few days.

24 Q So they physically wrestled your sister down --

25 A Yes, sir.

1 Q -- in the police to take keys away from her?

2 A Yes, sir.

3 Q Okay. And then you told her just give them the keys.

4 A Yes, sir.

5 Q And they kept the car for several days?

6 A Yes, sir.

7 Q All right. Now, moving on here. What I'm really  
8 trying to get at here is when you gave this second  
9 statement, were there multiple police officers there. I  
10 mean, you said one time seven.

11 A Yes, sir.

12 Q Now, that's what I'm trying to understand.

13 A It was about six or seven. Yes, sir.

14 Q Okay. And what did they say to you?

15 A The other ones that came in the side, the two  
16 detectives that was mainly talking to me, then the others  
17 then they didn't really say anything.

18 Q Okay. Did they initiate or did they say to you that  
19 they have evidence on Quadrik Willis? Did they tell you we  
20 have information on Quadrik Willis?

21 A They basically saying -- that's like when I learned,  
22 you know, like they saying they already have witnesses  
23 saying that they see this and they done see that. They done  
24 got statements from people and stuff like that. Because,  
25 me, I ain't even -- I didn't receive any paperwork or

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1 nothing or anything.

2 Q Did they tell you they had statements saying Quadrik  
3 had done this?

4 A They had statements saying that.

5 Q Okay. And they told you they had eyewitnesses that  
6 said Quadrik had done this?

7 A The eyewitnesses saying that -- they didn't say that.  
8 They said they had eyewitnesses saying that they saw him  
9 come to my car and stuff like that.

10 Q Okay. And that's just in relation to the car scenario?

11 A Yes, sir.

12 Q Okay. And then you give this second statement,  
13 correct?

14 A Yeah.

15 Q After that point in time, when did you get charged?

16 A Right then and there.

17 Q Right then and there they charged you?

18 A Yes, sir.

19 Q How long did you stay in jail before you bonded out on  
20 this charge?

21 A About three months.

22 Q About three months?

23 A I couldn't get out.

24 Q Okay. During that three months obviously you were  
25 given a lawyer in this case; is that correct?

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- 1 A Yes, sir.
- 2 Q And that lawyer is helping you through these charges?
- 3 A Yes, sir.
- 4 Q Is there any hope that you have that testifying here  
5 today will help you with your obstruction charges?
- 6 A I hope it will, you know, but I ain't nothing I'm doing  
7 has really helped me with my charges.
- 8 Q Okay. But you hope. You believe there's a hope.  
9 There's always a hope?
- 10 A Yeah.
- 11 Q Have you been promised anything for your testimony here  
12 today?
- 13 A No, sir.
- 14 Q I want to take you back to that night, Mr. Delee.
- 15 A Uh-huh. (Affirmative response.)
- 16 Q You testified that you went to the 8 Ball alone; is  
17 that correct?
- 18 A Correct.
- 19 Q And when you got there, how many people were there?
- 20 A I couldn't say exactly.
- 21 Q I mean, was it a normal night, crowded night or was it  
22 --
- 23 A It was crowded.
- 24 Q Okay. When you say crowded, how many?
- 25 A (Witness pauses)

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1 Q Thirty?

2 A No. It was about fifty.

3 Q Okay. Inside the club?

4 A Yeah.

5 Q People hanging out both inside and both outside?

6 A Yes, sir.

7 Q Did you know people who were at the club that night?

8 A Yes, sir.

9 Q Tell me who you knew that was there?

10 A So many --

11 Q If you can't list every name, that's okay. I just want  
12 to make sure. Were there -- were there familiar faces to  
13 you?

14 A Yes, sir.

15 Q Okay. Can you tell me at least some of those familiar  
16 faces?

17 A Oh, I had some cousins. There's a female, Shaquanda.  
18 My cousin and her boyfriend, Kawon. We had a Monty.

19 Q Who?

20 A I think it's a Monty.

21 Q Monty. Okay. I'm sorry. Misunderstood.

22 A And his son. The bartender, the owner, George. Too  
23 many there I can see.

24 Q I got you. It's okay. I'm trying to establish that  
25 you knew some people there. It wasn't like you were by

1 yourself?

2 A Uh-huh. (Affirmative response.) I mean I came by  
3 myself.

4 Q But that you knew people?

5 A Yes, sir.

6 Q Inside the bar once you got there, were you socially  
7 interacting with people both inside and out?

8 A No, I ain't never leave. When I came in, I didn't go  
9 back out until I leave, until I was leaving.

10 Q Okay. Were you drinking alcohol or using any sort of  
11 drug that night?

12 A No, no drugs. Just alcohol.

13 Q Okay. And how much do you think you had to drink that  
14 night?

15 A Maybe about twelve shots, about six beers.

16 Q Okay. And when you say shots, you're talking liquor  
17 and not any kind of beer; is that correct?

18 A Yes, sir.

19 Q Okay. And then you had a handful of beers, maybe six  
20 beers; is that correct?

21 A Yes, sir.

22 Q Is this a normal occasion for you or is this -- I mean,  
23 are you pretty intoxicated at this point?

24 A No, it was just basically because I was going out. We  
25 was actually going to celebrate for Monty's son's birthday.

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1 Q Okay. But is it safe to say you were intoxicated that  
2 night?

3 A I was.

4 Q Okay. When the last call comes, when you start heading  
5 outside, is there anybody -- and you get into your car. You  
6 testified on direct that you kind of wanted to collect  
7 yourself and smoke a cigarette before you drive anywhere; is  
8 that correct?

9 A Correct.

10 Q And you were going to drive in this intoxicated state;  
11 is that correct?

12 A I ain't have no choice at the moment.

13 Q Well, you always have a choice. But, you know --

14 A Yeah.

15 Q But that's what you were planning to do?

16 A Yes, sir.

17 Q Okay. So you collect yourself, you're sitting in the  
18 car. Do you have your doors open?

19 A The one door open.

20 Q Okay. Is anybody sitting in there with you?

21 A No.

22 Q Do you have the car on?

23 A No, after I finish -- well, I smoked a cigarette  
24 outside and then I sat in the car. I still had a little bit  
25 of drink in my cup and I finished that, and then I cranked

1 the car up.

2 Q Okay. Are you listening to music while you're sitting  
3 outside there smoking a cigarette?

4 A No.

5 Q Okay. Describe to the jury how many people you think  
6 are outside, while you're sitting in the car, once last call  
7 starts to happen?

8 A I'd say about how many around the door, maybe about  
9 five people. And in front of me, like -- they was like  
10 right up under the street light, there was another red car  
11 there. And maybe about three or four people was there,  
12 because two people was standing outside that car.

13 Q Okay.

14 A It looked like they was talking to somebody inside.

15 Q At any point in time did you move your car and back it  
16 into any sort of driveway on Gum Street?

17 A No.

18 Q Okay. When the incident happened, is your testimony  
19 here today and the truth here today that you were sitting in  
20 the car?

21 A Sitting in the car in the parking lot. Yes, sir.

22 Q Okay. Did you have a pistol or a firearm on you at all  
23 that evening?

24 A No.

25 Q Did you see Quadrik with a pistol or firearm at all

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1 that evening?

2 A No, I didn't.

3 Q Did you see anybody inside the club or outside the club  
4 with a pistol or a firearm?

5 A No, sir.

6 Q Did you see anybody get into a verbal or physical  
7 altercation, either inside or outside of the club?

8 A I just heard about, heard about some detail about a  
9 phone missing. No, I didn't see any altercation at that  
10 time.

11 Q Did you see any altercation?

12 A No, sir.

13 Q Okay. And your testimony today, here today --

14 A Uh-huh. (Affirmative response.)

15 Q -- and it may be different from the statements you've  
16 given previously -- is that once you heard that initial  
17 shot, you start your car --

18 A Uh-huh. (Affirmative response.)

19 Q -- you shut your door, and you're leaving; is that  
20 correct?

21 A Correct.

22 Q And then you hear a tap on your car?

23 A Uh-huh. (Affirmative response.)

24 Q Where is the tap?

25 A Like on the back side of the car.

- 1 Q On the back side of the car.
- 2 A Yes, sir.
- 3 Q Is it on the back side passenger side or driver's side?
- 4 A On the driver's side.
- 5 Q Okay. And you're in a -- you testified an SUV,  
6 correct?
- 7 A A small SUV, yes, sir.
- 8 Q A small SUV. And this tap is coming on the back window  
9 or is it a side window?
- 10 A Like I said, like the side.
- 11 Q Okay. And you say, and you've testified that you  
12 looked back. Do you do that from a rearview mirror, a side  
13 view mirror or with your head?
- 14 A No, it was just like a -- with my head.
- 15 Q Are you windows tinted?
- 16 A Yes, sir.
- 17 Q I mean, is there lighting in this parking lot?
- 18 A Barely.
- 19 Q Okay. So you look back, a gunshot's just happened,  
20 people are leaving, okay?
- 21 A Uh-huh. (Affirmative response.)
- 22 Q We've heard that testimony already. And you do a quick  
23 glance or do you stop and look?
- 24 A It was more like a quick glance where, you know, I kind  
25 of -- I wasn't going that fast already not to leave out the

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1 parking lot. I wasn't going that fast leaving out the  
2 parking lot because, like when I did the look back and  
3 turned back around, that's when I saw the guy, the white guy  
4 running past me and ran straight across the street.

5 Q Okay. And in this glance after twelve shots and six  
6 beers, you gave a statement that you think it was Quadrik?

7 A I only did that because, you know, like I said when I  
8 went to give the statement they already said that they had  
9 other, you know, statements saying people said that they  
10 seen him come to my car and stuff like that. I didn't want

11 --

12 Q Listen, I understand that. I understand what you're  
13 saying, okay. But you've got to understand the position  
14 that Mr. Willis is in right now, okay?

15 A I understand.

16 Q He's facing the most serious crime --

17 A I know.

18 Q -- South Carolina has on the books. He's facing life  
19 in prison.

20 MR. SORENSON: Objection, Your Honor.

21 THE COURT: Sustained.

22 MR. SORENSON: Move to strike that.

23 THE COURT: That last statement will be stricken.

24 You're not to consider that ladies and gentlemen of the  
25 jury.

1 MR. MCCOY: Thank you, Judge.

2 BY MR. MCCOY:

3 Q I want the truth here today, okay?

4 A Yes, sir.

5 Q I want the truth.

6 A Yes, sir.

7 Q Are you certain that you saw Quadrik Willis when you  
8 glanced over your shoulder behind the car?

9 A I can't be for sure.

10 Q Are you certain that whoever you saw in that glance,  
11 did you see a handgun in that person's hand?

12 A No, that's what I tried to explain to them the last  
13 time, also, that it could have and it couldn't have been.

14 Q Are you aware that there is testimony that -- or there  
15 are statements that are out there that have you shouting  
16 things out after this homicide occurs?

17 A No.

18 Q Have you been told that you allegedly shout go ahead  
19 and lay them down?

20 A No.

21 Q I mean, did you make that statement?

22 A No, sir.

23 Q Did you witness this shooting?

24 A No, sir.

25 Q Mr. Delee, another issue that I have. Are you aware

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1 that your cellphone number was subpoenaed the day after this  
2 happened?

3 A Uh-huh. (Affirmative response.)

4 Q And you're aware that the sheriff's office wanted to  
5 get a hold of your cellphone records?

6 A Okay.

7 Q And do you realize they had to scratch their first  
8 subpoena and get their second subpoena because you had shut  
9 off your cellphone the day of the murder. Do you realize  
10 that?

11 A No, sir.

12 Q Well, can I ask you something. Why did you shut your  
13 phone off, not pay your bill or re-up your minutes. Why did  
14 you shut your cellphone off the day the murders happened?

15 A I can't really -- It is something I always do. And if  
16 you still check to this day, I probably have a different  
17 number like every three months.

18 Q So there's no coincidence whatsoever that you're in a  
19 club that night --

20 A Uh-huh. (Affirmative response.)

21 Q -- with people you know. A shooting happens. Not only  
22 a shooting happens but two people are killed. There is  
23 testimony or statements that are out there that say you yell  
24 out lay these people down. And -- let me finish. And you  
25 change and shut off your cellphone service the day of the

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1 murder. Is there no coincidence there?

2 A I wasn't -- there's no coincidence, but I wouldn't see  
3 why my cellphone would have anything to do with it.

4 Q You don't see why a cellphone has anything to do with  
5 this?

6 A Not mine.

7 Q And you don't find it unusual -- and, you know, I don't  
8 personally do this but I, you know, I understand that you  
9 testified that you do change cellphone numbers and change  
10 providers regularly. But you don't find anything unusual  
11 about the fact you did this day of the murder?

12 A Since you said that yes, it do sound kind of awkward,  
13 at that time. Yes.

14 Q But you're telling this courtroom today, you're telling  
15 this jury here today that you didn't yell out lay them down?

16 A No, sir.

17 Q And you're telling this jury here today that you didn't  
18 witness this murder?

19 A I did not.

20 MR. MCCOY: Judge, can I have one moment, please?

21 THE COURT: Certainly.

22 MR. MCCOY: Judge, I have no further questions.

23 THE COURT: Redirect?

24 MR. SORENSON: May it please the Court?

25 CHARLES DELEE - REDIRECT EXAMINATION

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1 BY MR. SORENSON:

2 Q You made reference earlier that part of the reason you  
3 were out there that night was celebrating Monty's son's  
4 birthday?

5 A Yes.

6 Q Is that correct?

7 A Yes.

8 Q And his name is --

9 A DeAndre.

10 Q DeAndre. And did DeAndre have a lot to drink that  
11 night?

12 A Yeah.

13 Q Was he, in fact, throwing up and that's why his dad had  
14 to take him home?

15 A Yes, sir.

16 Q And in this statement, this September 1st statement,  
17 Mr. McCoy made reference to you saying -- making reference  
18 that you think it's Quadrik, that that's what you put in  
19 your statement?

20 A Uh-huh. (Affirmative response.)

21 Q I mean, in fact, you said it was Quadrik in that  
22 statement; is that correct?

23 A At that time, yes.

24 Q Let me just ask you real quick something that Mr. McCoy  
25 had asked you about. Do you know a young lady by the name

1 of LaTonya Campbell, goes by Tonya that lives out there in  
2 that vicinity?

3 A I believe I know who you're talking about.

4 Q Did you see her that night?

5 A I can't say for sure if I have.

6 Q But it's your testimony that you denied at any point in  
7 time prior to those shots being fired making the comment,  
8 yelling down in that direction and making the comment to lay  
9 them down?

10 A This my first time I'm hearing this but, no, I didn't  
11 say that.

12 Q Did you at any point in time -- your testimony on  
13 cross-examination was that you never saw a firearm at all  
14 that night, you never saw a handgun at all; is that correct?

15 A I cannot be certain.

16 Q Did you give a handgun to Quadrik Willis that night?

17 A No.

18 Q Did you see Quadrik out in the parking lot when you  
19 came out of the club that night?

20 A I can't say exactly. It was -- when I walked out,  
21 there were people to my left and people to my right.

22 MR. SORENSON: May I approach the witness?

23 THE COURT: You may.

24 BY MR. SORENSON:

25 Q In your statement there, State's No. 22 the last

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1 question you were asked on that first page is when you left  
2 the club did you see Quadrik outside? What is your answer  
3 that you gave?

4 A I wrote yes.

5 Q It's your testimony that that night that you had about  
6 twelve shots and six beers. Is that what I heard you say?

7 A I just know it was a lot. I can't be exact on how  
8 much.

9 Q Okay. And then Mr. McCoy had asked you, I mean, I  
10 think the follow-up question to that was, I mean, was that a  
11 lot or were you intoxicated?

12 A I was.

13 Q Okay. And as I said, I don't think you ever really  
14 answered it and he kind of moved on to another. So you were  
15 intoxicated that night?

16 A Yes, sir.

17 Q And it's your testimony that -- now, here today --  
18 because basically it's your testimony that -- I mean, you've  
19 given two statements to law enforcement and they're both  
20 aren't the truth; is that right? Is that correct?

21 A At least some of it, yes, sir.

22 Q All right. Let me ask you this. That night when you  
23 were out there if he had come running up and tapped on your  
24 window after these shots were fired --

25 A Uh-huh. (Affirmative response.)

1 Q -- would you have given him a ride away from there?

2 A I wasn't so sure because I was kind of scared. You  
3 know, I ain't know what was really going on. So that's why  
4 I didn't -- kept going.

5 Q Okay. But if your cousin who you've known all of your  
6 life, I mean, came running up -- I mean, if there's shots  
7 fired out there, asking for a ride --

8 MR. MCCOY: Objection. That's speculation, Judge.

9 BY MR. SORENSON:

10 Q -- would you have given him a ride?

11 MR. MCCOY: Objection to speculation, Judge.

12 MR. SORENSON: That's not -- that's a --

13 THE COURT: It's whether -- in his mind, whether  
14 he would or he wouldn't.

15 MR. SORENSON: Yeah, I mean that's -- not  
16 speculating whether somebody else would give -- whether he  
17 would give --

18 A I feel if I would have clearly see his face or  
19 something like that and then know it was him, I would have.

20 BY MR. SORENSON:

21 Q Okay. What if he had a gun in his hand?

22 A If he did, if I know it was him, I couldn't really say  
23 at this time like I couldn't say if he, you know, because I  
24 don't know what was really going on.

25 Q Well, obviously you testified that you're related to

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1 him --

2 A Yes, sir.

3 Q So you're obviously related to -- like family members?

4 A But you know right now I'm like, he ain't my family.  
5 And even if it was, I probably would have. If I was seeing  
6 clearly, I probably would have gave him a ride.

7 Q Okay. But obviously so you're related to him, you're  
8 related to other family members of his and y'all are family  
9 members in common; is that correct?

10 A Yes.

11 Q Have any of them contacted you over the last two years  
12 to pressure you to come in and change your story?

13 A No.

14 Q They didn't pressure you to go in and talk to his  
15 lawyer?

16 A No, nobody pressured me to do nothing.

17 Q You haven't heard from any of his family members?

18 A Yeah, I've heard from them. They're still in the  
19 family. I see them all the time.

20 Q Were they aware of the fact that you had given this  
21 statement to law enforcement on September 1st of 2015 saying  
22 he came up to your car with a gun after these shots were  
23 fired?

24 A I'm pretty sure everybody knew.

25 MR. SORENSON: That's all I have, Your Honor.



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1      Q      Tell this jury, if you would, do you have a nickname  
2      you go by, Tonya?

3      A      Tonya.

4      Q      Tonya?

5      A      (Nods head affirmatively)

6      Q      I'm going to need you to speak up, okay? Yes or no,  
7      answer verbally, okay?

8      A      Yes.

9      Q      Okay. Thank you. Now, back on August the 13th of 2015  
10      into the early morning of the 14th, were you out at the 8  
11      Ball Club?

12      A      Yes.

13      Q      And were you living near the 8 Ball Club back then?

14      A      Yes.

15      Q      Where were you staying at, at that time?

16      A      On Beach Street.

17      Q      Beach Street. Is that the street that runs right in  
18      front of the 8 Ball Club?

19      A      Yes.

20      Q      I'm going to show you a map in a couple of minutes and  
21      get you to point out at the time. But were you in the club  
22      basically that whole evening, kind of up until around  
23      closing time?

24      A      Back and forth.

25      Q      Back and forth. Okay. Were you aware of any

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1      altercations or anything that had occurred inside the club?

2      A      Just that a phone was missing.

3      Q      Okay. And do you know whose phone that was?

4      A      I think her name is Quanda or something.

5      Q      Who's Quanda's -- do you know who Quanda's boyfriend  
6      is?

7      A      Kawon.

8      Q      That's Kawon McCants; is that correct?

9      A      Yeah.

10     Q      Do you recall, was there any talk inside the club that  
11     night about who might have taken that missing cellphone?

12     A      Tyrone.

13     Q      Tyrone? That's the victim that was shot.

14     A      Yes.

15     Q      And do you recall was Kawon one of the ones that was  
16     talking to y'all about the phone since it was his  
17     girlfriend's phone?

18     A      No.

19     Q      Now, about what time did you ultimately leave the club  
20     kind of for good that night?

21     A      Like 1:45, 1:50.

22     Q      And do you remember were there people outside when you  
23     came out of the club?

24     A      Everybody that was in there.

25     Q      Okay. All right. Now, the Defendant, Quadrik Willis,

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1 do you know Mr. Willis?

2 A Yes.

3 Q Okay. Was he outside the club when you came out?

4 A Yes.

5 Q All right. Let me ask you this. Did you see Quadrik  
6 interacting with anybody out in the parking lot when you  
7 came out of the club?

8 A Main.

9 Q And is Main the guy that just left? Did y'all probably  
10 kind of passed when you were leaving. When you were  
11 leaving?

12 A Yes.

13 Q Let me ask you, did you at any point in time see Main  
14 and Mr. Willis exchange any items out in the parking lot?

15 A No.

16 Q All right. Let me ask you this. Do you recall meeting  
17 with Lieutenant Peters on August the 19th of 2015, a few  
18 days later, down at the sheriff's office, at kind of the  
19 trailer behind the sheriff's office?

20 A Yes.

21 Q Did you talked with him at that point in time about  
22 what had occurred that night?

23 A Yes.

24 Q Do you recall telling him that day on August the 19th  
25 of 2015 that you had observed -- that you had observed Main

State v Willis      LaTonya Campbell - Direct      10/10/17      238

1      pass something to Quadrik in the parking lot --

2      A      No.

3      Q      -- that you thought it could be a gun, but you weren't  
4      sure?

5      A      No.

6      Q      So you deny saying that to Detective Peters?

7      A      I don't remember saying that.

8      Q      Don't remember saying that?

9      A      Yeah.

10     Q      So you might have said it, you just don't remember  
11     saying that?

12     A      I don't remember saying that.

13     Q      Well, do you remember telling him that that's something  
14     that you didn't want to put in your written statement,  
15     though? Do you remember telling him that?

16     A      No.

17     Q      All right. Now where -- ultimately when you left the  
18     club then Ms. Campbell, where did you go?

19     A      Home.

20     Q      Okay. And --

21                    MR. SORENSON: Can I have her step down just  
22     briefly?

23                    THE COURT: You may?

24     BY MR. SORENSON:

25     Q      Can I get you to step off the witness stand, please?

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1      A      (Witness steps down)

2      Q      You've seen this map before, right?      State's Exhibit  
3      No. 1; is that correct?

4      A      Correct.

5      Q      And we need to make sure that that juror kind of behind  
6      you needs to be able to see too, all right.      That's the 8  
7      Ball Club there.      Kind of tell us, kind of where did y'all  
8      go and where were y'all hanging out?

9      A      (Indicating)

10     Q      Back in --

11     A      Back here.

12     Q      Back in this area here?

13     A      Yeah.

14     Q      Okay.      And kind of looking across, can you still see  
15     the 8 Ball Club from there?

16     A      No.

17     Q      Okay.      All right.      And where -- is that where you were  
18     living?

19     A      Yes.

20     Q      I guess your family lives in that area too?

21     A      Yes.

22     Q      All right.      And now at some point in time did you --  
23     and this is -- was this right after kind of you'd left the  
24     club?      Is that where you went to?

25     A      Yes.

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1      Q      And tell the jury, did you see any vehicles to drive up  
2      kind of in that vicinity of where you were hanging out?

3      A      Yes.

4      Q      All right. And first of all, who were you kind of  
5      standing around out there with?

6      A      Just Juicy, Marvin.

7      Q      All right. And Juicy was Marvin Sanders and he was up  
8      here earlier?

9      A      Yes.

10     Q      And also where -- I think my question before that was  
11     did you see any vehicles and you said yes; is that correct?

12     A      Yes.

13     Q      Where -- first of all, where do you see a vehicle and  
14     if you know who it was?

15     A      They came here first, and then Main got out here and  
16     then he got back in and go there.

17     Q      And Main, that being Charles Delee, the guy that just  
18     left the courtroom?

19     A      I don't know his name.

20     Q      Okay. But the guy who just left the courtroom right  
21     before you; is that correct?

22     A      Yes.

23     Q      He pulled here and got out?

24     A      Yeah.

25     Q      And then pulled out to the road?

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1      A      Yeah. Well, to the head of the driveway?

2      Q      To the head of the driveway? Okay. And what, if  
3      anything, happened then?

4      A      Somebody else -- somebody got out. I didn't see who  
5      got out but they walked right through there. They was  
6      yelling down the road saying something. Then all I heard  
7      was lay his ass down and I heard shots and that was that.

8      Q      Okay. So somebody got out and you don't know who that  
9      was?

10     A      No, I really don't.

11     Q      It could have been "Maine". It could have been  
12     somebody else that was in the vehicle?

13     A      I guess.

14     Q      And what did you hear them say?

15     A      Something or other, then I heard lay his ass down and  
16     then I heard shots.

17     Q      And you heard shots right after that?

18     A      Yes.

19     Q      Okay. What did you do?

20     A      Well, my mother come to the door. And asked us did we  
21     hear shots. And we was like ain't nothing going on. And  
22     that's when Tyler ran where we was at. And somebody ran  
23     here and jumped in the truck.

24     Q      So Tyler comes running to y'all?

25     A      Yeah.

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1 Q Okay. And then somebody runs and gets in the truck.  
2 And whose vehicle is that they got in?

3 A That's the truck that the guy name I don't know that  
4 was right here.

5 Q Well, describe that vehicle. Do you remember?

6 A It was a burgundy, burgundy truck.

7 Q All right. You can have a seat.

8 A (Witness takes stand)

9 Q Now, the Tyler that came running up, do you know who  
10 that is?

11 A No, not really.

12 Q Let me ask you. Do you know the Defendant, Quadrik  
13 Willis?

14 A Yes.

15 Q Do you know if Tyler is related to Quadrik?

16 A I don't know.

17 Q You don't know?

18 MR. SORENSON: May I approach the witness, Your  
19 Honor.

20 THE COURT: You may.

21 BY MR. SORENSON:

22 Q Ms. Campbell, let me show you this item. Do you  
23 recognize that statement?

24 A (Witness pauses)

25 Q Your statement, one of your statements you gave to the

State v Willis      LaTonya Campbell - Direct      10/10/17      243

1      sheriff's office?

2      A      I guess.

3      Q      I mean, is that your handwriting, I mean, in the black?

4      A      Yeah.

5      Q      Okay. All right. I'm showing you -- looking on page  
6      two. Do you recall them asking you the question right here,  
7      how do you know Tyler? What is your answer to that?

8      A      Hearsay?

9      Q      What is your answer to that?

10     A      That that's his brother.

11     Q      That's Quadrik's brother; is that correct?

12     A      Yeah.

13     Q      Now, that burgundy vehicle that Main was in, after the  
14     shots, do you know where that vehicle went?

15     A      I'm not sure which way it went. I said to the left,  
16     but I don't know.

17     Q      So you're not sure if it went left or right?

18     A      Left.

19     Q      Well, where did you go then, Ms. Campbell?

20     A      I went in the house to use the restroom, me and Tish,  
21     then I took her home.

22     Q      Did you call 9-1-1? Did you call the police?

23     A      No.

24     Q      Anybody in your mama's house call the police that you  
25     know of?

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1 A No.

2 Q Did you go back over to the club parking lot at all or

3 --

4 A No.

5 Q After the shooting, did you see Quadrik Willis at all?

6 A No.

7 MR. SORENSON: I beg the Court's indulgence.

8 That's all I have.

9 THE COURT: Cross-examination?

10 MR. MCCOY: Thank you, Judge. May it please the  
11 Court?

12 THE COURT: Yes, sir.

13 LATONYA CAMPBELL - CROSS-EXAMINATION

14 BY MR. MCCOY:

15 Q Ms. Campbell, good afternoon?

16 A Good afternoon.

17 Q My name is Peter McCoy, and we've never had the  
18 opportunity to talk have we?

19 A No, we didn't.

20 Q Okay. In this particular case you happened to be at  
21 the 8 Ball on the night in question; is that correct?

22 A Yes.

23 Q And you happened to also have an opportunity to talk to  
24 law enforcement on your -- what you saw, what you didn't see  
25 that night; is that correct?

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1 A Yes.

2 Q And how many different statements did you give?

3 A Two.

4 Q Can you tell the jury how you came to learn that law  
5 enforcement wanted to talk to you?

6 A I called.

7 Q You called them?

8 A How you mean?

9 Q How did you know that law enforcement even wanted to  
10 take a statement from you?

11 A My mother.

12 Q Oh, your mom?

13 A Yes.

14 Q Okay. And so then you reached back out to them?

15 A Yes.

16 Q Okay. In your first statement that you gave, you gave  
17 on August 19 of 2015. Do you remember doing that?

18 A I don't know.

19 Q You don't know if you remember giving a statement?

20 A I don't remember -- you got to tell me what I said.

21 Q You may not know the date, but you did give an initial  
22 statement is where I'm going for here?

23 A Yes.

24 Q Okay. And you did this at your home or at the police  
25 station?

1 A At the police station.

2 Q And then a few days later, maybe a week later, you give  
3 your second statement; is that correct?

4 A Yes.

5 Q And you haven't been charged in this particular  
6 incident have you?

7 A No.

8 Q Because some folks who have given more than one  
9 statement have been charged; were you aware of that?

10 A No.

11 Q Okay. I want to talk a little bit about the club that  
12 night and how many people that you estimate were there.

13 A Maybe twenty, thirty people.

14 Q Okay. And when you leave the club that night and the  
15 last call happens, you go over to your house; is that  
16 correct?

17 A Yes.

18 Q And tell me who was with you again?

19 A Me, Florida, Tish and Marvin.

20 Q Okay, who's Florida?

21 A My cousin's boyfriend.

22 Q Do you know his real name?

23 A No.

24 Q Okay. While y'all are hanging out there, that's when  
25 the shooting occurs; is that correct?

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1 A Yes.

2 Q And your mom comes outside during that time; is that  
3 correct?

4 A Yes.

5 Q How many gunshots did you hear?

6 A Two or three.

7 Q Do you know how many your mom heard?

8 A That night, nope.

9 MR. SORENSON: Your Honor, I'm going to object to  
10 that --

11 THE COURT: Sustained.

12 BY MR. MCCOY:

13 Q After that happens mom goes back inside and you --  
14 that's when you say in your statements that you hear Main  
15 yell lay them down; is that correct?

16 A That was before.

17 Q Before it happened?

18 A Yeah.

19 Q Okay. And are you sure that it was Main that made that  
20 statement?

21 A I said I didn't know who that was that got out?

22 Q You didn't know who it was that made the statement?

23 A No. Not at that time, no.

24 Q But you did not see a shooting whatsoever; is that  
25 correct?

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1 A No.

2 Q Did you see anyone with a gun that night?

3 A No.

4 Q Did you see Main with a gun?

5 A No.

6 Q Did you see Quadrik with a gun?

7 A No.

8 Q Did you see anybody inside the club involved, either  
9 outside or inside, a physical or a verbal altercation?

10 A No.

11 Q The Solicitor made a statement earlier during his  
12 direct examination that you made some other concessions to  
13 the detective from Dorchester County that are not listed in  
14 any of your written statements; is that correct?

15 A Yes.

16 Q Okay.

17 MR. MCCOY: Judge, I don't have any further  
18 questions.

19 THE COURT: Any redirect?

20 MR. SORENSON: I'm not sure I understood that last  
21 question.

22 LATONYA CAMPBELL - REDIRECT EXAMINATION

23 BY MR. SORENSON:

24 Q Mr. McCoy was asking you if you made some concessions  
25 that weren't in your statement?



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counsel)

THE COURT: Counsel, do y'all want to approach?

MR. SORENSON: Yes.

(Off the record bench conference with counsel and the Court.)

THE COURT: Mr. Sorenson, it's my understanding that both parties have reached a stipulation as to the next potential matter before the Court?

MR. SORENSON: We have, Your Honor.

THE COURT: Ladies and gentlemen of the jury, a stipulation is basically an agreement to a fact. The State and Defendant have entered into a stipulation of fact. The Defendant is charged with possession of a handgun by a person convicted of a crime of violence. At the time of these events, the Defendant had a previous conviction for strong arm robbery, which is a crime of violence.

You may proceed.

MR. SORENSON: The State calls Lieutenant Dwayne Peters.

(WHEREUPON Dwayne Peters was sworn)

THE COURT: Your witness.

MR. SORENSON: Thank you, Your Honor.

DWAYNE PETERS - DIRECT EXAMINATION

BY MR. SORENSON:

Q Lieutenant, if you would please tell the jury where it

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1      is that you are employed?

2      A      I am employed by the Dorchester County Sheriff's  
3      Office.

4      Q      And how long have you been with Dorchester County?

5      A      Approximately nine years.

6      Q      Okay. And what are your current duties and  
7      responsibilities there?

8      A      Right now I am currently the general investigations  
9      unit commander.

10     Q      And back in August of 2015, in what capacity were you  
11     employed at that time?

12     A      I was a general investigative unit supervisor,  
13     basically a sergeant.

14     Q      All right. And tell the jury kind of with regards to  
15     this case how and when you became involved?

16     A      I was notified around 6:00 in the morning, as by phone  
17     call. The on-call detective supervisor, Sergeant Rick  
18     Carson called me and said that they had a shooting up at the  
19     8 Ball in Ridgeville.

20     Q      And that, I guess, was kind of after the initial, kind  
21     of 9-1-1 call came in that I think Officer Eady testified, I  
22     think it was 6:13 a.m.?

23     A      Correct.

24     Q      In the course of your investigation, did you become  
25     aware of whether any other calls came in that night from,

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1      you know, 1:30, 2:00 in the morning until 6:15 in the  
2      morning?

3      A      There was none.

4      Q      Regarding either shots fired or any kind of  
5      altercation, either in or around the 8 Ball Club?

6      A      Correct.

7      Q      So that call would have been the first call related to  
8      the homicides of Mr. Cummings and Ms. Bazzle?

9      A      Yes, sir.

10     Q      Now, as part of being -- did you ultimately take over  
11     at that point in time as kind of the lead investigator in  
12     this case?

13     A      I did.

14     Q      And were you aware of kind of what was located and  
15     collected out there at the crime scene?

16     A      I was.

17     Q      Well, let me ask you this. Throughout the course of  
18     this investigation, has -- well, let me back up a second.  
19     So you were aware that there were two 9mm shell casings that  
20     were found; is that correct?

21     A      I was, yes.

22     Q      And also a couple of live 380 rounds?

23     A      Correct.

24     Q      Have there been any actual firearms recovered in this  
25     case?

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1      A      There have not been.

2      Q      I mean, the jury's heard a little bit about this  
3      earlier, but just to kind of make sure that those of us who  
4      maybe aren't as familiar with firearms or understand how  
5      they work, can you tell the jury just briefly the difference  
6      between a semiautomatic handgun and a revolver?

7      A      Okay. The revolver is -- I'm going to say old school  
8      type gun. It has a cylinder where usually between five and  
9      eight rounds are actually placed in the cylinder. Any time  
10     the trigger is pulled the hammer will go back and the  
11     cylinder will rotate. And then once it reaches basically  
12     the length of the trigger, to release the trigger, the  
13     hammer will fall and strike the round, discharging the  
14     round. Then the shell casing will actually stay in the  
15     cylinder until manually removed by the person using the  
16     firearm.

17     Q      If you have a revolver and you fired it two times,  
18     short of somebody opening it up and dumping the spent  
19     casings out, would you expect to find any shell casings?

20     A      No, we wouldn't.

21     Q      Okay. How does that contrast with a semiautomatic  
22     handgun?

23     A      A semiautomatic handgun is basically the handgun that  
24     we actually use now. It's a magazine, common term is a  
25     clip, where the rounds are fed into the clip. The

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1      magazine's usually inserted into, for a handgun, into the  
2      handgun portion, right on the -- where you hold your hand.  
3      And the slide is racked. Usually the slide is -- I just  
4      have to pulled back and let go with some force to chamber  
5      that first round into. When the handgun is fired, that  
6      shell casing's ejected so the next round can actually move  
7      up into the chamber. Usually on most, and I'm not a  
8      firearms expert, but most handguns will actually eject up  
9      and to the right.

10     Q      And ultimately then, so the semiautomatic handgun, if  
11     you fire a semiautomatic handgun two times, you'd expect to  
12     find two spent shell casings?

13     A      Yes, sir.

14     Q      And you had talked a moment ago about racking that gun  
15     basically to make the gun ready to fire?

16     A      Yes.

17     Q      And does that make an audible noise when that is done?

18     A      Yes. Distinctive.

19     Q      Now, let me ask you this. Did you have an opportunity  
20     a couple of days after this on August 17th of 2015 to  
21     briefly question the Defendant?

22     A      I did.

23     Q      Just specifically, I just want to ask, did he indicate  
24     to you what he was wearing that night?

25     A      White tee shirt, black flip flops.

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1      Q      And the jury heard from Mr. Terrell earlier this  
2 morning about a photo lineup that was shown to him for him  
3 to look at; do you recall that?

4      A      Yes, sir.

5      Q      Did you prepare or have prepared the photo lineup?

6      A      I had the State Law Enforcement Division prepare a  
7 photo lineup.

8                      MR. SORENSON:    May I approach the witness, Your  
9 Honor?

10                     THE COURT:    You may.

11      BY MR. SORENSON:

12      Q      I'm showing you State's Exhibit No. 21, is that the  
13 lineup that was shown to Mr. Terrell?

14      A      It is.

15      Q      And he indicated he was not able to pick anybody out  
16 and signed it to that effect; is that correct?

17      A      Correct.

18      Q      Just so the jury -- is Mr. Willis in that lineup?

19      A      He is actually spot number five.

20      Q      Spot number five?    And does Mr. Willis have some  
21 tattoos on his face?

22      A      He does.

23      Q      Let me ask you, do you recall yesterday Mr. George  
24 Sanders testifying yesterday?

25      A      Yes.

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1      Q      And do you recall during his cross-examination by Ms.  
2      Tanner she had asked him about -- hold on one second, so I  
3      can get that. -- if he had heard about Kawon and Tyler  
4      being involved in the shooting. Do you recall that line of  
5      questioning?

6      A      Yes, I do.

7      Q      And who is Kawon?

8      A      Mr. McCants.

9      Q      Kawon?

10     A      Not Mr. McCants, Kawon McCants, correct?

11     Q      All right. And how is Kawon McCants related to Mr.  
12     Willis?

13     A      I believe they're cousins.

14     Q      And then the Tyler, who is Tyler?

15     A      Tyler -- Otis Tyler Boyd, that's his half-brother.

16     Q      And that's his half-brother?

17     A      Correct, Mr. Willis'.

18     Q      As the lead investigator, you've been in the courtroom  
19     for all of the testimony; is that correct?

20     A      I have.

21     Q      So you heard Ms. Campbell testify just a short while  
22     ago?

23     A      Yes.

24     Q      Did you have an opportunity to question her on August  
25     the 19th of 2015?

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1      A      I did.

2      Q      And tell the jury, just kind of briefly, how that went  
3      about. I mean, did you just sit down and take a written  
4      statement from her right away or did you talk to her a  
5      little bit and then take a statement?

6      A      We talk to them.

7      Q      You talk to them?

8      A      We talk to them, write down our notes, basically see  
9      what they're going to say, then we actually have them write  
10     the statement. The first portion of the statement is their  
11     words, basically what happened. Normally, people don't go  
12     into much detail on the statements. So then, therefore, we  
13     do what we call Q and A, question and answer where I will  
14     actually write out the question and they will write out the  
15     answer. It brings out more details in the statement.

16     Q      And in this case did Ms. Campbell provide you with any  
17     information kind of when you talked to her initially that  
18     did not make it into the statement?

19     A      Yes, she did.

20     Q      Okay. And what was the reason that information, first  
21     of all, didn't make into the statement she gave?

22     A      She just didn't want to write it down.

23     Q      And do you have your report up there with you?

24     A      No, I don't.

25     Q      All right. Let me show you this.

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1                    MR. SORENSON: May I approach the witness?

2                    THE COURT: You may.

3 BY MR. SORENSON:

4 Q      Is that a copy of your report?

5 A      It is.

6 Q      And did you document in your report not only that  
7 information that she provided to you that did not make it  
8 into her statement?

9 A      Yes.

10 Q      Okay. And is there any part of that that dealt with  
11 her observing anything out in the parking lot kind of prior  
12 to her going to her home?

13 A      There is.

14 Q      Will you tell the jury what it was that she told you  
15 back on August 19th?

16 A      She stated that she --

17                    MR. MCCOY: Objection. Hearsay, Judge.

18                    THE COURT: Sustained.

19                    MR. SORENSON: I think under Rule 613 I have asked  
20 her about it and she denied making that statement. I think  
21 I provided her with when it occurred and where it occurred  
22 and the substance in that statement, so now I think I'm  
23 allowed to impeach that through Lieutenant Peters.

24                    THE COURT: And pursuant to 613 subsection (b)  
25 that is correct. I will find that it's admissible.

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1                    MR. SORENSON: Thank you.

2           A      She stated that she was in the parking lot and observed  
3      Main pass something to Quadrik in the parking lot. And I  
4      asked her what she thought he had. She stated, thought it  
5      was a gun but she could not say for sure what the item was.

6           Q      And after that she did give a written statement that  
7      she referred to during her testimony?

8           A      She did.

9           Q      And the last thing I want to talk to you about is Mr.  
10     Delee. You also sat through his testimony this morning; is  
11     that correct?

12          A      I did.

13          Q      And Mr. Delee ultimately, as he testified, he was  
14     charged with obstruction of justice; is that correct?

15          A      He was.

16          Q      And let me show you State's -- I'm going to give you  
17     Defendant's Exhibit No. 3 and State's Exhibit No. 22.

18                    MR. SORENSON: May I approach?

19                    THE COURT: You may.

20                    BY MR. SORENSON:

21          Q      And Defendant's Exhibit No. 3, what is that item?

22          A      That is the statement that was taken on August 18th,  
23     2015. It was started at 5:46 p.m. and ended at 7:30 p.m.

24          Q      And that's the statement where he indicated that he was  
25     not even out there when the shots were fired; is that

1      correct?

2      A      That is correct.

3      Q      And as a result of that, did you have information that  
4      basically refuted that?

5      A      We did.

6      Q      And as a result of that, was he ultimately charged with  
7      obstruction? Did you get a warrant for him for obstruction  
8      of justice?

9      A      We did.

10     Q      And that second statement, State's Exhibit No. 22, when  
11     is that statement then taken from Mr. Delee?

12     A      That statement was taken on September 1st, 2015.

13     Q      And did you have a warrant, do you recall, at that  
14     point in time?

15     A      I believe we got it on September 2nd. We obtained the  
16     arrest warrant on September 2nd.

17     Q      But Mr. Delee, ultimately did he give you a second  
18     statement then on -- what was the date of September 1st, I  
19     believe?

20     A      September 1st.

21     Q      Okay. And that statement -- as we have kind of  
22     discussed earlier taking a somebody that's got, an initial  
23     part is his basically handwriting and then a question and  
24     answer after that?

25     A      Yes, sir.

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1      Q      And that is in his handwriting and then the questions  
2      are yours and the answers his after that; is that correct?

3      A      It is.

4      Q      Well, let me ask you at any point in time, either time,  
5      either when you took the first statement from him or on  
6      September 1st of 2015, did you threaten Mr. Delee to get him  
7      to talk to you?

8      A      Not at all.

9      Q      Did anybody threaten him in your presence?

10     A      Not at all.

11     Q      Let me ask you. Where was it that you were  
12     interviewing him on September 1st?

13     A      We actually interviewed him at the CID office. It's a  
14     modular office, otherwise known as a trailer. And we have  
15     an actual room that's probably -- maybe eight foot by eight  
16     foot, with a small little conference table that's surrounded  
17     by four chairs. And there's one small little two-drawer  
18     filing cabinet.

19     Q      And during that interview of him on September 1st of  
20     2015, who was involved in interviewing him that day?

21     A      I believe myself and Detective Elmore.

22     Q      Is it on the statement? You have the statement up  
23     there with you?

24     A      It is.

25     Q      Were there any other detectives that were in the room

1      during that interview?

2      A      No, not at all.

3      Q      Six or seven detectives in there surrounding him?

4      A      No, it's two detectives most.

5      Q      At any point in time did you or Detective Elmore would  
6      tell Mr. Delee what to say and what to put in that  
7      statement?

8      A      Not at all.

9      Q      Did you tell him that you had thirty witnesses that  
10     already saw Quadrik come up -- come up to his car with a  
11     gun?

12     A      No.

13     Q      That vehicle was there that day, correct, at the -- at  
14     CID, I believe?

15     A      On the 18th, I don't know.

16     Q      On the 1st?

17     A      On the 1st it was, yes.

18     Q      And ultimately y'all ended up searching that vehicle;  
19     right?

20     A      That is correct.

21     Q      With no evidence found in that vehicle --

22     A      That is correct.

23     Q      -- to your knowledge?

24     A      There's nothing found.

25     Q      Did y'all have to wrestle his sister to the floor to

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1      get the keys from her?

2      A      There was a little bit of force to use actually to get  
3      the -- because she refused to turn them over.

4      Q      And y'all had gotten a search warrant to search that  
5      vehicle?

6      A      Yeah, we did.

7      Q      And ultimately in that statement that Mr. Delee gave,  
8      when he indicates that it was Quadrik that ran up to that  
9      vehicle, who brought that up and whose words were they?

10     A      Those are Mr. Delee's.

11     Q      And the fact that he had a gun in his hand?

12     A      Mr. Delee's.

13     Q      And the description of the gun?

14     A      Mr. Delee's.

15     Q      Any point in time he threatened, promised anything,  
16     coerced in any way shape or form to give that statement?

17     A      No, sir, not at all.

18     Q      In fact, you still ended up getting a warrant for him  
19     even after he gave that statement and then arrested him; is  
20     that correct?

21     A      That is correct.

22                    MR. SORENSON: I beg the Court's indulgence.

23     Q      Thank you, Detective.

24                    MR. SORENSON: That's all I have.

25                    THE COURT: Cross-examination.

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1                    MR. MCCOY: Thank you, Judge. May it please the  
2 Court?

3                    THE COURT: Yes, sir.

4                    DWAYNE PETERS - CROSS-EXAMINATION

5 BY MR. MCCOY:

6 Q    Good afternoon Detective Peters?

7 A    Good afternoon, sir.

8 Q    Always good to see you and talk to you. We've had a  
9 bunch of cases together?

10 A    Yes sir, we have.

11 Q    Detective Peters, I want to walk you through a little  
12 bit about -- and so you can inform the jury about your  
13 training and your expertise in your field. Can you tell  
14 them some of the courses and training that you received as a  
15 detective at the Dorchester County Sheriff's Office?

16 A    Well, I started law enforcement in 1995 by attending  
17 the South Carolina Criminal Justice Academy. At that time  
18 it was eight weeks, I think. Throughout my years, I've  
19 attended training courses for interview, interrogation,  
20 crime scene, drug classes, a bunch of stuff. I'm also or  
21 was a Special Agent with the United States Army Criminal  
22 Investigative Division. We handled all felony  
23 investigations for the Army and we also did investigations  
24 that impacted national security. And we also provided  
25 protection, i.e., the Secret Service details for the

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1      Secretary of Defense, Chairman of the Joint Chiefs, and all  
2      the high-level DOD player -- personnel.

3      Q      In your career with Dorchester County, approximately  
4      how many crime scenes have you been, you know, the lead  
5      detective over?

6      A      Hundreds.

7      Q      Hundreds?

8      A      I'm going to say -- I'm going to guess hundreds.

9      Q      And of those hundreds, is it fair to say a good many of  
10     those would be considered your violent crimes, your  
11     burglaries, and your murders and armed robberies?

12     A      Yes.

13     Q      You did an extensive report that we've been given for  
14     your investigation on this case. And I kind of just want to  
15     walk through a couple of things with you if that's okay?

16     A      That's fine.

17     Q      You testified earlier on direct that you were called  
18     out in the morning around 6:00. You remember how long you  
19     stayed on the scene that day?

20     A      Honestly, I couldn't tell you. It was two, three, four  
21     hours, honestly.

22     Q      Pretty standard, I mean, to stay on a crime scene at  
23     least a couple of hours?

24     A      Yes.

25     Q      Okay. When you got there the scene was secure?

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1      A      It was.

2      Q      Any knowledge that you have learned since then, since  
3      you arrived on the scene up until now, of anybody tampering  
4      with the scene or anything wrong with the crime scene log?

5      A      No.

6      Q      You started your investigation by talking to, I think,  
7      a couple of folks who were out there. A Mr. Bruce Williams  
8      and Mr. Doctor?

9      A      If I can see my actual -- my investigative report, that  
10     might help.

11                    MR. MCCOY: Judge, may I approach the witness?

12                    THE COURT: You may.

13                    MR. MCCOY: Thank you.

14      BY MR. MCCOY:

15      Q      If I'm missing a page on this Detective Peters, let me  
16      know. I think that's it.

17      A      All right. Thank you. You said Mr. Doctor and Mr.  
18      Williams?

19      Q      Yes?

20      A      Actually, I delegated that to other detectives.

21      Q      Okay. And I see on here you next spoke to a Ms.  
22      Williams; is that correct?

23      A      That was Detective Hanks.

24      Q      Okay. But it's listed in your report, and your report  
25      being the -- I mean, you are the lead detective or case

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1      agent on this case; correct?

2      A      That is correct.

3      Q      It's going to include everything that was done on this  
4      case?

5      A      Correct.

6      Q      So next we talk to a Ms. Shaquanda Williams; is that  
7      correct?

8      A      Yes..

9      Q      And what did you learn that you placed in your report?

10              MR. SORENSON: Your Honor, I mean, it's basically  
11      hearsay. He's going to go through and have him say what  
12      everybody said?

13              THE COURT: Can you repeat the question?

14              MR. MCCOY: Ma'am?

15              THE COURT: Can you repeat the question?

16              MR. MCCOY: Sure. I just said in his role as the  
17      case agent, he's gone through and listing everything that  
18      was done in this particular case. And in his knowledge as  
19      the case agent, what did he learn from Shaquanda Williams.

20              MR. SORENSON: How is that not hearsay?

21              THE COURT: You can't say what she said but what  
22      information -- what he did --

23              MR. MCCOY: He's not saying what she said. He's  
24      just saying what is documented in his report, which is what  
25      he learned.

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1                    THE COURT:    May I see it?

2                    MR. MCCOY:    Sure.    (Hands report to the Court.)

3                    Judge, I can move on from that.    I'm just -- I'm trying to  
4                    establish -- It's right here.

5                    THE COURT:    (Reviews report)

6                    (Off the record bench conference with counsel and the  
7                    Court.)

8                    THE COURT:    You may proceed.

9                    MR. MCCOY:    Thank you, Judge.

10                   BY MR. MCCOY:

11                   Q      After you talked to Ms. Shanta Williams in your report,  
12                   Detective Melendez spoke to a Jason White; is that correct?

13                   A      That's correct.

14                   Q      After that, we go through and we learn a couple of  
15                   different things for folks who were at the 8 Ball Club that  
16                   evening, which is a Christine Turner.    And do you recall  
17                   putting that in your report?

18                   A      Yes.

19                   Q      Do you recall putting in there next that you talked to  
20                   Shaquanda, who is the girlfriend of Kawon McCants?

21                   A      Correct.

22                   Q      Shaquanda Williams.    And you testified on direct exam  
23                   too that Kawon that we're talking is Kawon McCants,

24                   A      Kawon McCants, correct.

25                   Q      Kawon McCants, right?

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1      A      K-A-W-O-N.

2      Q      And not to be confused, there's a Daquan that's in this  
3 case too and that's not the same person?

4      A      No.

5      Q      Okay. We've already gone through -- you did a thorough  
6 investigation on Mr. Terrell and then on Mr. Bannister. And  
7 moving down, what I want to talk about a little bit is.  
8 This is listed on your August 19th, 2015 section of the  
9 report, where it lists you get some search warrants for two  
10 phone numbers; is that correct?

11      A      That is correct.

12      Q      And who were those two phone numbers?

13      A      According to my records, one was a cellphone number for  
14 Mr. Willis and one was for Mr. Delee.

15      Q      Have you had the opportunity to review what you got  
16 from the search warrant from Mr. Quadrik Willis' cellphone?

17      A      I have.

18      Q      Any indication in those interactions or what you viewed  
19 in the search warrant that talk about this murder that  
20 night?

21      A      No, it's only cellphone records, which is basically the  
22 numbers that's called, received. Text messages are just a  
23 call. We don't have the actual contact -- the actual  
24 content of the text messages.

25      Q      Okay.

1      A      And it's also cellular towers.

2      Q      Okay. And you also performed a search warrant on Mr.  
3      Delee's cellphone number; is that correct?

4      A      That is correct.

5      Q      And what was the issue that you ran into with Mr.  
6      Delee's cellphone number?

7      A      He'd shut it off.

8      Q      He'd shut it off. And when you say shut it off, we're  
9      not talking about just didn't pay for minutes or didn't reup  
10     a contract, but this number was completely shut off?

11     A      It was completely shut off.

12     Q      Okay. Did you learn that he then obtained another  
13     number after that?

14     A      That is correct.

15     Q      And did you perform a search warrant on that number?

16     A      I believe we did.

17     Q      And I don't need to know what was found in that at all.  
18     I want to know --

19     A      I'm pretty sure we did.

20     Q      Okay. When looking at the autopsy report, that's the  
21     next section that's listed under your August 19, 2015  
22     section of your report, we learned that GSR testing was done  
23     on victim number 1 and victim number 2; is that correct?

24     A      That is correct.

25     Q      Can you inform the jury what GSR is?

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1      A      Gunshot residue.

2      Q      And gunshot residue is what?

3      A      In laymen's terms a bunch of particles that, basically  
4      when you -- your gunpowder, which expels the round from the  
5      shell casing, that's also expelled when the gun is fired.  
6      And it shoots out the barrel and gets all over the place.

7      Q      And I mean, it can get on clothes.

8      A      Correct.

9      Q      It can get on skin?

10     A      Correct.

11     Q      Can get on hands, correct?

12     A      Correct.

13     Q      And to your knowledge was the GSR kits that were  
14     performed on victim 1 and victim 2 in this case, were they  
15     -- was there ever any action taken at SLED?

16     A      No, there was not. SLED's policy if you suffered from  
17     a gunshot wound, it's presumptive that there's gunshot  
18     residue since you've been shot.

19     Q      But at the same time, I mean, just -- why would it even  
20     be sent to SLED if just the test just aren't going to be  
21     performed?

22     A      Honestly, it's CYA, I think. They changed their policy  
23     shortly after that. I don't know when. We've always done  
24     it so we've always sent it. And then SLED changed their  
25     policy.

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1      Q      Did there come a point in time in your capacity as case  
2 agent that you learned that Mr. Willis had surrendered some  
3 clothes to your department?

4      A      Yes.

5      Q      Were any GSR test or kits performed on those clothes or  
6 were they sent up to SLED at all?

7      A      They were sent to SLED. I don't think there was any  
8 GSR completed. I know the clothes were self-surrendered by  
9 Mr. Willis and it was a few days after the incident.

10     Q      Okay. And looking at your report in terms of evidence  
11 that was collected on the scene and testing that was done on  
12 those items that were collected, are you aware of any  
13 fingerprint analysis that were performed that would link  
14 anything evidence-wise to Mr. Willis?

15     A      There was none.

16     Q      Are you aware of any DNA testing that was taken from  
17 samples that were tested that would link anything there to  
18 Mr. Willis?

19     A      There's no -- there's no forensic evidence linking Mr.  
20 Willis.

21                    MR. MCCOY: Judge, may I have one moment?

22                    THE COURT: You may.

23                    MR. MCCOY: Thank you.

24     BY MR. MCCOY:

25     Q      Detective Peters, you've already explained and

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1      Detective Scott did earlier as well too, about the  
2      difference between a revolver handgun and a semiautomatic  
3      handgun. Both of them can leave GSR; is that correct?

4      A      That is correct.

5      Q      And when looking at what's already been admitted into  
6      evidence on the State's side, which was No. 3 and No. 4 --

7              MR. MCCOY: May I approach the witness, Judge?

8              THE COURT: You may.

9      BY MR. MCCOY:

10     Q      We entered these in. I just want to make sure you've  
11     seen those and know what those are. Take a look at those  
12     for me.

13     A      These are the two spent 9mm shells.

14     Q      In your capacity as case agent, do you know if a  
15     ballistics test was performed or if these casings were sent  
16     to SLED?

17     A      I'd actually have to look and see, but what do you mean  
18     by ballistics tests?

19     Q      Were these shell casings sent for any further  
20     examination at SLED?

21     A      According to this, IBIS entry was conducted on August  
22     18th, 2015.

23     Q      Okay. And you don't have the results or anything?

24     A      Let me -- IBIS entry is this -- basically, IBIS is the  
25     SLED's computer or testing program that's run by the Bureau

1 of Alcohol and Tobacco and Firearms. Anytime that any spent  
2 shell casings or actual rounds or guns are collected and  
3 turned into evidence, we send them to what we call the IBIS  
4 lab. I'm not an expert. They take photographs of the spent  
5 shell casing and they enter it into a database. Therefore,  
6 if that gun is later on used in another incident and a shell  
7 casing is compared, the shell casings are matched in the  
8 computer program, just like we do for fingerprints, and  
9 notification is sent out to the agencies. Same way with  
10 ballistics, with the actual round that's spent. The  
11 striations on the round from the barrel are matched up, can  
12 be matched up to a certain gun if they have it.

13 Q If they have the gun?

14 A If they have the gun.

15 Q Is there any way for you to tell from just these shell  
16 casings whether they were fired from the same firearm or  
17 not?

18 A I'd have to have the IBIS report and we don't have one.

19 Q Don't have one? I also learned through your report  
20 that there was an individual who was at the 8 Ball club that  
21 night who was a Mr. Norman Glover and that you had to travel  
22 to go see him; is that correct?

23 A We did.

24 Q And where did you have to go find him days after the  
25 murder?

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1      A      We went to Arkansas.

2      Q      And he was in Arkansas. How long of a drive was that  
3      for you?

4      A      Ten to twelve hours. It was a long drive.

5      Q      But he was there. You know this is four or five days  
6      after the murder; is that correct?

7      A      That is correct.

8      Q      I want to talk a little bit, Detective Peters, about  
9      the other folks in this case who were charged. We've heard  
10     from one who was a Mr. Charles Delee. He was charged with  
11     obstruction of justice; is that correct?

12     A      That is correct.

13     Q      And is there anybody else in this case who was charged  
14     with obstruction of justice?

15     A      Ramone Ashe, a/k/a Monty and Otis Tyler Boyd.

16     Q      Do you know if they have been subpoenaed and if they'll  
17     testify in this trial?

18     A      Subpoenaed, I -- I think Mr. Ashe has been subpoenaed  
19     but whether he's testifying, I don't know. That's up to the  
20     Solicitor.

21     Q      In your examination of this case as case agent,  
22     Detective Peters, have you come across any forensic evidence  
23     that links Quadrik Willis to this shooting?

24     A      No, I haven't.

25     Q      And in your investigation as lead detective and case

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1      agent on this, have you come across any eyewitness testimony  
2      that says without a doubt that Mr. Quadrik Willis committed  
3      this shooting?

4      A      No, I haven't.

5      MR. MCCOY:    No further questions, Judge.

6      THE COURT:    Any redirect?

7      MR. SORENSON:    None, Your Honor.

8      THE COURT:    You may step down, Detective.    Thank  
9      you.

10      Counsel please approach.

11      (Off the record bench conference with counsel and the  
12      Court.)

13      THE COURT:    Any other witnesses, Solicitor?

14      MR. SORENSON:    Your Honor, at this time the State  
15      would rest.

16      THE COURT:    Ladies and gentlemen, it's about 1:00.  
17      The State has rested their case.    It's a good time for us to  
18      take our lunch break.    Although the State has rested their  
19      case, please remember my previous instructions not to  
20      discuss this case amongst yourselves or with anyone else  
21      until we resume with the trial of the case, the parties have  
22      made their closing arguments, and you've been instructed on  
23      the law.    So, again, please don't discuss this case at all.  
24      If you would, please be back in your jury room at -- it's  
25      1:00 -- about 2:15.    Hopefully, that'll give you enough time



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1                    MR. MCCOY: At this time, I would renew all  
2 previous motions and objections that I've offered the Court  
3 in the course of this trial, Judge. And I would also ask  
4 the Court to grant us a directed verdict on all three  
5 charges, Judge. In taking a look at the two murder charges,  
6 Judge, there has been nothing whatsoever that's been offered  
7 by the State that says Mr. Willis did this. Mr. Willis  
8 pulled the trigger and there was certainly any sort of  
9 malice aforethought involved in these killings on behalf of  
10 Mr. Willis himself. Judge, not only have there been no  
11 eyewitness testimony as stated that. There's also been no  
12 forensic evidence whatsoever that's been offered to link Mr.  
13 Willis to this shooting and to this killing. And so, Judge,  
14 based on that, even in the light most favorable to the  
15 State, Judge, you have to look at the fact that there is not  
16 a single witness to come forward that said he did this  
17 crime. There's not a single person that's come forward or a  
18 single bit of evidence to come forward on the forensic end  
19 that says that he committed this crime. But Judge based on  
20 that, even in the light most favorable to the State, I think  
21 the Court should grant a directed verdict on the two  
22 murders. And when it comes to the handgun charge, Judge,  
23 again, I wanted to renew my objections and concerns that  
24 I've already placed on the record when it comes to that.  
25 Judge, I have a fundamental issue with any information

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1      coming out about Mr. Willis' prior record that a jury gets  
2      to hear and consider. And, again, in my twelve years of  
3      practicing law, I've never seen that done on this particular  
4      kind of charge, Judge. And so I think it's unduly  
5      prejudicial to my client. I think at this point in time  
6      again, viewing in the light most favorable to the State, I  
7      think based on my previous objections and previous issues  
8      with that charge, that the Court should grant a directed  
9      verdict. Thank you.

10              THE COURT: Thank you.

11              Solicitor?

12              MR. SORENSON: Thank you. May it please the  
13      Court, Your Honor.

14              THE COURT: Yes, sir.

15              MR. SORENSON: Looking at all of this in the light  
16      most favorable to the State, obviously, I guess I'll address  
17      the weapons charge first. I expect Your Honor's -- I think  
18      something in your jury charge that instructs the jury what  
19      that evidence could be used for. So I think that that  
20      address the prejudice as to that. And I do think that under  
21      -- that the legislature can finally do away with those two  
22      charges but right now there exists, the fact that it is  
23      unlawful to possess a handgun if you're convicted by a crime  
24      of violence. I mean, I don't know -- how would you ever  
25      prove that charge if you couldn't put forth the prior

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1 conviction. So, you know, I think it's an appropriate  
2 indictment and I think it's appropriate the way we've  
3 handled it through stipulation. As to the evidence in  
4 support of our contention you should deny his directed  
5 verdict motion, Your Honor, that the evidence that this jury  
6 has heard in the light most favorable to the State would be  
7 that this Defendant was overheard by multiple people inside  
8 this club making the comment regarding this cellphone. You  
9 know, tell the victim, tell Bro to give up the phone so  
10 there won't be any problems. He has made that comment to  
11 George Sanders, that comment was overheard by the owner of  
12 the phone, Shaquanda Williams, basically almost the exact  
13 comment was tell him -- tell Bro to give up the phone so  
14 there won't be any problems. Marvin Sanders testified that  
15 he heard the Defendant outside. Described him, described  
16 what he was wearing, which is consistent with what the  
17 Defendant told law enforcement he was wearing. Making the  
18 comment to that, that he was going to go run the guy's  
19 pockets outside. And Thomas Terrell testified that while he  
20 was unable to pick the Defendant out of a lineup, you know,  
21 based on what he testified he was able to observe to be  
22 honest with you I think it would have been amazing and  
23 probably been very questionable had he picked him out of he  
24 lineup. But he basically sees the shooting and that's  
25 significant. That proves that it was a murder. There's two

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1 counts of murder. There's no altercation occurring. He  
2 said he hears who he believes is the victim saying, you  
3 know, put that gun away right before hearing it cock and  
4 then two shots go off. We have Michael Bannister who, yet  
5 again, heard the Defendant describing hearing him over in  
6 the direction of where the bodies were found, making the  
7 comment that they were going to run your pockets. And he  
8 testified that he heard him say I'm going to put one in your  
9 head. And then hearing the gun, yet again, get cocked. And  
10 shots go off. And to the point where the first thing that  
11 he says then to the people inside the car when he gets in is  
12 I think Quadrik just shot somebody. Then we've got Latonya  
13 Campbell who yet again puts Quadrik Willis out there that  
14 evening. She also puts Charles Delee out there. Charles  
15 Delee's vehicle out there. Somebody running up to Charles  
16 Delee's vehicle and her testimony, getting into Charles  
17 Delee's vehicle. And that becomes important because I think  
18 it probably plays a role in why we're suddenly getting a  
19 third story out of Mr. Delee, and that's the last witness I  
20 want to talk about as far as the lay witnesses. And Mr.  
21 Delee gave a statement to law enforcement on 9/1/2015, so  
22 two weeks after this happened, where he, in his own  
23 handwriting, told then Sergeant Peters that Quadrik Willis  
24 ran up to -- after hearing the gunshots, Quadrik Willis ran  
25 up to his car, banged on his window, saw him with a gun,

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1 describes the gun, and says that he didn't stop because of  
2 the gun and took off. And I submit when you take that kind  
3 of in conjunction with Ms. Campbell, they fit together. And  
4 also saw a white man run into the woods who would be Thomas  
5 Terrell. I submit when you look at all of that and when you  
6 piece together, there's enough evidence -- I mean, nobody  
7 puts anybody else but Quadrik Willis over there. Nobody  
8 puts anybody else but Quadrik Willis with a gun. You have  
9 Lieutenant Peters testimony about Latonya Campbell telling  
10 him back in August of 2015 that she saw what she thought was  
11 a gun being passed in the parking lot prior to the shooting,  
12 from Maine, Charles Delee, to Quadrik Willis. I think when  
13 you look at all of that, taken in the light most favorable  
14 to the State, that there's ample evidence to present this  
15 case to the jury.

16            THE COURT: Any response, Mr. McCoy?

17            MR. MCCOY: No, ma'am.

18            THE COURT: As you're both aware at this juncture,  
19 it's the existence or non-existence of evidence and not its  
20 weight. There is competent evidence tending to establish  
21 and prove each of the elements of each charge of each  
22 indictment against the Defendant. First as to the murder as  
23 delineated by the Solicitor just a second ago, through the  
24 testimony of the witnesses. Again, there's direct and  
25 circumstantial evidence tending to establish the guilt of

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1      the Defendant through all the testimony that has been  
2      presented, although it's not forensic evidence, there is  
3      circumstantial and direct evidence. Further, as far as the  
4      gun charge is concerned, certainly he is properly charged  
5      with the indictment under the statute and pursuant to the  
6      case law that a strong arm robbery is considered a crime of  
7      violence as defined by the statute. So your motions for  
8      directed verdict are respectfully denied.

9                      MR. MCCOY: Thank you, Judge.

10                     THE COURT: And we'll print out the jury  
11      instructions. If y'all want to come back about 1:00 to make  
12      sure we're all on the same page and then we can proceed as  
13      to whether or not you wish to call any witnesses.

14                     MR. MCCOY: I've got 1:00 now, Judge. It's 1:00  
15      now.

16                     THE COURT: 1:00 now. Okay. So as soon as y'all  
17      grab some lunch and come back and then we'll get going.

18                     MR. MCCOY: Okay. Thank you.

19                                      (Court in recess for at 1:05 p.m.)

20                                      (Court in session after lunch at  
21      2:26 p.m.)

22                     THE COURT: All right. Mr. McCoy, have you had an  
23      opportunity to discuss with your client whether or not he  
24      wishes to testify?

25                     MR. MCCOY: I have, Your Honor.



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1      examined and cross-examined on any relevant issue in this  
2      case. In addition, if you have any convictions involving  
3      dishonesty or for false statement or for crimes punishable  
4      by imprisonment for more than one year and I determine that  
5      the probative value of admitting this evidence outweighs its  
6      prejudicial effect to you, the Solicitor will be able to  
7      produce your record and attack your credibility. If you  
8      decide to testify, this decision on your part must be made  
9      freely, voluntarily and intelligently with the knowledge of  
10     the protections given to you by the Fifth Amendment and the  
11     consequences of your decision to testify.

12             If you decide not to testify, I will instruct the jury  
13     they cannot give the fact that you did not testify any  
14     consideration whatsoever and that there's to be absolutely  
15     no prejudice to you because you did not testify. It is left  
16     entirely up to you whether or not you wish to testify.

17             You may talk to your attorney, your family, your  
18     friends, but ultimately the decision is entirely up to you.  
19     Do you understand what I have just explained to you?

20             DEFENDANT WILLIS: Yes, ma'am.

21             THE COURT: And have you had an opportunity to  
22     discuss this with your attorney?

23             DEFENDANT WILLIS: Yes, ma'am.

24             THE COURT: Do you wish to testify?

25             DEFENDANT WILLIS: Yes, ma'am.



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1                    Mr. McCoy.

2                    MR. MCCOY: Thank you, Judge. May it please the  
3 Court?

4                    THE COURT: Yes, sir.

5    (WHEREUPON Quadrik Willis was  
6 sworn)

7                    THE COURT: Your witness.

8                    MR. MCCOY: Thank you, Judge. May it please the  
9 Court?

10                    THE COURT: Yes, sir.

11    QUADRIK WILLIS - DIRECT EXAMINATION

12 BY MR. MCCOY:

13 Q      Mr. Willis, we're here today as you already know for a  
14 trial in regards to some charges that you've been alleged to  
15 have violated in the state; is that correct?

16 A      Yes, sir.

17 Q      Mr. Willis, if you could, can you tell the jury how old  
18 you are?

19 A      Thirty-two.

20 Q      And can you tell the jury where you're from?

21 A      Summerville, South Carolina.

22 Q      Have you lived there your entire life?

23 A      Between Jedburg and Summerville.

24 Q      And how about your family, is the vast majority of your  
25 family from the same general area?

1        A     Yes, sir.

2        Q     And can you tell the jury a little bit about your  
3        educational background?

4        A     I graduated from (inaudible) Christian Academy and got  
5        my GED when I was in -- in Turbeville.

6        Q     And you mentioned Turbeville.  There's no mystery here.  
7        You were convicted in 2007 of a strong arm robbery; is that  
8        correct?

9        A     Yes, sir.

10       Q     And you were also convicted in 2011 of a DUI; is that  
11       correct?

12       A     Yes, sir.

13       Q     And that's the extent of your criminal history,  
14       correct?

15       A     Yes, sir.

16       Q     And so you were able to obtain your GED while you were  
17       serving a sentence in regards to the 2007 charge, correct?

18       A     Yes, sir.

19       Q     Okay.  Tell the jury a little bit about where you've  
20       worked and where you worked before this arrest happened?

21       A     I was working at Key West Boats in Ridgeville, South  
22       Carolina doing navigation.  Before that I was doing  
23       landscaping and I write books.  I'm an author of three books  
24       published and, you know, and that's about it.

25       Q     Okay.  And we're going to go straight to it, okay?  I'm

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1    going to take you back to August 13 of 2015. Do you  
2    remember that night and day, correct?

3    A    Yes, sir.

4    Q    And can you tell me what you did earlier in the day on  
5    August 13th?

6    A    I was actually at my mom's house in Jedburg, you know.  
7    I had got off work early. So I went to holler at a friend  
8    of mine with my cousin Monty.

9    Q    Okay.

10    A    Because he wasn't home yet and then --

11    Q    So what did you do? I mean, did you go to Monty's  
12    house. I don't mean to stop you. I just want to make sure  
13    this makes sense for the jury and the folks in the  
14    courtroom, okay?

15    A    Yes. I went to Monty's house that afternoon, but he  
16    wasn't home yet so -- and that's where I usually be at so I  
17    went to wait for him to get off work.

18    Q    Okay. And did Monty eventually get off work?

19    A    Yes, sir. He got off work at around 10:45.

20    Q    And what's Monty's last name?

21    A    Ashe.

22    Q    Okay. And is related to you?

23    A    Yes, that's my cousin.

24    Q    Okay. Another cousin of yours. And once you were  
25    waiting for Monty to get back and then he did come home,

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1    what did y'all decide to do?

2    A    Go to 8 Ball.

3    Q    Okay. Well, what time do you think, and it doesn't  
4    have to be exact, what time do you think you got to the 8  
5    Ball?

6    A    A little after 11:00.

7    Q    Okay. And who did you go to the 8 Ball with?

8    A    Monty.

9    Q    Was anybody else in the car?

10    A    No, sir.

11    Q    Okay. Do you remember what you were wearing that  
12    night?

13    A    Caldwell shorts, a black and white tee shirt and some  
14    black Nike flip flops.

15    Q    And when you got to the 8 ball that evening and you  
16    arrived with Monty, can you describe to the jury how many  
17    folks were there, you think, when you got there?

18    A    It was a good many. It was a good many people out  
19    there, a couple of cars, probably about twenty or thirty.  
20    But the big dance floor wasn't open yet so it was a little  
21    dance floor and the pool hall and then the bar and then like  
22    a couple of people like in between the bar and like a little  
23    dance floor where you come inside the club.

24    Q    When you said twenty, I don't want there to be  
25    misrepresentation. There's not twenty cars --

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1      A      No.

2      Q      -- you think it was about twenty people?

3      A      Twenty or thirty people.

4      Q      Okay. Once you got inside of the 8 Ball, did you see  
5 any familiar faces?

6      A      There was a couple of people I know.

7      Q      Tell me some folks that you knew there?

8      A      Monty's son DeAngelo, Danny, Quanda, George, Tish,  
9 there was a couple of people, Dorian. A couple of other  
10 people I know -- knew from back in the day.

11      Q      Were people hanging out inside the 8 Ball or outside  
12 the 8 Ball?

13      A      In between. Like when I pulled up there was a couple  
14 people outside in front of the club. There was a people  
15 leaning against a truck right behind the barbershop, Tish  
16 and Dorian and somebody else.

17      Q      Okay. What did you do? Did you hang out inside or  
18 outside?

19      A      I hung out inside.

20      Q      Did you have any alcoholic drinks while you were there?

21      A      Yes, sir.

22      Q      What did you have?

23      A      Some orange juice and Crown.

24      Q      How many did you have?

25      A      Two.

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1      Q      Excuse me. You did just say two. Okay. No more than  
2      that? That's what you had?

3      A      That's all I had.

4      Q      Okay. And while you were there, did you socialize with  
5      people? Did you talk to folks that were inside the club?

6      A      Yes, sir, because I hadn't seen them in a while so I  
7      mean, mingling here and there. It was mostly at the bar and  
8      then into the pool hall. The pool hall was filled, taken up  
9      so after checking, went back to the bar.

10     Q      Okay. And I've asked some other witnesses before about  
11     this. You know, the layout of the 8 Ball Club. You kind of  
12     gave us a brief description. But is it the kind of club  
13     that's small? Is it compact?

14     A      I mean, it's small when the big dance floor -- they  
15     have a dance floor like through a whole nother door, but  
16     there wasn't that many people in there to have that part  
17     open. So when I got there, that door wasn't open. So it  
18     was like, the other little dance floor right across  
19     bannister, as soon as you walk into your left, like a little  
20     DJ booth and a couple of tables and a little dance floor and  
21     the pool hall is straight up at the end of the hall.

22     Q      Okay. When you got there, you'd been hanging out a  
23     little while. You saw some friends that you knew, some  
24     people that you knew. Did you learn of any sort of issue  
25     that popped up that night?

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1    A    Yes, sir.    Quanda phone come up missing.

2    Q    Now say that again.    Slow down for me?

3    A    Quanda's phone came up missing.

4    Q    Okay.    So Quanda's phone came up missing and you  
5    learned about that?

6    A    Yes, sir.

7    Q    Did somebody specifically tell you or did you hear it  
8    just from chatter?    Tell me how that came about?

9    A    She came to the bar and asked me did I see the phone.  
10    And I was like no.    And she walked off.    And then like  
11    George came up and asked me and I was like no, I ain't see  
12    the phone.    And then I guess he went and asked everybody  
13    else who was in the club had they seen the phone.

14    Q    Okay.    And did it come out that there was a particular  
15    person that was in the bar that people thought took that  
16    phone?

17    A    Yes.

18    Q    And what was his name?

19    A    Cummings.    Mr. Cummings.

20    Q    Did you make any comments or say anything to Mr.  
21    Cummings inside the bar about the phone?

22    A    No, sir.    I never had no interaction with him.

23    Q    Did you say anything to him on the outside of the bar

24    --

25    A    Never had any interaction with him.

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1      Q      -- about the phone or any interaction?

2      A      No, sir.

3      Q      So you learned about this?

4      A      Yes, sir.

5      Q      Do you have any sort of verbal altercation or physical  
6      altercation with anybody inside or outside of the bar in  
7      regards to this so-called missing cellphone?

8      A      No, sir.

9      Q      So the night goes on. Do you know if the phone is ever  
10     recovered?

11     A      I'm not sure.

12     Q      Okay. And the club starts coming to a end? I mean,  
13     did people start leaving at this point?

14     A      People is still inside. People were still outside. I  
15     mean, it was in between.

16     Q      Okay.

17     A      When I was leaving, people was still inside, people was  
18     still outside.

19     Q      And backing up to where when you went to the 8 Ball  
20     with Monty, whose car did you go in?

21     A      Monty's car.

22     Q      And what kind of car does Monty have?

23     A      A white Impala SS.

24     Q      Okay. Do you have a car?

25     A      No, sir.

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1      Q      Okay. So Monty was your ride there?

2      A      Yes, sir.

3      Q      And once you hung out for a while and you're there,  
4      when do you decide to leave?

5      A      A little after 1:00.

6      Q      And who are you leaving with?

7      A      Monty and DeAngelo.

8      Q      Monty and DeAngelo?

9      A      Yes. DeAngelo's son. I mean, that's Monty's son. It  
10      was his birthday.

11      Q      Okay. So DeAngelo is Monty's son?

12      A      Yes.

13      Q      And Monty is your cousin?

14      A      Yes.

15      Q      And so DeAngelo is a removed cousin of some kind?

16      A      Yes. I guess you can say that.

17      Q      Okay. So you decide to leave and you walk out. Are  
18      the three -- or the two of you out together, the three of  
19      you total, I mean?

20      A      Yeah. Me -- DeAngelo, he was sick. That's why Monty  
21      wanted to leave, you know --

22      Q      Sick from what?

23      A      From drinking.

24      Q      Okay.

25      A      It was his birthday.

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1      Q      I mean, was he was not feeling well or was he  
2      physically throwing up?

3      A      Yeah. He was physically throwing up outside the club.  
4      And I --

5      Q      Okay. So you -- I didn't mean to cut you off?

6      A      And I was right there beside like when you come out the  
7      8 Ball, out the door, you look to the left and we was  
8      standing like right there. Directly right there in front of  
9      the club.

10     Q      So you come outside. Where is Monty's car parked in  
11     relation to the parking lot of the 8 Ball?

12     A      Like it's the door at the front of the club and he's  
13     parked like right here. But it's still enough room for more  
14     cars. It was like two more cars parked right here. And  
15     then like a little space for somebody for their parking.  
16     And his car was right there.

17                    MR. MCCOY: Judge, may I approach the witness?

18                    THE COURT: You may.

19                    MR. MCCOY: Just for reference. I'm going to use  
20     your exhibit.

21     BY MR. MCCOY:

22     Q      I'm going to show you, Mr. Willis, what's already been  
23     marked as State's Exhibit No. 1. It's already in evidence.  
24     Do you recognize this general area?

25     A      A little bit.

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1      Q      Okay. Do you recognize -- we've got Beach Street and  
2      Gum Street right here. Do you recognize those streets? I  
3      know it's an overhead view?

4      A      There's Beach Street.

5      Q      Do you recognize on here where the 8 Ball is.

6      A      I think that's it right there.

7      Q      Okay. And in looking at that, I just want to get some  
8      reference to the jury as to where Monty's white car was  
9      parked?

10     A      like right here.

11     Q      Okay.

12     A      Well, not in this spot there was another car in the  
13     parking lot right here.

14     Q      I mean, they're not really spots are there? It's just  
15     a -- it's just a great big lot, you know, isn't it?

16     A      Wherever you pull in that, fit in that, that's where  
17     you're park at.

18     Q      Were there other cars that were here on the way out?

19     A      Yeah. It was like two cars right here and then there  
20     were like two cars right here, and then a truck going this  
21     way.

22     Q      Okay. And so you walk out with Monty and you walk out  
23     with DeAngelo who's physically already been sick outside of  
24     the club; is that correct?

25     A      Yes, sir.

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1    Q    You decide to get into Monty's car; is that correct?

2    A    Yes, sir.

3    Q    Tell me about the position of where people are sitting?

4    A    Monty's driving, DeAngelo was in the passenger seat and  
5    I was right behind DeAngelo.

6    Q    Okay. So you got in the back seat?

7    A    Yes, sir.

8    Q    And then you left?

9    A    Yes, sir.

10    Q    Do you recall time, a rough time of when you left?

11    A    I know it was like right after 1:00, like probably  
12    before 1:30; 1:00, something like that. 1:00 or 1:15,  
13    something like that.

14    Q    And it's your testimony here today you're not exactly  
15    sure of exact times of when you got there and when you left?

16    A    Yes, sir. I'm not positive but I left around that  
17    time.

18    Q    Okay. And then you leave with Monty and DeAngelo in  
19    Monty's car?

20    A    Yes, sir.

21    Q    Monty's driving. What do y'all do when you leave?

22    A    We leave from Ridgeville. We went to Summerville to  
23    Main Street to Walgreens where he went in and got something  
24    for his daughter. He was in there for an hour and a half,  
25    two hours and we came out and we went back to the trailer

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1    park.

2    Q    Okay. Did you go into Walgreens at all?

3    A    No, sir. I was in the car with DeAngelo.

4    Q    Okay. Did DeAngelo go into Walgreens at all?

5    A    No, sir.

6    Q    So once Monty comes out of Walgreens, he gets back in  
7    the driver's seat. You're in the car still?

8    A    Yes, sir.

9    Q    And DeAngelo's still in the car?

10    A    Yes, sir.

11    Q    Where do y'all go after that?

12    A    To the trailer park.

13    Q    And when you get to the trailer park -- and when you  
14    say trailer park -- again, I want to make sure I'm clear on  
15    this. Was it Monty's residence?

16    A    Yeah. That's where Monty was staying at.

17    Q    Okay. That's where Monty was staying?

18    A    Yes, sir.

19    Q    And so you went there and you got out of the car and  
20    that was your only ride was with those folks?

21    A    Yes, sir.

22    Q    Did you go out anymore after that that night?

23    A    No, sir.

24    Q    Do you know what time approximately you got to Monty's  
25    trailer where he was staying?

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1    A    Probably after 3:00, probably about 3:30 something like  
2    that.    Between 3:00, 3:20, 3:25, something like that.

3    Q    Okay.    And, again, you don't have to be exact on the  
4    time.    I know that's a tough thing to do.    Mr. Willis,  
5    you've heard a lot and you've sat through this entire trial.  
6    You've heard people take the witness stand.

7    A    Yes, sir.

8    Q    Let me ask you this.    At any point in time that night  
9    did you have a firearm?

10    A    No, sir, I didn't.

11    Q    At any point in time that night was a firearm passed to  
12    you?

13    A    No, sir, it wasn't.

14    Q    At any point in time that night did you even see a  
15    firearm?

16    A    No, sir.

17    Q    And furthermore, were you present in the parking lot --  
18    did you actually hear gunshots happen that night?

19    A    No, sir.

20    Q    Okay.    So you didn't see a gun?

21    A    No, sir.

22    Q    You didn't have any physical or verbal altercations?

23    A    No, sir.

24    Q    You didn't have a gun?

25    A    No, sir.

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1      Q      Was anybody you were with that night, be it DeAngelo or  
2      Monty, did they have a firearm in their possession?

3      A      No, sir.

4      Q      Now, Mr. Willis, I know that you're not a perfect human  
5      being. None of us are, okay? And I realize that you have a  
6      past and you've admitted your past here today in open court?

7      A      Yes, sir.

8      Q      But are you a murderer?

9      A      No, sir. I'm not.

10                      MR. MCCOY: Judge, I don't have any further  
11      questions at this time. Thank you.

12                      THE COURT: Cross-examination.

13                      MR. SORENSON: I beg the Court's indulgence one  
14      second.

15                      May we approach real quick, Your Honor.

16                      THE COURT: Certainly.

17      (Off the record bench conference with counsel and the  
18      Court.)

19                      THE COURT: You may proceed.

20                      MR. SORENSON: Thank you, Your Honor.

21                                      (Off record discussion between  
22      counsel)

23                      MR. SORENSON: May it please the Court, Your  
24      Honor?

25                      THE COURT: Yes, sir.



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1    Q    And you responded yes to that; is that correct?

2    A    Yes, sir.

3    Q    Well, the fact of the matter is you also have an  
4    unlawful carrying of a weapon conviction from 2009; is that  
5    correct? That you pled guilty to in 2009?

6    A    No, sir.

7    Q    It's not accurate?

8    A    Naw.

9    Q    And also a simple possession of marijuana conviction  
10    from 2006?

11    A    I think that was a ticket.

12    Q    It's still part of your prior record though; is that  
13    correct?

14    A    Oh, yeah. You're right. You're correct.

15    Q    And as to the unlawful carrying of a pistol also?

16    A    No, I never was caught -- but I never was charged with  
17    that, with a pistol.

18                    MR. SORENSON: May I approach the witness, Your  
19    Honor?

20                    THE COURT: You may.

21    (Off record discussion between  
22    counsel)

23                    MR. SORENSON: May I approach the witness, Your  
24    Honor

25                    THE COURT: You may.



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1            COURT REPORTER: No, sir.

2            MR. SORENSON: No, that's Delee. That's his  
3 evidence, his No. 2 -- or No. 3, I mean.

4            COURT REPORTER: No, this is State's Don, your 22.

5            MR. SORENSON: Oh, 22. Yeah, that's 22. That's  
6 Delee. She had down as Campbell for 23.

7            COURT REPORTER: And then so the next one will be  
8 23.

9            THE COURT: Okay.

10           MR. SORENSON: I don't think we ever marked Ms.  
11 Campbell's. I showed it to her, but I don't think we ever  
12 marked it.

13           THE COURT: Marked it?

14           MR. SORENSON: Okay. I'm sorry. Okay. Back to  
15 where we were.

16 BY MR. SORENSON:

17 Q        That's the extent of your criminal record?

18 A        I understand that now.

19 Q        Okay.

20 A        Yes, sir.

21 Q        I just have a few things kind of about that night. So  
22 it's your testimony that you went over to Monty's house and  
23 that's how you got to the club; is that correct?

24 A        Yes, sir.

25 Q        All right. Let me go through kind of a handful of

1        people and see if you know them.  These basically are the  
2        people that have testified over the last two days.  George  
3        Sanders --

4        A        Yes, sir.

5        Q        -- you know George?  Okay.  Shaquanda Williams?

6        A        Yes, sir.

7        Q        You knew her by Quanda?

8        A        Quanda, yes, sir.

9        Q        That's whose phone went missing; is that correct?

10       A        Yes, sir.

11       Q        All right.  And it's your testimony that you never --  
12       you were aware of that phone missing; is that correct?

13       A        Yes, sir.

14       Q        But did you ever say to George or anybody to tell  
15       Tyrone to give the phone back so there won't be any  
16       problems?

17       A        No, sir.  I never indicated anything to anybody.  I  
18       told George whoever had the phone, you know, to give it up.  
19       But I was leaving out the door when I told George that.  I  
20       was getting into the car when George came to the -- like  
21       when you come in the club, the bar, that little piece in the  
22       bar, he come from his office straight to the front door.  
23       And we was standing right there.  And I was like you know  
24       whoever's got the phone just tell them to give it up.  And  
25       that's when I got in the car.  And he was standing right

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1        there when I got in the car.

2        Q        So you never said anything about so there won't be any  
3        problems?

4        A        No, sir.

5        Q        So it's your testimony that George saw you leave at  
6        that point in time?

7        A        Yes, sir.

8        Q        He saw you get in the car and leave?

9        A        Yeah, he was coming -- like when I was walking out, the  
10       door was open. He was coming right behind me. People still  
11       inside the club.

12       Q        Okay. And then how about Marvin Sanders. And he might  
13       go by Maurice. Do you know Marvin?

14       A        No, sir.

15       Q        Don't know him at all?

16       A        No, sir. I don't know him.

17       Q        He's the first guy that testified this morning?

18       A        Oh, yeah, yeah, yeah. No. The black dude, the dark  
19       skin dude, that's him?

20       Q        Uh-huh? (Affirmative response.)

21       A        No, I don't know him.

22       Q        You don't know him.

23       A        No.

24       Q        The first guy that testified this morning, you don't  
25       know him at all?

1        A        The first guy was named Bruce, right?

2        Q        This morning?

3        A        Oh, yeah, I know who you -- Yeah. I know who you  
4        talking about, Juicy.

5        Q        Juicy?

6        A        Yeah, Juicy.

7        Q        Okay. So you do know him?

8        A        Yes, sir.

9        Q        How about Thomas Terrell. He's the white guy that  
10        testified this morning?

11       A        No.

12       Q        All right. How about Michael Bannister?

13       A        No.

14       Q        Ty, goes by Ty?

15       A        No, sir. I mean, I've seen him a couple of times with  
16       my little brother Tyler, but I don't know him like that.

17       Q        So you don't know or don't -- I mean, what does that  
18       mean I don't know him like that. What does that --

19       A        I mean, I don't know -- I see him with my little  
20       brother Tyler, but I don't know who he is.

21       Q        Okay. All right. How about Tonya Campbell, LaTonya  
22       Campbell?

23       A        LaTonya?

24       Q        Uh-huh. You know her?

25       A        Yes, sir.

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1      Q      All right. And obviously -- and Charles Delee, you  
2      know Mr. Delee, right?

3      A      Yes, sir.

4      Q      He goes by the nickname, Main? That's his nickname?

5      A      Yes, sir.

6      Q      All right. And I assume from what your lawyer asked  
7      you, that you deny making -- having any interaction with the  
8      victim Tyrone or Deborah outside the club; is that correct?

9      A      Yeah, I didn't have any -- anything going on there.

10     Q      So you never said anything to Tyrone about running  
11     through his pockets or anything like that?

12     A      No, sir.

13     Q      Okay. And I assume you also deny that you ran up to  
14     Mr. Delee's car with a gun in your hand; is that correct?

15     A      I didn't never do that.

16     Q      Now, you gave a statement to law enforcement, right,  
17     several days after this to Detective Peters?

18     A      No, Mr. Elmore. I think he was in there too, but --

19     Q      All right. There were two of them in there. Was it  
20     Peters and Elmore, does that sound right?

21     A      Yeah, and another detective too on another time.

22     Q      Okay. And in that statement you don't ever say  
23     anything about DeAngelo being in the car with y'all; is that  
24     correct?

25     A      No, when he asked me, I told him. He asked me who was

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1    in the car when I told Detective Peters, I think is his  
2    name?

3    Q    Uh-huh. (Affirmative response.)

4    A    He was asking me who was all in the car and I told him  
5    who was all in the car.

6    Q    Did you put that in your statement?

7    A    They didn't ever ask me that in my statement. My  
8    written statement.

9    Q    So they asked you but then didn't ask you in the  
10    written statement?

11    A    When he was talking to me -- I talked to him two  
12    different times. I talked to him -- I did a written  
13    statement and then I went to talked to him. When Keith  
14    Elmore called with my father, I went and talked to him. And  
15    then I went and talked to them again after that. When he  
16    asked -- when he asked me who was in the car with me, that's  
17    when I told him me, Monty and DeAngelo.

18    Q    And it was DeAngelo's birthday; is that correct?

19    A    Yes, sir.

20    Q    His nineteenth birthday?

21    A    Yes, sir. I didn't find that out until Monty -- that's  
22    when Monty was like, you know what, come on. Let's go ahead  
23    and go. Because at first he didn't want to go. But then he  
24    like, you know what, after he son was like that we go ahead  
25    and go.

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1      Q      And it's your testimony that the reason Monty was ready  
2      to leave was because DeAngelo was physically throwing up  
3      outside?

4      A      Yeah. And he was tired.

5      Q      Okay. And it's your testimony that y'all left the 8  
6      Ball and went where?

7      A      We went to Main Street. The Walgreens on Main Street.

8      Q      Main Street in Summerville; is that correct?

9      A      Yes, sir.

10     Q      And it's open twenty-four hours, right?

11     A      Yes, sir.

12     Q      Okay. And just to make sure I understood this right,  
13     but you said that you stayed in the car?

14     A      Yeah. Me and DeAngelo was in the car.

15     Q      DeAngelo stayed in the car and Monty went inside to get  
16     something for his daughter?

17     A      Yes, sir. He was doing a little bit of shopping for  
18     his daughter, whatever.

19     Q      All right. And it's your testimony that he was in  
20     Walgreens for an hour and a half to two hours?

21     A      Yes, sir.

22     Q      So then you got back to Monty's sometime between 3:00  
23     and 3:25, I think is what you testified to; is that correct?

24     A      Yes, sir.

25     Q      Who was there when you got back there?

1        A     My cousin's kids.

2        Q     And who are they? Your cousin being Monty?

3        A     No, my other cousin. She lived there too but she was  
4        at work. Her older kids were there.

5        Q     Okay. And who is that?

6        A     Her daughter and her son, Quill (sp).

7        Q     Okay. And when y'all left -- did you talk to anybody  
8        when you left?

9        A     When we left?

10       Q     Uh-huh. (Affirmative response.)

11       A     The house or the --

12       Q     I'm sorry. The 8 Ball Club?

13       A     No, we was in the car -- the last one I talked to was  
14        George, you know, and then went straight to the car.

15       Q     So George would have seen you getting in the car and  
16        seeing you leaving with Monty?

17       A     Yes, sir, that was -- when I was walking out, he was  
18        right behind me.

19       Q     And that's the same George that testified yesterday?

20       A     Yes, sir. George Sanders?

21       Q     Yes, sir?

22                    MR. SORENSON: I beg the Court's indulgence.

23                    That'd be all I have, Your Honor.

24                    THE COURT: Any redirect?

25                    MR. MCCOY: No, ma'am.



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1 THE COURT: Your witness.

2 MS. TURNER: Thank you, Your Honor.

3 DEANGELO ASHE - DIRECT EXAMINATION

4 BY MS. TURNER:

5 Q DeAngelo, can you tell me when your birthday is?

6 A [REDACTED]

7 Q Do you remember where you celebrated your birthday two  
8 years ago?

9 A Yes, ma'am. 8 Ball.

10 Q Okay. Did you have any alcohol to drink that evening?

11 A Yes, ma'am.

12 Q Okay. Did you have a good time celebrating your  
13 birthday at the beginning of the evening?

14 A Yes, ma'am.

15 Q Did you have a lot of friends and family that you knew  
16 who were there?

17 A Yes, ma'am.

18 Q Was your dad there with you that evening?

19 A Yeah.

20 Q And what's your dad's name?

21 A Monty.

22 Q What's his last name?

23 A Ashe.

24 Q Did you see Quadrik Willis there as well?

25 A Yes, ma'am.

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1 Q Is that the person sitting right over here?

2 A Yes, ma'am.

3 Q And you've known Quadrik for a good bit of time?

4 A Yes, ma'am.

5 Q Did you talk with him while you were at the 8 Ball  
6 Club?

7 A Yes, ma'am.

8 Q At one point from the amount of alcohol you consumed  
9 did you start to get a little bit sick?

10 A Yes, ma'am, I got nauseous.

11 Q Okay. And when you had a -- when you got nauseous, who  
12 helped you?

13 A Quadrik. When we was standing outside, I was throwing  
14 up.

15 Q Okay. And the club was still open at this point in  
16 time, correct?

17 A Yes, ma'am.

18 Q After you were outside with Quadrik when you said you  
19 got sick, correct?

20 A (Nods head affirmatively)

21 Q Did you walk to the car after that?

22 A Yes, ma'am.

23 Q And your dad was driving his car that night, correct?

24 A Yes, ma'am.

25 MR. SORENSON: I'm going to object to the leading.

1 THE COURT: Sustained. Please don't lead the  
2 witness.

3 BY MS. TURNER:

4 Q Whose car did you walk to?

5 A My dad's, with Quadrik.

6 Q And what type of car was your father driving that  
7 evening?

8 A It was a white four -- a white Impala. It was a four-  
9 door.

10 Q To the best of your knowledge you left the club that  
11 night and did not hear any gunshots go off?

12 A No, ma'am.

13 MR. SORENSON: Your Honor, Again, I'm going to  
14 object to the leading.

15 THE COURT: Please don't lead.

16 BY MS. TURNER:

17 Q When you got in the car, did you fall asleep?

18 A Yeah.

19 Q And when you woke up, where were you?

20 A In the driveway. Quadrik was helping me out the car,  
21 helped me to my room. When we got home, I looked over and  
22 saw Quill (sp) playing games because he unlocked the door  
23 for us. I went into the bedroom and the that's when I woke  
24 up.

25 Q Okay. So you had to get some help out of the car that

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1 night?

2 A Yes, ma'am.

3 Q And Quadrik helped you?

4 A Yes, ma'am.

5 Q And do you remember if anyone else was in the car with  
6 you besides Quadrik and your father?

7 A No, ma'am. It was just us three.

8 Q Just the three of you.

9 MS. TURNER: I beg the Court's indulgence. I  
10 don't have any further questions

11 THE COURT: Cross-examination.

12 DEANGELO ASHE - CROSS-EXAMINATION

13 BY MR. SORENSON:

14 Q How did you get there that night?

15 A I got dropped off.

16 Q By who?

17 A My friend, John I went to school with.

18 Q So you went there by yourself basically.

19 A Yes, sir.

20 Q And you were nineteen at the time?

21 A Yes, sir.

22 Q You clearly shouldn't have been drinking at a club; is  
23 that accurate?

24 A Yes, sir. Yeah, things you shouldn't be doing.

25 Q Is that a place that you frequently went to drink?

1 A Sometimes I would not drink but I'd just go out there  
2 just to hang around with people.

3 Q And it's your testimony that you got sick, right? And  
4 you were throwing up out there; is that correct?

5 A Yes, sir.

6 Q And did you ask your dad to give you a ride home?

7 A Yes, sir.

8 Q And it's your testimony that you were asleep and don't  
9 -- the next thing you know is -- you got in the car and the  
10 next thing you remember is when you pulled up at home?

11 A Yes, sir.

12 Q So you don't know where you went in between?

13 A No, sir. I was just out.

14 Q Okay. And what time was that that you got home, do you  
15 know?

16 A Probably like 1:30 or 2:00.

17 Q You got home at 1:30 or 2:00? You looked at the clock?

18 A Yes, sir. I checked my phone when I plugged it up on  
19 the charger.

20 Q So you checked your phone when you got home and it was  
21 between 1:30 and 2:00? Okay. And you've never talked to  
22 the sheriff's office about this case; is that correct?

23 A No, sir.

24 Q Okay. Do you know if they tried to talk to you?

25 A No, sir, nobody tried to contact me of any sort.

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1 Q Okay. All right. And your dad ended up getting  
2 charged actually with obstruction of justice also; is that  
3 correct?

4 A I don't know. I don't know anything about my father.  
5 All I can tell you is what I know, what I saw, what I did.

6 Q You don't know anything about your dad getting charged  
7 stemming out of this?

8 A No, sir, I just told you.

9 Q Do you talk with your dad?

10 A Yeah. I mean, yes, sir, but he don't tell me all his  
11 business like that.

12 Q Okay. Let me ask you this. Do you remember  
13 altercations or any issues at the 8 Ball Club that night?

14 A No, sir.

15 Q Who were you hanging out with there?

16 A Just me, Main, Crunch and my daddy and just my family,  
17 cousins. That's about it.

18 Q So Main, you know Main?

19 A Yes, sir.

20 Q And you know his real name?

21 A No, sir.

22 Q Okay. Who's Crunch?

23 A Quadrik.

24 Q Quadrik, that's the Defendant?

25 A That's my homey.

1 Q That's his nickname is Crunch?

2 A (Nods head in the affirmative)

3 Q But you don't know "Maine's" real name?

4 A (Shakes head negatively)

5 MR. SORENSON: Beg the Court's indulgence.

6 BY MR. SORENSON:

7 Q What time -- Mr. Ashe, what time did you get there that  
8 night?

9 A What time I get there? I'm not too sure what time I  
10 got there.

11 Q Okay. And had you been anywhere prior that night  
12 before going there?

13 A No, sir.

14 Q Because obviously that day before, the [REDACTED] was your  
15 actual birthday, right? So you went out to celebrate your  
16 birthday the night of the [REDACTED]; is that correct?

17 A Yes, sir.

18 Q So you get home the following morning?

19 A Yes, sir.

20 Q Between 1:30 and 2:00 on the [REDACTED]; is that right?

21 A (Nods head affirmatively)

22 Q Okay. So you got dropped off but you don't know what  
23 time it was?

24 A No, sir.

25 Q Had you been drinking anywhere prior to going to the 8

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1        Ball Club?

2        A        Yes, sir.    I only drank at the 8 Ball.

3        Q        Okay.    What were you drinking at the 8 Ball?

4        A        Crown Royal and (inaudible).

5        Q        Okay.    And how many drinks did you have?

6        A        About four.

7        Q        And who were you getting those drinks from?    I mean,  
8        who was serving you just the bartenders there or --

9        A        Yes, sir.    I mean, it's just a little family owned bar  
10        and stuff so --

11        Q        And how long were you there?

12        A        Not really too long about an hour and thirty.

13        Q        And when you got there was your dad there?

14        A        No, sir.

15        Q        Was Quadrik there?

16        A        No, sir.

17        Q        Okay.    How long after you got there did the two of them  
18        arrive?

19        A        Like ten minutes because I wasn't supposed to be out  
20        there in the first place, because my dad told me not to?

21        Q        Why?

22        A        Because I wasn't old enough to be out there.

23        Q        Well, he comes out there, but he didn't get you to take  
24        you home does he?

25        A        I mean, no.    He kind of talked to me a little about,

1 but I wasn't acting crazy and stuff, so he really wasn't  
2 worried about it. I just stayed by him and Crunch the whole  
3 time.

4 Q And so you're there an hour and a half and then so do  
5 you know about what time it was that you left the 8 Ball?

6 A I know it was around 1:30 or 2:00. That's when I  
7 plugged the phone up to the house.

8 Q Okay. All right. And did you go straight from the 8  
9 Ball home?

10 A I believe so. I was asleep when I got the car, but I'd  
11 say from the 8 Ball when I woke up, we was in the driveway.  
12 We was backing the car up. He helping me out the car the  
13 car to the bedroom.

14 Q Okay. And let me ask you this. Where was it that you  
15 threw up?

16 A On the side of the building.

17 Q Okay. And did you leave right after that happened or  
18 were you still there for a while?

19 A No, I stayed for like fifteen minutes just to make sure  
20 that I didn't throw up in my dad's car and then we left, but  
21 I was standing by the car.

22 Q Okay. So you drove home and I guess it's -- I'm  
23 assuming since you're not feeling good, were you kind of  
24 passed out across the back seat or --

25 A Well, you said that. But when I was driving, but I

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1        wasn't driving.

2        Q        No, no, no. I'm sorry. You misunderstood me. I said  
3        you weren't feeling well on the way from the 8 Ball Club  
4        coming home. You'd been throwing up; is that correct?

5        A        Yes, sir.

6        Q        I assume did you just kind of pass out on the back seat  
7        on the way home or?

8        A        I was in the passenger's seat. I was just laying  
9        against the window.

10       Q        Okay. And who was driving?

11       A        My dad.

12       Q        And who else was in the car?

13       A        Quadrik.

14       Q        Okay. And you're positive about that?

15       A        Yes, sir.

16       Q        Two years later?

17       A        Yes, sir.

18       Q        Okay. You never talked to law enforcement, never  
19        bothered to -- thought it would be important to come tell  
20        them --

21       A        The only time that anybody have contact me about this  
22        is yesterday. I have not gotten any contact whatsoever  
23        about this.

24       Q        Okay. So for two years you've not talked with anybody  
25        about this until yesterday?

1 A Until yesterday. I got a call when I was at work. And  
2 I can clarify that with my manager.

3 Q And who was that -- do you know who it was that  
4 contacted you or --

5 A No, sir.

6 Q So your dad never talked to you about that night?

7 A (Shakes head negatively)

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

9 THE COURT: Any redirect?

10 MS. TURNER: No, Your Honor.

11 THE COURT: You may step down, sir. Thank you.

12 MR. ASHE: Can I take this water?

13 COURT REPORTER: Yes, sir.

14 THE COURT: You may call your next witness?

15 MR. MCCOY: Judge, may I have one moment?

16 THE COURT: Certainly.

17 (Court at ease)

18 MR. MCCOY: Judge, we don't have any other  
19 witnesses.

20 THE COURT: Defense rests?

21 MR. MCCOY: We do, Judge.

22 THE COURT: Is the State calling any reply  
23 witness?

24 MR. SORENSON: I don't believe so, Your Honor.

25 THE COURT: All right. Ladies and gentlemen of

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1 the jury, it's about ten after 3:00. Both sides have rested  
2 their case and we still have the closing arguments of  
3 counsel and the charge on the law before you actually begin  
4 your deliberations. So it's probably a good time for us to  
5 take our evening recess so that we have ample time. You  
6 will have the case in the morning. If you would please  
7 return to your jury room at 9:30 in the morning and we'll  
8 proceed with the closing arguments and the charge on the law  
9 in the case. Please remember my instruction. It is very  
10 important that you not discuss this case with anyone and  
11 that includes amongst yourselves. Have a nice evening and  
12 we'll see you in the morning.

13 (Jury out at 3:17 p.m.)

14 THE COURT: All right. Counsel, anything further  
15 before we break?

16 MR. SORENSON: No, Your Honor.

17 MR. MCCOY: Nothing from the Defense, Judge.

18 THE COURT: If y'all would just review those jury  
19 instructions, we'll get together a couple of minutes before  
20 9:30 and make sure we have everything, that we're all on the  
21 same page with that and we'll see you then.

22 MR. MCCOY: Thank you, Judge.

23 THE COURT: Y'all have a good night.

24 THE BAILIFF: Your Honor, Take five minutes and  
25 let the jury leave?



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1 (Court in session October 11, 2017  
2 at 10:15 a.m.)

3 THE COURT: All right. Counsel, we've had an  
4 opportunity to have a charge conference in chambers. It's  
5 my understanding that there are no objections to the  
6 proposed jury instructions as submitted by the Court. I did  
7 add the definition of a stipulation and tried to keep it  
8 simple. And basically I added to the definition of  
9 possession of a pistol by a person convicted of a crime of  
10 violence. I added the language after that first paragraph  
11 that the parties in this case stipulated that the Defendant  
12 has a prior conviction for strong arm robbery. A  
13 stipulation is an agreement between the parties that a fact  
14 is true. In the State of South Carolina strong arm robbery  
15 is considered a crime of violence. Any objections to that  
16 language?

17 MR. TEMPLETON: None from the State, Your Honor.

18 MR. MCCOY: Judge, just from my previously noted  
19 objections.

20 THE COURT: Certainly.

21 MR. MCCOY: Thank you.

22 THE COURT: Anything else before we bring the jury  
23 out?

24 MR. TEMPLETON: No, Your Honor.

25 MR. MCCOY: No, ma'am.

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1 THE COURT: All right. Let's have our jury,  
2 please?

3 (Jury in at 10:15 a.m.)

4 THE COURT: Good morning ladies and gentlemen of  
5 the jury, welcome back. I hope that you had a nice evening.  
6 We're now ready to proceed with the closing arguments of  
7 counsel. You may proceed.

8 MR. SORENSON: May it please the Court, Your  
9 Honor.

10 THE COURT: Yes, sir.

11 STATE'S CLOSING ARGUMENT

12 BY MR. SORENSON:

13 Good morning. It is hard to fathom a more cold, more  
14 evil, a more malicious act than what I submit to you that  
15 man right there did to Tyrone Cummings and Deborah Bazzle in  
16 the early morning hours of August 14th, 2015. It's hard to  
17 imagine a more senseless act than what he did to these two  
18 young people out there. For what? Because maybe he took a  
19 cellphone? That's the value that Quadrik Willis put on  
20 their lives that morning, a cellphone? He basically  
21 executed Tyrone Cummings. You've heard Dr. Ross' testimony.  
22 One shot from less than two feet away, from less than an  
23 arms-length away point blank into his head. And took that  
24 same gun and turned it on Deborah Bazzle. I submit to you  
25 the only reason, because she was there. Had to get rid of

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1 the witness, the person that could I.D. him. A person that  
2 was standing there right in front of him when he pulled that  
3 trigger and killed Tyrone. Tyrone's last words, hey man,  
4 put that gun up. Put that gun up. Before you heard  
5 multiple witnesses talk about hearing that gun, that gun  
6 cock, that gun get loaded. and two shots. Two shots. Two  
7 shell casings found.

8 I submit to you when he ran away that morning, ran away  
9 to Main, "Main's" car, Charles Delee's car -- and we'll talk  
10 a lot more about him in a few minutes. I submit he got in  
11 that car. Quadrik Willis thought he had gotten away with --  
12 gotten away with murder. Gotten away with murders that  
13 morning. He had taken them, confronted them on the dark  
14 side of the street, shot the only witness that he knew  
15 about. I submit to you thankfully for Thomas Terrell he  
16 didn't know he was behind him. He then ran away. And I  
17 submit to you at that point in time he didn't think he had  
18 anything to worry about from any of those people that were  
19 out there around that club, in that club parking lot,  
20 hanging out nearby, inside the club. And he was almost  
21 right about that.

22 When you think about it -- think about all of those  
23 people. I mean, you heard from the people that finally did  
24 come forward in some way shape or form, but go back to their  
25 testimony that other people that were either in cars out

1 there or in the club out there or in these homes nearby.  
2 Two o'clock in the morning and two people shot on the road  
3 not a single person calls 9-1-1. Not a single person. Four  
4 hours later, four hours later and you heard Bruce Williams  
5 is leaving to go to work and basically comes upon them. And  
6 I submit to you that's what he's counting on. Because you  
7 see, I didn't pick the witnesses that you got to hear from  
8 on the stand the last couple of days. I submit to you  
9 Tyrone Cummings, Deborah Bazzle, their families didn't get  
10 to pick those witnesses. He picked them because he knew  
11 basically what we'd have to hear about. And I'm going to go  
12 through all of those, all of that in a few minutes here.

13 Ladies and gentlemen, the easy thing to do, the easy  
14 thing to do when you get back in your jury room in a little  
15 while -- after I'm done, Mr. McCoy has an opportunity to go  
16 and I'm going to have a short opportunity at that point in  
17 time to do a rebuttal to his closing argument. The easy  
18 thing to do would be to do what those people did a few years  
19 ago is just pretend all this didn't happen. To go back  
20 there and say well, you know, the State didn't produce any  
21 witnesses that came in and said I saw Quadrik Willis pull  
22 that trigger two times. Or the State didn't produce any DNA  
23 or fingerprints -- I'm going to talk to you about that in a  
24 minute also -- that links Quadrik Willis to the scene. And  
25 they never found the gun.

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1           And we heard from a handful of these witnesses out  
2 there and I mean, gosh, look at their demeanor up on the  
3 witness stand. They didn't want to be here and they're  
4 lying to the police, probably lying to us about things in  
5 here. Why should we care?

6           Ladies and gentlemen, I'm asking you not to take that  
7 easy out, not to take that easy out. Because see there are  
8 a lot of cases that are solved based on just nothing but  
9 forensic evidence. You can have burglaries where there's  
10 nobody home and somebody breaks into your home, goes in and  
11 steals stuff. Sexual assaults where it's a total stranger  
12 where law enforcement has to rely upon, you know, finding a  
13 fingerprint at a crime scene, you know. Finding a  
14 fingerprint that doesn't belong to somebody that you know  
15 inside your home at the point of entry. You know, a sexual  
16 assault where there's evidence found that then convicts  
17 somebody of that. This isn't that type of case.

18           You know, we're at a club that by his own admission he  
19 was at. So I'm not sure what kind of DNA or fingerprints or  
20 footwear impressions or things like that, that you'd expect  
21 to find that he's not going to have an excuse for because he  
22 was -- no question about it. By his own admission he was  
23 out there. So what do we have to rely upon? We have to  
24 rely upon the witnesses that ultimately talked to law  
25 enforcement and that came in and testified. And it

1 ultimately becomes sort of like putting a puzzle together.  
2 Putting a puzzle together. And I submit to you if you just  
3 bear with me for a little while here, I'm going to go  
4 through those pieces. When you look at the pieces of that  
5 puzzle, the testimony that you've heard from this witness  
6 stand. In some cases the statements that they gave to law  
7 enforcement two years ago when they weren't here in front of  
8 him, in front of his family, in front of his friends. I  
9 submit to you when you look at those pieces, the picture  
10 becomes not only pretty clear but very clear. And I submit  
11 to you there is no doubt, no doubt who murdered Tyrone  
12 Cummings and Deborah Bazzle. It's that man, Quadrik Willis.  
13 And the pieces of the puzzle as you've heard Her Honor --  
14 Her Honor told you at the beginning, the Defendant's charged  
15 with three crimes. Two counts of murder, one involving  
16 Tyrone, one involving Deborah and then possession of a  
17 pistol by a person convicted of a crime of violence. And  
18 that's the Defendant's prior conviction for common strong  
19 arm robbery. He's not allowed under our laws to possess a  
20 firearm, a handgun, okay? So if you find that he had a  
21 handgun in his possession no matter what else he did that  
22 night, he's guilty of that charge, okay? But these pieces  
23 then of the puzzle that you're going to hear about, that you  
24 heard about, that I'm going to talk about, kind of go to  
25 prove two different things. Because obviously we still have

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1 to prove that Tyrone and Deborah were murdered that night.  
2 We have to prove that. That's our burden. And I submit to  
3 you some of these witnesses kind of go towards that. And I  
4 submit that is not an issue. I mean, if you've got a  
5 question about whether they were murdered that night, then I  
6 apologize for wasting your time. But the real issue that  
7 we're here about is who did it? Who did it? And that's  
8 what I want to spend most of the rest of my closing argument  
9 time is going through -- going through the evidence that I  
10 submit to you convicts Quadrik Willis beyond any doubt. Any  
11 doubt.

12 Those first couple of witnesses that you heard from  
13 Monday afternoon, Bruce Williams, Deputy Eady that responded  
14 out there, they kind of lay out, you know, basically the  
15 scene and you got to see some of the pictures. Kind of goes  
16 more towards the kind of the what happened as opposed to the  
17 who happened, so I'm not going to spend much really more  
18 time on those right now. Then you heard from Detective Jeff  
19 Scott the crime scene person. Yet again, he did some  
20 measurements on a diagram and you'll have that back there.  
21 He left you a map with you, collected a couple 9mm shell  
22 casings. Okay.

23 The gunshot wounds, one to each of their heads. It's  
24 not surprising that you're going to find two spent shell  
25 casings out there. I submit to you there's really not

1 anything else out there at that scene that helps answer  
2 either of those other two questions, the what happened or  
3 the who did it. We have tire impressions in the sand. I  
4 mean, it's a public road. And we know Bruce Williams drove  
5 by there that morning in his vehicle before he called 9-1-1.  
6 There's no evidence that the person that shot Tyrone and  
7 Deborah was driving a vehicle on Gum Street. There's not  
8 going to be fingerprints. I mean, again, it's a dirt road.  
9 We tried to get fingerprints on the one thing that might be  
10 relevant are the two shell casings. We were unable to get  
11 any fingerprints at all off of those two.

12 So let's talk a little bit about now the pieces of the  
13 puzzle that I submit to you prove the who, the who did it,  
14 all right? There are several things that when you look back  
15 at the testimony from the people that were out there that  
16 night that testified, that are pretty consistent; consistent  
17 with all of them. There were no altercations, no arguments,  
18 no fights in the club that night. The only issue that  
19 occurred out there that night was a cellphone, Shaquanda  
20 Williams' cellphone going missing. And the general thought  
21 from everybody out there was that Tyrone had something to do  
22 with that cellphone being missing because of where he was  
23 seated. That he was seated at the bar where that phone was  
24 last seen. So those are kind of the facts that are fairly  
25 consistent with about everybody -- everybody that testified

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1 that was inside and heard anything about what had happened  
2 that night.

3 So let's talk about Shaquanda Williams. I think she  
4 was the first kind of, kind of lay witness that testified  
5 Monday afternoon about that evening. Her boyfriend was his  
6 cousin, Kawon McCants. Her phone that goes missing. And  
7 what else does she tell us that's relevant as to Quadrik  
8 Willis? She overhears him telling George Sanders -- and I'm  
9 going to talk about him in a minute, the guy who was  
10 basically running the club that night -- overhears Quadrik  
11 Willis say to George, just find the phone so there won't be  
12 any problems, referring to Tyrone. Get the phone from Bro  
13 so there won't be any problems. Okay. Then we move on to  
14 George Sanders who testified also. And I think the last  
15 witness that testified Monday afternoon. Basically running  
16 the club that night. He was the one that was asking around  
17 about the phone. He had seen Tyrone sitting there. Close  
18 to closing time the Defendant, Quadrik Willis, says and tell  
19 Bro to give up the phone so there won't be any problems,  
20 referring to Tyrone Cummings. Yet again, he, for one --  
21 it's not his phone but it is his cousin's girlfriend's  
22 phone. He's the one that is making a big deal about making  
23 sure somebody tries to get the phone from Tyrone. There are  
24 a couple of other things about George, all right? And that  
25 was kind of what came after in the direct examination.

1           A couple of other things I want to talk to you about,  
2 about him. The first one is something that came out on his  
3 cross-examination and then Mr. Templeton kind of redirected  
4 him. And the second one is something that didn't come out  
5 at all from him, all right. The first one if you recall,  
6 Ms. Turner asked Mr. Sanders when he was up on the witness  
7 stand -- I can't remember if she actually asked him a  
8 question or just kind of made the statement and then asked  
9 him if he had said that to law enforcement. But there was  
10 something to the effect that asked him if he had told law  
11 enforcement that he had heard that Kawon and Tyler had  
12 something to do with the shootings, okay? Now, that's a  
13 question that, you know, we couldn't ask. I mean, that's  
14 hearsay, okay? And needless to say, I mean, I was just kind  
15 of a little perplexed as to what the reason for that  
16 question was. The reason I was perplexed because that  
17 wasn't what he told law enforcement. Now she conveniently  
18 left out the fact that what he told law enforcement was that  
19 he had heard on the streets that Kawon, his cousin, Tyler,  
20 his half brother and him, Quadrik, had something to do with  
21 the shooting. And I don't know if she was hoping that maybe  
22 we would miss that, miss that leaving out Quadrik out of  
23 that question. Because obviously, you know, if Mr.  
24 Templeton didn't get up and clear that up, then I could just  
25 imagine what would be said during their closing. Say, you

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1 know, the streets don't lie. I mean, they told -- George  
2 Sanders came in here and told you that, you know, the  
3 streets were saying Kawon and Tyler had something to do with  
4 the shootings, nothing about my client. But what was the  
5 other thing -- you know, I said the other thing about Mr.  
6 Sanders something they didn't ask him -- and he was up there  
7 on that witness stand, testified about that night, kind of  
8 what he did that night, what was going on inside the club.  
9 What the Defendant said to him right at closing time. What  
10 he did as he was closing up and when he left. And then you  
11 hear, fast forward to yesterday. The Defendant gets up  
12 there on the witness stand, makes a big deal, says it  
13 multiple times that George Sanders saw me. He said goodbye  
14 to me. He's the last person I talked to. Saw me get in  
15 Monty's car and leave.

16 You know, I have no idea when George Sanders is up here  
17 on the witness stand that that is what he is going to allege  
18 the following day. But they had the opportunity. and Mr.  
19 Sanders is sitting there. Ask him that question. Did you  
20 see my client leave the club that night well before the  
21 shooting with Monty and his throwing-up, sick son? But they  
22 don't ask that question. And yet again, George from his  
23 testimony puts the Defendant right at closing time, which is  
24 well after he testified that they had left, making the  
25 comment about tell Bro to give up the phone so there won't

1 be any problem. Move on to Marvin Sanders. Marvin, I  
2 think, was the first witness yesterday morning, all right?  
3 Knows the Defendant. He goes by, I think, a nickname either  
4 ??? or Juicy. Testified that he came out of the club and  
5 heard the Defendant, ID'ed him. He testified that he knows  
6 him. And hears the Defendant -- he said he was out in the  
7 parking lot saying something about going to run somebody's  
8 pockets. He was going to run somebody's pockets. You know,  
9 he goes over to Tonya's yard. He goes to hang out over  
10 here. Over here. Sees a vehicle pull in, which I submit to  
11 you when I get to LaTonya Campbell's -- Tonya's testimony in  
12 a few minutes there's going to be Charles Delee, "Main's"  
13 car pulling in over here like she testified about. Heard  
14 the shots. Heard the shots and then sees his kid brother  
15 come running up, Tyler, come running up shaking and upset.  
16 Okay. And Tyler is important and I'm going to get where he  
17 comes in in the equation in a minute, okay? So what's the  
18 reason why his brother is all upset at that point in time,  
19 other than the fact that he just killed two people out  
20 there. Then we move on to Michael Bannister, nickname is  
21 Ty. Not Tyler, Ty. Different people, all right. And, you  
22 know, the thing about him is he's one of the few witnesses  
23 that really didn't get up here and kind of waffle a whole  
24 lot about what they saw, they saw and heard. And I think  
25 the reason for that it kind of came clear whenever he

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1 testified. You know, I went through the list of all these  
2 people and asked him if he knew them. And, you know, most  
3 of them he'd say yeah, I know. Yeah, I know. Yeah, I know.  
4 And we got to Michael Bannister and initially said he didn't  
5 know. We kind of described him a little bit. He was like  
6 yeah, I know of him, but not really like that. Michael's  
7 not related to the Defendant, not friends with the  
8 Defendant. And ultimately, I guess, didn't have a problem  
9 in coming in here in front of him and implicating him. But  
10 what does Michael tell us. I mean, he was at the club that  
11 night. He goes out. He was out in the parking lot, sitting  
12 in the car initially with a couple of other people out here  
13 in the middle of the parking lot. Gets out of the car and  
14 goes around to the trunk to get a beer, and at that point in  
15 time hears, off over in this direction, hears the commotion,  
16 hears the Defendant. Has no doubt, hears the Defendant,  
17 Quadrik Willis make the comment that I'm going to run you  
18 through your pockets and then something about putting one in  
19 the head, about one in the head. He hears the gun cock, and  
20 hears the gunshots. I believe he testified two gunshots.  
21 There were a couple of other people in the car. He  
22 immediately gets in the car. Tyler, his brother, is standing  
23 outside also and takes off running. That's the Tyler then  
24 that comes running up to Tonya and Maurice and them out in  
25 the yard out here, would have been in the same position to

1 have heard what Michael Bannister just heard. But then more  
2 importantly what does Michael say was probably the more  
3 telling?

4 You know, before anybody's had time to reflect upon  
5 what they've seen, what they've heard, what they've  
6 experienced. Before they've had an opportunity to flee the  
7 scene or get drug back in? What's the first thing that he  
8 says he tells them when he gets in that car. That he tells  
9 Normal, his cousin that's in the car. And Tish, I think was  
10 the girl that was driving. I think Quadrik just shot  
11 somebody. I submit to you, ladies and gentlemen, his  
12 testimony, if he was the only witness out there that we  
13 called, it would be enough to convict Quadrik Willis. His  
14 testimony alone puts him over there, puts him making the  
15 comments about running the pockets, putting one in your  
16 head, the gun cocking, two gunshots.

17 Thomas Terrell, I'm not going to spend a whole lot of  
18 time on Thomas. But, you know, he kind of goes more into  
19 the kind of what happened. If you remember he testified --  
20 that's basically the vantage point and he's wandering around  
21 out there. Basically doesn't know anybody now trying to  
22 find the guy that he had come with. And that's ultimately  
23 kind of the vantage point that Thomas has that night.  
24 Looking up Gum Street, says he hears somebody say something  
25 about put that gun up, which is what draws his attention to

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1 look down the road. Sees kind of the silhouette of a tall  
2 male with dread locks, which is what you heard the  
3 testimony, you see the pictures. It fits the description of  
4 Tyrone, with his back to him with a female beside him where  
5 you could tell there's somebody on the other side. I mean,  
6 somebody over there, but obviously blocked at that point in  
7 time. Hears the gun cock, same thing I submit to you that  
8 Mr. Bannister had heard and he hears the gunshot. Tyrone  
9 falls. He takes off running at that point in time and hears  
10 the second gunshot as he's running off, right. So that goes  
11 more towards the what happened.

12 Two counts of murder. There's not a struggle going on  
13 out there. I mean, there's nobody -- it's not somebody  
14 defending themselves. But what else do we learn from Mr.  
15 Terrell? Now, several days later, a couple of days later,  
16 he comes in and gives a statement to law enforcement, tells  
17 them basically what he saw. And then a couple of days later  
18 on the 20th -- now he's basically the only witness that has  
19 come forward saying he actually saw the shooting. They saw  
20 the shooting as opposed to just hearing stuff or something  
21 like that. So they show him a lineup. Show him State's  
22 Exhibit No. 21. He's not able to pick anybody out. You ask  
23 yourself, well, why is that important? Well, it's important  
24 for two reasons. First of all, I'd submit to you that's not  
25 surprising. If you look at basically where he was located.

1 I mean, I think he testified he was basically the length of  
2 the courtroom away. It's obviously dark out there. There's  
3 somebody in front of him and he doesn't ever get a good look  
4 at the shooter because Tyrone -- Tyrone and Deborah were  
5 basically blocking the shooter. And it's not somebody he  
6 knows. So it'd be shocking quite frankly if he could come  
7 in here -- you know, if he'd come into the sheriff's office  
8 that day and circled number five and said that's the person  
9 that I saw shooting. But what else it shows is that law  
10 enforcement, I mean, they're not out to get Quadrik Willis,  
11 because that would have been the perfect time to have a  
12 witness that saw the shooting, you know, to make sure that  
13 he picked out the suspect. You know, if they were for some  
14 reason so out to get Quadrik Willis like I'm going to talk  
15 about when I talk to you about Mr. Delee here in a moment.  
16 Charles Delee, Main is his nickname. And ladies and  
17 gentlemen after, you know, between dealing with him on this  
18 case, you know, back about two years ago, over the last  
19 couple of weeks and more importantly on the witness stand  
20 yesterday, I say there ain't no question in my mind that  
21 he's involved in this. That he either knows a whole lot  
22 more than he's ever told law enforcement about what he saw  
23 out there, what he was involved in out there, or that he did  
24 a whole lot more than he's admitted to you. I submit to you  
25 at the very least driving Quadrik Willis away from that

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1 scene that night.

2           Possibly -- and when I talk to you about Ms. Campbell a  
3 moment -- possibly even giving him the gun beforehand, all  
4 right. But yet again, I mean, it probably shouldn't come as  
5 much of a surprise here, you know, given the kind of history  
6 with him with law enforcement obviously, you heard his prior  
7 record. The fact that, you know, he comes in initially and  
8 gives a statement to law enforcement where he lies entirely.  
9 They both said they wasn't even out there when shots  
10 occurred. So, you know, it kind of sounds familiar. And  
11 then comes back in a couple of weeks later. And when he's  
12 confronted with the fact that, you know, there are witnesses  
13 that put you out there. And at that point in time he  
14 provides State's No. 22. And what does he say about that?  
15 And I'm going to go through that with you and you're going  
16 to have that statement back there, but I wanted to kind of  
17 touch on some of the relevant parts here in a second. What  
18 does he say about that, all right? His explanations --  
19 obviously he gets up here on the witness stand and it's now,  
20 I was out there. So it's a third story. You know the first  
21 story is I wasn't out there at all at the time of the  
22 shooting. The second story is this that I was out there and  
23 dealing with him. And then we've got yesterday where I was  
24 out there, but somebody ran up to my car, but now I don't  
25 know who it was. I didn't see anything. I don't know if

1 they had anything in their hands, okay.

2 Well, let's talk about State's Exhibit No. 22 how we  
3 get to this date, okay. If his testimony was that, you  
4 know, he comes into the sheriff's office. They sit down  
5 with him and they surround him in an eight by eight room  
6 with seven detectives around him, telling him that there  
7 are, you know, thirty people that saw Quadrik Willis come  
8 running up to your car that night. Thirty people that saw  
9 him with a gun in his hand that night. And that's all it  
10 took him -- this is, you know, his cousin. And that's all  
11 it took then for him to suddenly produce this statement?  
12 Does that make any sense? I mean the reasonable reaction to  
13 that, if what he told you was the truth, you know, on the  
14 witness stand yesterday, would be I didn't see who it was  
15 that ran up to me. I mean, those other people here are  
16 mistaken and they're lying about that, but I didn't see  
17 anybody. And I'm sorry I lied to you a couple of days ago  
18 about being out there, but I don't know who it was. But  
19 that's not what he says in his statement. When he's asked  
20 the question. Where I heard shots and looked around,  
21 started the car and drove off. As leaving out of the  
22 parking lot someone started hitting the back of my car. I  
23 stopped and then pulled off because I saw a gun, okay? His  
24 handwriting. I mean, that's him. That's not them writing  
25 it and making him sign it at the end. That's his

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1 handwriting where they give him a blank piece of paper.  
2 Tell us what happened, okay? Second page when they get into  
3 the kind of the questioning and answer part with him. Who  
4 was hitting your car? Yet again, his handwriting. Quadrik.  
5 What did Quadrik have in his hand? A gun. His handwriting.  
6 Describe the gun? About too -- not too long handgun, dark  
7 color. But then again from, you know, according to his  
8 testimony yesterday, I mean, he doesn't even know what was  
9 in the person -- who he doesn't know it was's -- hand. Yet  
10 he's giving a description of the gun here. What did Quadrik  
11 say? Did Quadrik say anything to you? Hey, hey, hey. Did  
12 you stop for him? I did stop to see who it was, then saw  
13 the gun and kept driving off.

14 What was a little more telling yesterday when it kind  
15 of push came to shove with the questioning, is that when  
16 asked, you know, if he came running up to your car, if it  
17 was him and he had banged on your window after you hearing  
18 those gunshots, even if you saw him with a gun, would you  
19 have let him in your car? You know, it took a little bit  
20 kind of going around before he finally said I probably  
21 would. I submit to you that's what he did that night. But  
22 ultimately it just kind of comes down to credibility. What  
23 do you believe about him, what story? Do you believe that  
24 this detective and six other detectives, you know, huddled  
25 around him and somehow forced him, forced him to write this?

1 Forced him to write this or was it more likely that as he  
2 testified that he's had contact from his friends, his  
3 family. I submit to you he'd had gotten some pressure to  
4 come in here yesterday and refute this. Use your common  
5 sense, ladies and gentlemen. That's really what it kind of  
6 boils down to you when you're dealing with him.

7 And then lastly as to the witnesses that we call is  
8 LaTonya Campbell, Tonya. You know, she didn't really say a  
9 whole lot about Quadrik Willis, so we'll get back to that in  
10 a minute. He says when he testified oh, yeah, I know Tonya.  
11 The person outside the club though when she comes out of the  
12 club at closing time and heads home. Yet again, in direct  
13 contrast to his testimony, all right. But when she  
14 testified she goes back over here, hanging out outside of  
15 her mama's trailer, her mama's house. And a car pulled up,  
16 a red truck, and Main gets out of it, Charles Delee. No  
17 question in her mind that's who she saw. Sees the vehicle  
18 pull back up somewhere at the front of her driveway, back on  
19 Beach Street at the road here. Knows that somebody got out  
20 of it, doesn't know who it was. The only person she saw  
21 initially is Main. And hears somebody -- well, she told law  
22 enforcement in her statement when we went over it, it was  
23 Main. And yells back up the road, lay him down, something  
24 to that effect, a couple of times, lay his ass down or  
25 something to that effect. And then she hears gunshots. And

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1 then more importantly then what does she testify about.  
2 Somebody ran up to that vehicle and got in and it sped off.  
3 And just like Marvin Sanders told us that Tyler, his  
4 brother, comes running up, shaking and upset. And what's  
5 the other thing that I questioned her about? Then again  
6 this kind of goes down to kind of credibility. And yet  
7 again, that's somebody she knows over there. And she really  
8 doesn't say anything else about him, other than seeing him  
9 out there.

10 But what does Lieutenant Peters testify that when he  
11 first sat down with her, a couple of days after this and is  
12 talking to her before she gave her statement that she told  
13 him, but didn't want to put down on paper in the statement.  
14 I saw Main pass something to Quadrik in the parking lot. I  
15 thought it was a gun but could not say for sure. They're  
16 going to want you basically to believe that he, I assume,  
17 just made that up.

18 The last thing I want to talk to you about is on the  
19 couple of witnesses that the defense called. You know,  
20 they're subject to the same scrutiny that any witness that  
21 testifies, including the Defendant. Once he takes the  
22 witness stand, he's just like any other witness. Look at  
23 his credibility. Of course, his testimony was that he  
24 wasn't even there when the shooting occurred. And I'll talk  
25 to you about that. But, you know, he kind of started off

1 kind of on a bad foot up here. You know, the first thing  
2 his lawyer goes over with him is his prior record and asked  
3 him about -- obviously you heard about the strong arm  
4 robbery conviction, and then asked him about a DUI. And  
5 then asked him, you know, the question that's the extent of  
6 your prior record? His answer was yes. And I got up on  
7 cross and asked him basically the same thing and he answered  
8 yes. Well guess what? We know that's not right. And it  
9 took literally pulling out a piece of paper and showing him  
10 where he had pled guilty to other charges. So he's not  
11 being truthful with y'all from the get go, all right? His  
12 testimony was, he said he wasn't even there when the  
13 shooting occurred. So all of these other witnesses, all of  
14 these other witnesses, George Sanders, Michael Bannister,  
15 Charles Delee, Latonya Campbell, you know, all of them are  
16 somehow out to get me for some reason, some of whom are  
17 related to him. All right? Yet again, you know, George saw  
18 me get in the car and leave. George was never asked that  
19 question. Let's talk about this alibi of his that he gives  
20 you, all right? So basically, the gist of it that I got was  
21 that he left with Monty and Monty's drunk, passed out,  
22 nineteen year old son, okay, sometime between '12:30, 1:00  
23 o'clock, a little after 1:00, I think he says. Quite  
24 obviously well prior to the shooting occurring, all right.  
25 And that they go from there, from the 8 Ball Club -- yet

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1 again, now you've got a kid supposedly in a car who has been  
2 throwing up on the side of the club, that they are taking  
3 home. And what does he testify that they do? That they go  
4 to Walgreens. You know, I could see if you were stopping by  
5 Walgreens and that they're open twenty-four hours, you know,  
6 to go in and get some medicine or something for your son.  
7 But oh no, they stop at Walgreens for Monty to go in and  
8 shop for his daughter for an hour and a half to two hours.  
9 I mean, does that -- I'm getting -- ladies and gentlemen, so  
10 much of this is just common sense. I mean, does that make  
11 any sense? I mean, think about your experiences. I mean,  
12 y'all have all been shopping. Any of y'all ever been in a  
13 convenience store or a drug store for an hour and a half to  
14 two hours? Does that make -- I mean, at 2:00 in the morning  
15 now we're talking about. And does that make any sense? Yet  
16 again while you have your nineteen year old drunk passed out  
17 kid sitting out in the car. Let's talk about him, okay?  
18 Let's talk about him, DeAngelo Ashe. I mean, he came in  
19 here and testified it was his nineteenth birthday, you know.  
20 According to his testimony and other testimony that we heard  
21 from a couple of the other witnesses, I believe Mr. Delee --  
22 in fact, I think he actually put it in this statement about  
23 Monty's son being sick out there, and that's why Monty had  
24 to leave to take him home. So he's drunk enough to be  
25 throwing up outside and basically passes out in the car.

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1 You remember his testimony is that he gets in the car, falls  
2 asleep, passes out, and the next thing he remembers is  
3 basically being carted out of the car into the house. He  
4 knew nothing about Walgreens. And more importantly with him  
5 because, you know, whatever Quadrik says, you know, because  
6 this whole time frame that he's testifying about to work,  
7 you know, he puts himself getting home after 3:00. It's like  
8 he's got to put himself somewhere besides that club at 2:00  
9 in the morning. And I submit to you the only way he could  
10 do that is make up this hour and a half to two hours that  
11 they're sitting in the Walgreens parking lot. Because you  
12 remember Mr. Ashe testified, you know -- yet again doesn't  
13 say anything about Walgreens. He says I looked at my phone  
14 when I got home, plugged my phone in and it was between 1:30  
15 and 2:00 in the morning. Direct contradiction to him. Yet  
16 again, almost the more amazing thing about him, you know,  
17 about DeAngelo is yet again, if you think about his  
18 testimony is that he -- and his evidence that he was drunk  
19 to the point of throwing up -- drank to point of throwing up  
20 that night, passed out in the vehicle. And he's now  
21 testifying about it two years later, over two years later.  
22 He's remembering what everybody did, where they were, what  
23 time they left, what time they got places. But yet  
24 according to his own testimony -- just ask yourself if this  
25 makes any sense -- literally the first time he has talk to

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1 anybody about that night was Monday night. That's what he  
2 testified. The first time I've talked to anybody about  
3 that night, two days ago.

4 We heard from the cross-examination of Lieutenant  
5 Peters, his father is charged. We've got charges of  
6 obstruction of justice in this case. Yet we're to believe  
7 that he's never for once talked to his own dad about this  
8 case, about what supposedly they did that night? That he  
9 hasn't talked to him or his other family members and  
10 friends? Yet again, common sense. I submit to you ladies  
11 and gentlemen when you put all these pieces together, as I  
12 told you earlier, I submit to you there's no doubt, no doubt  
13 who shot and killed Tyrone Cummings who shot and killed  
14 Deborah Bazzle. I submit to you the only evidence that he  
15 was the one out there making the -- I'm not real sure if  
16 threat is the right word, but still making multiple comments  
17 inside the club about telling him to give the phone back so  
18 there won't be any problems. He's the only one outside  
19 talking about running through Tyrone's pockets out in the  
20 parking lot, and then over with Tyrone, while I submit to  
21 you pulling out and pointing a gun at him. He's the only  
22 one there's any evidence that was over there on that side of  
23 the street.

24 Michael Bannister doesn't testify about hearing anybody  
25 else over there, him that he hears. Thomas Terrell didn't

1 testify about, you know, there, you know, being a large  
2 crowd over there. If there was more than one person there,  
3 I mean, he would have been able to see that. And I submit  
4 to you there's no evidence that anybody else but Quadrik  
5 Willis having a gun that night. The statement that LaTonya  
6 Campbell gave to Lieutenant Peters four days later, and then  
7 Charles Delee's statement in his own handwriting. I submit  
8 to you it proves his guilt not beyond a reasonable doubt but  
9 beyond any doubt, beyond any doubt.

10 Ladies and gentlemen, one of the first things I started  
11 off very early in my presentation to you was that when  
12 Quadrik Willis ran from that scene that night, ran over to  
13 this vehicle, "Main's" vehicle -- and I submit to you I  
14 think probably got in that vehicle to flee that scene -- he  
15 knew the clientele that was out there that night. And I  
16 submit to you he got away, because he didn't think anybody  
17 had seen him. He killed the one witness that he knew did.  
18 He had no idea Thomas Terrell was behind him. He didn't  
19 think he had anything to worry about with the people out  
20 there. And I submit to you he thought, just like I said  
21 earlier, that he had gotten away with two murders that  
22 night.

23 Ladies and gentlemen, in a short while you're going to  
24 have an opportunity to go back into your jury room and  
25 deliberate and reach a verdict. I ask you to prove him

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1 wrong. Prove him wrong. Their lives were worth more than  
2 the cellphone that Tyrone may or not have taken. Prove him  
3 wrong. Find him guilty of Tyrone Cummings' murder, Deborah  
4 Bazzle's murder and of possessing that weapon that night.  
5 Thank you.

6 THE COURT: Counsel.

7 DEFENSE CLOSING ARGUMENT

8 BY MS. TURNER:

9 Good morning. I told you on Monday that I would be  
10 back before you at the end of this trial to speak with you  
11 directly about the evidence that's been presented in this  
12 case. I talked to you about being a juror. I talked to you  
13 about listening to the witnesses as they testified. I  
14 talked to you about looking on all the physical evidence and  
15 asked you to think about whether any of it was credible,  
16 what was credible. I told you on Monday morning to picture  
17 the 8 Ball Club at closing. I asked you to picture people  
18 walking out of the club into the parking lot, trying to find  
19 a car, trying to find a ride and go home. I talked to you  
20 about how some people knew each other. Some people were  
21 family, some were friends, some were acquaintances, and some  
22 didn't know each other at all. I talked to you about how it  
23 was dark outside. I told you about how gunshots went off,  
24 got fired. And how people took off, took off in different  
25 directions. People weren't sure exactly where everybody

1 went. And to no surprise they testified about that. They  
2 testified about being there at the 8 Ball Club. Some being  
3 friends and family and some not knowing each other were  
4 talking off when gunshots were fired. It was dark out. I  
5 told you about the chatter that began after that. And I  
6 talked to you about the game of telephone, things being  
7 passed down the line. We talked about reasonable doubt,  
8 what the State has to prove, what their burden is. They  
9 have to prove their case beyond a reasonable doubt.

10 We didn't have to prove anything this week. We didn't  
11 have to put up a case. Our client sitting over here didn't  
12 have to take the stand and testify, but he did. You've  
13 heard the witnesses testify from the stand this week.  
14 You've heard some people who were at the club that night,  
15 and then you heard about people who responded after 9-1-1  
16 was finally called. The people came up here and they sat  
17 right up here and hey sat right up here and they looked at  
18 this entire courtroom, and they took an oath to tell the  
19 truth. They took an oath to tell you the truth, the judge  
20 the truth, the entire courtroom the truth about what  
21 happened that night. And we heard from a lot of witnesses.  
22 So the State talks about that it didn't get to choose the  
23 witnesses. Well, a lot of them came off their witness list,  
24 okay? They had a list that they produce. They picked who  
25 they wanted to call for their case. We had our own witness

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1 list. Their witness list was what they chose, who they  
2 wanted to testify.

3 So who do we hear from, okay? Let me start from the  
4 beginning. We heard from Bruce Williams. He was at the  
5 club that night playing music, stayed until about 11:00.  
6 Walked home. It was really dark outside. He had his friend  
7 Thomas Terrell show up, came in all upset saying he thought  
8 that someone got shot. Bruce went back to bed. Didn't call  
9 9-1-1. Next morning on his way to work, found the bodies,  
10 okay? Thomas wasn't joking and he called 9-1-1. We heard  
11 from Shaquanda Williams. Now, Shaquanda is the one who lost  
12 her cellphone that night. She talked about how there was no  
13 altercations in the club, that this was her cellphone that  
14 was lost. The most invested person in that property is her.  
15 We walk around with our phones every day. We're checking  
16 them all the time. We look at them. We've got our personal  
17 information in them. Well, what did she do? She said  
18 whatever, I don't care. I'm leaving and she left. The  
19 person who's most interested in that property left. Left  
20 before gunshots went off. She saw no guns that night, no  
21 altercations, didn't witness a murder.

22 We heard from George Sanders. He runs the club. Okay,  
23 he talks about closing down the club around 2:00 in the  
24 morning. No one was in the parking lot at that point in  
25 time. No altercations. He does mention that Quadrik had

1 asked him about the cellphone but nothing further from that.  
2 Just asked about it. Didn't witness any murder. Provided  
3 two separate statements.

4 Then we hear from Marvin Sanders, also known as Juicy.  
5 He was at the club that night as well. He left. He went to  
6 his friend Tonya's home heard seven gunshots. Seven.  
7 That's a lot of gunshots. And he testified in cross-  
8 examination when I asked him why didn't you call 9-1-1?  
9 Didn't want to. I asked him if that was weird to hear seven  
10 gunshots? He kind of didn't really answer. I think it's  
11 weird. They saw Tyler Boyd running from the direction of  
12 the 8 Ball back to Tonya's yard. Tyler's jittery. He's  
13 upset. He even testifies he comes into the house and he  
14 goes like this. He puts his head down. Doesn't find out  
15 about why. Why he's upset, why he's jittery. Again,  
16 doesn't call 9-1-1. Apparently this isn't weird to any of  
17 them.

18 Again, another person who did not witness the murder.  
19 We hear from Thomas Terrell. Thomas, just released from  
20 jail that day. So he started drinking. Gets out of jail  
21 starts drinking. Doesn't have any money on him so he went  
22 with a friend up to the 8 Ball Club hoping someone will pay  
23 for my drinks. Continues drinking. He testified he walked  
24 outside. He lost track of his friend who he was with and is  
25 trying to find some way to get home. He testified it was

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1 dark out. Four or five cars left in the parking lot. He  
2 witnesses -- he was sitting right up here so -- as he was  
3 testifying saying from right here in this chair that the  
4 murder occurred all the way at those doors back there.  
5 That's a pretty far distance especially when it's dark, but  
6 he saw one of the victims fall after they got shot. He then  
7 took off running into the woods. He waited for about thirty  
8 minutes in the woods and then went to his friend, Bruce  
9 Williams' house. He told Bruce what had happened. Bruce  
10 went back to bed, didn't call 9-1-1. He witnessed a murder;  
11 didn't call 9-1-1. He then comes into police. He provides  
12 this statement and he's also shown a lineup. This lineup  
13 that you've already seen. He doesn't pick my client out.  
14 Doesn't say he witnessed the murder. Doesn't say he saw him  
15 with a gun.

16 Now, as we're going forward you've heard from some of  
17 the witnesses I've talked about already and I'm going to go  
18 over more of them. There's some common themes here.  
19 There's drinking, okay? We're at a club. We're at a bar.  
20 Some people talk about just drinking while they're at the  
21 club. A couple of drinks, not that much. Some people talk  
22 about drinking all day. What else is the common  
23 denominator? Timing. No one has the same exact time in any  
24 of their stories, any of their statements. They all vary a  
25 little bit, okay? Is that because of drinking? Is that

1 because at the end of the night you're tired? You think  
2 it's about this time but you lose track of time at some  
3 point. The other common denominator that's most important  
4 is that not one person has testified that they saw Quadrik  
5 do this. They did not see him kill the victims.

6 Then we go to Michael Bannister also known as Ty. He  
7 was at the club as well. Testified there's no altercations  
8 at the club, did not witness the shooting, also provides two  
9 statements, doesn't call 9-1-1 after the gunshots. Then we  
10 hear from Charles Delee, also known as Main. Now, he's  
11 interesting. He provides a lot of different information,  
12 right? He testified that he had twelve shots and six beers  
13 on the night of the shooting in this club. That's a lot of  
14 alcohol. And also testified that he went to his car to  
15 chill out for a minute before driving, after having eighteen  
16 drinks. That seems like a lot. He testified someone tapped  
17 on his window when he was sitting up there, wasn't quite  
18 sure who? You know why? Because when he showed us -- when  
19 he was sitting on the stand, is he looked back like this,  
20 did a quick glance and then left. He provided several  
21 different statements to police but before giving his  
22 statement the day after the murder, the day after a murder  
23 occurs -- not thinking, you know, about -- this is probably  
24 the last thing someone should think about is -- shuts his  
25 cellphone off completely. No more cellphone for him with

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1 that number.

2 And we have Detective Peters who gets on the stand and  
3 corroborates that saying that he tried to get a search  
4 warrant for his cellphone but couldn't. His cellphone is  
5 shut off. That's pretty strange behavior. And, in fact, on  
6 cross-examination when he was sitting up there admitted  
7 yeah, that sounds kind of odd now that you brought that up.  
8 His first statement he provides police says he left before  
9 the shooting even occurred. He also said in his first  
10 statement -- let me be sure I have the right one here -- on  
11 August 18th he talks about how -- let's find exact word for  
12 you. He's asked do you know what time Monty left? Right  
13 around the same time because his son was sick vomiting.  
14 Well, that's what DeAngelo says, Monty's son. That's what  
15 Quadrik says. DeAngelo's sick. Charles Delee said that in  
16 his first statement. His second statement he testified  
17 while sitting right here in front of all of you that he was  
18 drunk while he wrote the statement. Drunk. He felt  
19 pressured by police at that point in time. He's being told  
20 there are thirty eyewitness who've said already this is what  
21 happened. I don't want to fall out of line with what I'm  
22 being told. He talked about how his sister was wrestled to  
23 the ground to get her keys so they could test the car. And  
24 he said just take the keys, test the car. And while  
25 Detective Peters didn't say it was a wrestling match on the

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1 ground, he said there was some force, okay. So here's  
2 someone who has her keys taken from them. Main said just go  
3 ahead and take them. Was drunk, providing statements. He  
4 nervous. He's being told already that this is what other  
5 people are saying. And then was charge by police with  
6 obstruction of justice. He testified before you yesterday,  
7 taking an oath, with his lawyer sitting out here. He has a  
8 lawyer for his obstruction of justice charge, and his lawyer  
9 had to be here while he was testifying. With his lawyer  
10 sitting here, with pending charges, stated and testified he  
11 didn't see a gun. He didn't see an altercation. I was  
12 drunk. I took a quick glance like I showed you, a quick  
13 glance over his shoulder in a dark parking lot, couldn't be  
14 sure who was at the car. Did not see Quadrik commit this  
15 crime. And, again, no one called 9-1-1.

16 Tonya, remember her? She was at the club and then she  
17 lived pretty close so she had the ability to walk home. She  
18 gets home. She remembers she's at the club. She saw people  
19 there. She saw Quadrik at there at one point. Saw a bunch  
20 of other people too. Never witnessed a physical or verbal  
21 altercation. She provides two separate witness statements.  
22 Now, Detective Peters puts in his written report that she  
23 saw a gun pass in the parking lot. She did not testify to  
24 that. She did not put that in her written statement, and  
25 all we have is a blurb in in his report. Nothing was video

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1 recorded, audio recorded to confirm that. She was there.  
2 These people I'm talking about are the people who were there  
3 that night, who saw what happened. They are the people who  
4 can provide the information as to what happened. She  
5 wouldn't testify to it.

6 The State wants you to believe that a blurb in a report  
7 is more important than what she signed, this sworn statement  
8 and what she testified to up there. It's incredible.  
9 Again, didn't witness a murder. Did not see my client,  
10 sitting here, commit these crimes.

11 Next, we hear from Quadrik Willis, okay? My client  
12 over here. He did not have to take the stand. He had a  
13 constitutional right to not testify. But you know what, he  
14 did. He wanted to. He looked at all of you and told you  
15 that I did not commit these crimes. I did not have a gun,  
16 and I'm not a murderer. He voluntarily met with detectives  
17 at the beginning of this case. He voluntarily turned over  
18 his clothing. Remember that big brown bag that was sitting  
19 up here during the week? It has his clothing in it. It  
20 could have been tested for GSR but it wasn't. And I'll talk  
21 to you a little bit more about GSR in just a little bit.  
22 And that's the gunshot residue that we talked about for a  
23 good bit of time. He's told the same story from the start.  
24 He went to the club with his friend Monty. He had a few  
25 drinks. He talked to his friends George, Danny, Quandra.

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1 He learned about her missing phone. He brought it up to  
2 George. Let's get the phone back. He testified on the  
3 stand that when he was at the club Monty's son showed up,  
4 DeAngelo. And DeAngelo's celebrating his nineteenth  
5 birthday. Well, he had too much to drink. He overdid it.  
6 Didn't know his limit. He's nineteen, a teenager. Quadrik,  
7 who sees this happening, helps him outside, takes him away  
8 from everybody so he's not embarrassed. Helps him get sick,  
9 which is not pleasant. And then they're walking back to the  
10 car. Quadrik and DeAngelo, back to Monty's car. Gets him  
11 in the car. Monty gets in the car, and the three of them  
12 leave. They stop by the Walgreens. Monty had to get some  
13 stuff for his daughter. And Walgreens, unlike a convenience  
14 store, where you just go get a pack of gum or a Diet Coke,  
15 has tons of aisles. You can walk up and down the aisles,  
16 look for different things. It's not just a quick stop.  
17 They're huge. They keep getting bigger every time you go in  
18 one, like almost Target at this point in time. So after  
19 this trip to Walgreens and walking up and down the aisles --  
20 and Quadrik is in the car with DeAngelo just playing on his  
21 phone. DeAngelo's a little bit sick so his part is to stay  
22 in there with him. They leave Walgreens and they go back to  
23 Charlotte's house. Now Charlotte is Monty's girlfriend. So  
24 the three of them get back there. And again, DeAngelo  
25 overdid it, so Quadrik helps him out of the car. They get

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1 him in the house. He testified to you and looked at all of  
2 you and said I did not have a gun. I am not a murderer and  
3 I did not commit these crimes. He looked at all of you and  
4 said that.

5 DeAngelo Ashe was the last person who you hear from who  
6 was at the scene that evening. This person who corroborates  
7 what Quadrik's told you. Corroborates a little bit about  
8 what Charles Delee says in his first statement about getting  
9 sick. Celebrating his birthday, nineteen. He's asked --  
10 well, you're nineteen you're not supposed to be drinking  
11 before the age twenty-one. I think his comment was  
12 something like sometimes you do things you're not supposed  
13 to, okay? He shouldn't have been there, but he was.  
14 Quadrik helped him outside as he got sick. Helped him into  
15 the car and then he passes out. He's asleep. He's drunk,  
16 okay? Basically, he wakes up he's back at his home with the  
17 same two people he was in the car when he left, his father,  
18 Monty, and Quadrik. And the three of them get out of the  
19 car, they help him back into the house and he goes to bed.  
20 Now, all of these witnesses who have testified, like I said,  
21 they give varying times. They -- things are going to be a  
22 little different because each person is going to remember  
23 something a little bit different. Someone is going to say,  
24 you know, 12:05. Someone's going to say 1:05 because each  
25 person has different recollections. And when you're trying

1 to remember something, especially from something late at  
2 night, that's possible. There's alcohol involved.  
3 Depending upon whether you're that person who decided to  
4 start drinking as soon as you got out of jail that day, or  
5 you're the person who got to the club and started having a  
6 couple of drinks, or you're the person who was at the club  
7 and had twelve shots and six beers. Things are going to  
8 vary from person to person. We all have our own way of  
9 remembering things. But the one consistent thing in each  
10 person's testimony is that they did not see Quadrik Willis  
11 commit these crimes. Didn't see it.

12 Now, I'm going to talk to you about two people who came  
13 to the scene after 9-1-1 was finally called. Okay. The  
14 first person we hear from is Corporal Jeff Scott. He  
15 arrived on scene and put up the placards that you see on the  
16 TV shows with little numbers everywhere that lines up where  
17 evidence is and takes pictures of the scene. We have a few  
18 photographs. He discussed there are two different types of  
19 ammunition found on the scene. There's the 380 caliber.  
20 Those were the unspent ones right here. And the 9mm ones  
21 that were spent, here. Okay? He talked about that. He was  
22 asked whether he could make a determination whether the  
23 spent cartridges were even fired from the same gun. He said  
24 I'm not an expert in that. I don't know. Well, that's why  
25 you get experts involved, and you forward that to the

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1 appropriate expert to make that determination. Wasn't done.  
2 When asked on cross-examination about the chain of custody.  
3 Now, chain of custody is a list of items that are being  
4 submitted into evidence, okay. He placed on his chain of  
5 custody these unspent cartridges, these 380, and said they  
6 were spent. Okay, they're fired. Well, why is that a  
7 problem? Well, which one was it? We don't know. He  
8 corrected and said must have been an error. Okay. People  
9 make errors. He said it was a lot of paperwork. Well, this  
10 is a murder investigation. There's going to be a lot of  
11 paperwork. There's going to be a lot of double checking you  
12 have to do. You have someone on trial for murder. It's a  
13 big deal. In addition, he talks about tire casting. The  
14 tire casting is whenever you get a mold of a tire. And he  
15 talks about the process of doing that, and that it was  
16 completed, but not sent off for any type of comparison.  
17 Well, why not? We know what vehicles that have been talked  
18 about in this case. You heard about a white Impala. You've  
19 heard about a red burgundy colored Cadillac. Perfect case  
20 to submit to see whether those vehicles were there and  
21 compare. This isn't a whole laundry list of maybe it was  
22 some type of red, you know, SUV. Not sure what kind. Maybe  
23 it was green. Maybe it was black. No. We have two  
24 vehicles. Not submitted at all. No further ballistics  
25 testing. And this whole case seems to stem about a

1 cellphone. That's the same thing that this happened because  
2 of a cellphone missing. We've already told you the person's  
3 cellphone who's gone, left. The person most invested in her  
4 property left before gunshots were fired, didn't witness the  
5 murder. But what could be on that cellphone. They find an  
6 LG cellphone, back of the phone. Was it tested for DNA? It  
7 was tested for prints, latent prints, but was it tested for  
8 DNA? No. I guess what was tested for DNA the Bud Lite  
9 bottles. This case is about a cellphone and there's no DNA  
10 tested on it, none.

11           Then we hear from Detective Peters who's sitting here.  
12 Told us about his nine years of experience handling these  
13 types of cases. He corroborates that no one calls 9-1-1  
14 until the next morning when we hear from Bruce Williams. He  
15 talks about GSR, gunshot residue, okay? Someone fires a  
16 gun, gunshot residue or gunshot powder comes out. It can  
17 get on your hands, can get on your clothing, other parts of  
18 your body. It just depends. He testified about what that  
19 means. He testified that the victim at their autopsy, a GSR  
20 kit was done. So their hands were tested to see whether  
21 there's any gunshot residue on them. The gunshot residue is  
22 sent up to SLED but we don't have any type of report on it.  
23 And he said SLED policy is to no longer test victims of  
24 gunshot wounds to see whether there's GSR on them. Well,  
25 then why did you send it? Why did you send it up there?

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1 His response -- it's almost a slap to say it -- CYA. CYA,  
2 cover your -- you can fill in the blank. This is someone on  
3 trial for murder and we're joking, saying evidence is just  
4 CYA. Then we've got Quadrik Willis' clothing voluntarily  
5 turned over could have been tested. I bet there was no CYA  
6 there because it wasn't even sent up to SLED. You can't use  
7 that excuse.

8 He testified on direct that there's no DNA evidence, no  
9 forensic evidence that links Quadrik to this crime. He  
10 testified there's no eyewitness who state that they see  
11 Quadrik commit this crime. He's the lead investigator. No  
12 DNA, no forensics, no person who actually said they see this  
13 happen.

14 Now, I know we've gone over a lot of information over  
15 the past two days. It's a lot of information to hear. A  
16 lot of different people, some experts, some police officers,  
17 you know, detectives, that are talking about the case.  
18 People who were there that night, and the people who  
19 processed the scene the next day. But is it a lot of  
20 information? No forensics to link Quadrik to this crime.  
21 No one at the club who testified that they saw Quadrik  
22 commit this crime. Lead investigator on direct testified no  
23 DNA, no forensics, no eyewitness that said they saw him  
24 commit this crime. We heard from the experts, heard from  
25 the people at the club that night. The people who were

1 there who got up here, took an oath and testified and looked  
2 at you all and told you what they saw. You've heard from  
3 Quadrik himself. And like I said he did not have to get up  
4 here and talk to you. It's not our burden to prove this  
5 case. It's theirs. But he did because he wanted to. He  
6 looked at all of you in the eye, I did not do this. I did  
7 not commit these crimes. I'm not a murderer.

8 I told you in the beginning of this week, I've probably  
9 said it too many times, to look and to listen to the  
10 evidence. Look at the witnesses, listen to what they have  
11 to say, and look at the physical evidence. I've talked to  
12 you about reasonable doubt. There's been so much doubt this  
13 week. So much. It's not a maybe in making your decision  
14 today. It's not a thing of telephone, like I talked to you  
15 about. It's not a I'm not quite sure. I told you at the  
16 beginning of this week you're going to have the burden of  
17 making the ultimate decision in this case. And I submit to  
18 you that the only decision that you can make is to return a  
19 verdict of not guilty for Quadrik Willis. Thank you.

20 THE COURT: Counsel.

21 MR. SORENSON: May it please the Court, Your  
22 Honor.

23 THE COURT: Yes, sir.

24 MR. SORENSON: I have a brief reply.

25 REPLY CLOSING ARGUMENT

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1 BY MR. SORENSON:

2 I'm going to take a couple more minutes of your time,  
3 ladies and gentlemen.

4 I want to touch on a little of the stuff that Ms.  
5 Turner talked about, kind of towards the end there,  
6 especially talking about Detective Scott.

7 Keep in mind, as I told you earlier, really the two  
8 questions that ultimately we've got to answer are kind of  
9 what happened. Were Tyrone and Deborah murdered? And who  
10 did it? Who did it? And she goes through a whole list of  
11 things, a whole list of things. You know, ask yourself, you  
12 know, whether they existed, didn't exist, were done or not  
13 done, how would they in any way shape or form answered  
14 either of those two questions. And I submit to you the  
15 answer is they wouldn't have. They're hoping to do this and  
16 get you to take your eye and take your attention off of the  
17 facts, the evidence, that I submitted to you earlier,  
18 convicts their client.

19 Just like they -- when she went through all of the  
20 witnesses, you know. She got to Michael Bannister and  
21 basically didn't touch on what he said at all. As I said  
22 earlier, I mean, his testimony in and of itself convicts  
23 Quadrik Willis. So they just kind of glanced right over  
24 that. The two 9mm shell casing, you know, the fact that  
25 they weren't compared to each other, how would that have had

1 any bearing on whether Quadrik Willis is guilty of murder if  
2 they were? I mean, yet, again, it's kind of just common  
3 sense. You have two spent shell casings out there. You had  
4 somebody testifying about hearing the gun racking before the  
5 first shot, and the victims that are shot, two gunshots. So  
6 how would whether these two match each other or not, how  
7 does that -- would've been important to those two questions.  
8 What happened? Who did it? You know. The fact that  
9 there's two, 380 rounds on the ground out there. Yet again,  
10 I mean, you've heard from some of these witnesses that I  
11 mean, obviously the fact that they heard gunshots out there  
12 really wasn't that big a deal. So I imagine, you know, a  
13 couple of loose rounds sitting out in the parking lot is  
14 probably not that big a deal. But yet again, I'm not sure  
15 what was supposed to be done with them.

16 You know the fact that Detective Scott testified that  
17 he made a mistake on an evidence form about listing  
18 something as a 380 casing instead of a 9mm casing. I mean,  
19 you've got these. And you can open up -- open them up. It  
20 says -- you can see right on there what they are. You know,  
21 it says 9mm on there. And yet again, how does that help  
22 answer the question, what happened? Who did it? You know,  
23 the fact that they took a tire casting out there, and I  
24 touched on this earlier, how does that answer that. I mean,  
25 we know any of the vehicles that she wants us to have tested

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1 those tire impression against, we know were out there. So  
2 how does that change? I mean, those people admitted to  
3 being out there, to driving out there. And, again, there's  
4 no evidence that the shooter, that there was, you know, got  
5 into a car, parked right there on Gum Street, right next to  
6 the bodies. There's no evidence to that effect. There's  
7 nothing that even suggested any tire tracks found around  
8 Tyrone and Deborah's bodies had anything to do with their  
9 death, their deaths. And when she says, you know, something  
10 about doing other ballistic testing. What? I just don't  
11 know what. I mean, she throws that out there. I honestly  
12 don't know what she's talking about. We don't ever find a  
13 gun. Obviously, if we'd found a gun they could have  
14 compared these shell casings to it. But we don't find a  
15 gun. So I'm not too sure what other ballistic testing she's  
16 talking about.

17 You know, she talks about a cellphone. You know, why  
18 didn't they do something with the cellphone. You heard  
19 Shaquanda Williams testify, her phone was not recovered.  
20 The fact that a piece of some other cellphone was found in  
21 the middle of a parking lot, what does that have to do with  
22 anything? That the backing to some other cellphone was  
23 found in the middle of the parking lot. Trying to get you  
24 yet again to take your eye off the ball. Take your off of  
25 the evidence that convicts Quadrik Willis and focus on this

1 other irrelevant stuff.

2 Gunshot residue on Tyrone and Deborah. Gunshot  
3 residue. They took the test from them at the autopsy. You  
4 heard Lieutenant Peters testify that SLED does not test them  
5 on gunshot victims, because what is it going to tell us?  
6 That they were in the vicinity of gunshot residue. Well,  
7 guess what? They were. Tyrone Cummings had stippling on  
8 his forehead. I'm pretty sure that he was in the presence  
9 of a gun when it was fired. So what on earth, whether he  
10 had gunshot residue on his hands, how on earth would that  
11 tell us anything more than what we know right now? You  
12 know, they didn't do anything with the Defendant's clothing,  
13 you know, that he turned in several days later. It's not  
14 like he was caught that night and the clothes were taken off  
15 of him. When he comes in, he goes here's some shorts and a  
16 tee shirt. There's no way to know if those are the same  
17 clothes. Have they been washed? I mean anything about  
18 that. There was no DNA out there. I mean, yet again -- I  
19 don't know. We've gotten such -- this world of

20 CSI and things like that that we watch TV and just  
21 think every crime is solved by this magical piece of DNA  
22 that's found. What on earth -- what DNA are they supposed  
23 to find out there in that club that points conclusively to  
24 his guilt out there that night? I mean it's a dirt road  
25 that they're found on. And yet again this isn't a burglary

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1 where somebody's going to come home and your home has been  
2 burglarized and you know there's, you know, a window that's  
3 broken and there's blood on the window where they cut  
4 themselves. Well then guess what, DNA's probably going to  
5 solve that crime. A sexual assault or somebody raped by a  
6 stranger, semen is found during that sexual assault exam  
7 that's done. Well guess what, that's likely to solve that  
8 crime. This isn't one of those crimes.

9 ( And then lastly, and she said it a couple of times.  
10 You know, one thing that's consistent nobody saw Quadrik  
11 Willis commit these crimes. So, therefore, you can't  
12 convict him. Well, I submit to you that's absurd. That is  
13 absolutely absurd. If all he has to do is march these two  
14 victims or confront them where there's nobody else that can  
15 see and make sure you kill the one witness that's out there  
16 that you know about, but you can't be convicted?

17 I just want to -- just two things as to two other  
18 witnesses just real briefly. George, you know, she kind of  
19 -- George Sanders. She kind of, you know, and the Defendant  
20 had just kind of asked about the phone. That's not what he  
21 testified. That's not what he testified the Defendant said.  
22 His testimony was that the Defendant said tell Bro, talking  
23 about Tyrone, give up the phone so it won't be any problems.  
24 A little more than just kind of asking about the phone.

25 Then she started off about these witnesses. I mean,

1 yet again, yeah, they came off of our witness list. But yet  
2 again, I didn't -- if I was picking and choosing witnesses  
3 to put up in a homicide case, I probably wouldn't have  
4 picked a couple of the ones that unfortunately he chose for  
5 us that night.

6 And then the last thing, just kind of again, that I'm  
7 going touch on is the thing I submit to you is just the  
8 most absurd thing about his testimony. I have no doubt from  
9 the testimony and the evidence and the witnesses that Monty  
10 Ashe was gone that night when the time the shooting  
11 happened. And I really have no doubt that his son was  
12 probably drinking, had drunk too much, had probably gotten  
13 sick and had been taken home that night early also. There's  
14 really nothing that suggest that otherwise. None of those  
15 witnesses that testified have ever said anything about  
16 either one of them being out there at the time of the  
17 shooting. Probably have no doubt maybe that he even helped  
18 DeAngelo Ashe get in the car that night. And that they did  
19 go straight home like DeAngelo thought they did and got  
20 there between 1:30 and 2:00. We'll that's not what he says.  
21 So I submit to you that his testimony is not the truth.

22 Ms. Turner makes this big deal about, you know -- I  
23 mean, use your common sense. I mean, Walgreens are still  
24 not Target. Okay? They're not target, they're not Walmart  
25 and I still can't imagine wandering around in either one of

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1 those places at 2:00 in the morning for an hour and a half  
2 to two hours, okay? But she's trying to make it sound like,  
3 you know, it's all these aisles you've got to walk up and  
4 down to look for stuff. An hour and a half to two hours.  
5 Do you realize that -- I mean, I'm sure that you're tired of  
6 me talking, tired of us being up here and listening to  
7 lawyers talk this morning. We haven't been up here talking  
8 for that long. We were supposed to start at 9:30. We  
9 didn't get started at 9:30. I think it was probably after  
10 10:00. At most, it's been an hour and a half. According to  
11 his testimony, that's the bottom end if not a half an hour  
12 longer that he was supposedly sitting in that parking lot  
13 that morning with this drunk, passed out, teenager in the  
14 car with him.

15 I submit to you that is absurd and makes no sense.  
16 Keep your eye on the ball, ladies and gentlemen, on the  
17 evidence that I submit to you proves his guilt, as I told  
18 you earlier, beyond any doubt. Thank you.

19 THE COURT: Would counsel please approach?

20 (Off the record bench conference with counsel and the  
21 Court.)

22 COURT'S CHARGE

23 THE COURT: Ladies and gentlemen, it's now time  
24 for me to charge you on the law in this case. The  
25 indictments charge the Defendant with murder and possession

1 of a pistol by a person convicted of a crime of violence. I  
2 remind you that the fact that the Defendant was arrested,  
3 charged and indicted in this case is not evidence in this  
4 case and cannot be considered by you as evidence of guilt in  
5 this case, nor does it create any presumption or inference  
6 of guilty. These documents are simply the formal written  
7 instruments, which contain the charges made against the  
8 Defendant. They are the formal documents by which the case  
9 is brought into this court.

10 The indictments in this case allege several different  
11 offenses against the Defendant. The charges are two  
12 indictments for murder and one indictment for possession of  
13 a pistol by a person convicted of a crime of violence. Each  
14 indictment charges a separate and a distinct offense. You  
15 must decide each indictment separately on the evidence and  
16 the law applicable to uninfluenced by your decision as to  
17 any other indictment. The Defendant may be convicted or  
18 acquitted on any or all of the offenses charged. You will  
19 be asked to write a separate verdict of guilty or not guilty  
20 for each indictment.

21 The Defendant has pled not guilty to these indictments.  
22 And that plea puts the burden on the State to prove the  
23 Defendant guilty. A person charged with committing a  
24 criminal offense in South Carolina is never required to  
25 prove himself innocent. I charge you that it's an important

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1 rule of the law that a Defendant in a criminal trial, no  
2 matter what the seriousness of the crime -- the charge may  
3 be, will always be presumed to be innocent of the crime for  
4 which the indictment was issued, unless guilt has been  
5 proven by evidence satisfying you of that guilt beyond a  
6 reasonable doubt. The presumption of innocence does not end  
7 when you begin your deliberations. It accompanies the  
8 Defendant throughout the trial until you reach a verdict of  
9 guilt based on evidence satisfying you of that guilt beyond  
10 a reasonable doubt. The presumption of innocence is like a  
11 robe of righteousness placed about the shoulders of the  
12 Defendant, which remains with the Defendant until it has  
13 been stripped from the Defendant by evidence satisfying you  
14 of the Defendant's guilt beyond a reasonable doubt. The  
15 presumptions of innocence is not a mere legal theory, it's  
16 not just a legal phrase. It is a substantial right to which  
17 every Defendant is entitled to unless you, the jury, are  
18 satisfied from the evidence of the Defendant's guilt beyond  
19 a reasonable doubt.

20 The State has the burden of proving the Defendant  
21 guilty beyond a reasonable doubt. Some of you may have  
22 served as jurors in civil cases where you were told that  
23 it's only necessary to prove that a fact is more likely true  
24 than not true, such as by the greater weight or the  
25 preponderance of the evidence. In criminal cases, the

1 State's proof must be more powerful than that. It must be  
2 beyond a reasonable doubt. Proof beyond a reasonable doubt  
3 is a proof that leaves you firmly convinced of the  
4 Defendant's guilty. There are very few things in this world  
5 that we know with absolute certainty. And in criminal cases  
6 the law does not require proof that overcomes every possible  
7 doubt. If based on your consideration of the evidence you  
8 are firmly convinced that the Defendant is guilty of the  
9 crime charged, you must find the Defendant guilty. If, on  
10 the other hand you think there is a real possibly the  
11 Defendant is not guilty, you must give the Defendant the  
12 benefit of the doubt and find him not guilty.

13 There are two types of evidence, which are generally  
14 presented during a trial. Direct evidence and  
15 circumstantial evidence. Direct evidence is the testimony  
16 of a person who claims to have actual knowledge of a fact,  
17 such as an eyewitness. Circumstantial evidence is proof of  
18 a chain of facts and circumstances indicating the existence  
19 of a fact. The law makes absolutely no distinction between  
20 the weight or value to be given to either direct or  
21 circumstantial evidence, nor is a greater degree of  
22 certainty required of circumstantial evidence than of direct  
23 evidence. You should weigh all of the evidence in this  
24 case. After weighing all the evidence if you're not  
25 convinced of the guilt of the Defendant beyond a reasonable

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1 doubt, you must find the Defendant not guilty. There are  
2 two types of evidence again, which are generally presented  
3 during the trial, direct and circumstantial evidence, that I  
4 have just explained to you. Crimes may be proven by  
5 circumstantial evidence. The law makes no distinction  
6 between the weight or value to be given to direct evidence  
7 or circumstantial evidence. However, to the extent that the  
8 State relies on circumstantial evidence, all of the  
9 circumstances must be consistent with each other, and when  
10 taken together point conclusively to the guilt of the  
11 accused beyond a reasonable doubt. If these circumstances  
12 merely portray the Defendant's behavior as suspicious, the  
13 proof has failed. The State has a burden of proving a  
14 Defendant guilty beyond a reasonable doubt. The burden  
15 rests with the State regardless of whether the State relies  
16 on direct evidence, circumstantial evidence or some  
17 combination of the two. Necessarily, you must determine the  
18 credibility of witnesses who have testified in this case.  
19 Credibility simply means believability.

20 It becomes your duty as jurors to analyze and to  
21 evaluate the evidence and determine which evidence convinces  
22 you of its truth. In determining the believability of  
23 witnesses who have testified in this case, you may believe  
24 one witness over several witnesses or several witnesses over  
25 one witness. You may believe a part of the testimony of a

1 witness and reject the remaining part of the testimony of  
2 that same witness. You may believe the testimony of a  
3 witness in its entirety or reject the testimony of a witness  
4 in its entirety. You may consider whether the witness has  
5 exhibited to you any interest, bias, prejudice or other  
6 motive in this case. You may also consider the appearance  
7 and manner of the witness while on the witness stand. The  
8 rules of evidence ordinarily do not permit witnesses to  
9 testify to opinions or to conclusions.

10 An exception to this rule exists for witnesses that we  
11 call expert witnesses. A witness who by education and  
12 experience has become an expert in some art, science,  
13 profession or calling may state an opinion as to a relevant  
14 and material matter in which the witness claims to be an  
15 expert and may also state the reasons for that opinion.

16 You should consider any expert opinion received in  
17 evidence in this case, and like any other evidence, give it  
18 the weight that you think it deserves. If you decide that  
19 the opinion of an expert witness is not based on sufficient  
20 education and experience or if you conclude that the reasons  
21 given in support of the opinion are not sound or that the  
22 opinion is outweighed by other evidence, you may disregard  
23 the opinion entirely. An expert witness's testimony is to  
24 be given no greater weight than that of other witnesses  
25 simply because the witness is an expert. Further, you're

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1 not required to accept an expert's opinion, even though it's  
2 not contradicted.

3 An issue in this case is the identification of the  
4 Defendant as the person who committed the crime charged.  
5 The State has the burden of proving identity beyond a  
6 reasonable doubt. You must be satisfied beyond a reasonable  
7 doubt of the accuracy of the identification of the Defendant  
8 before you may convict the Defendant. Identification  
9 testimony is an expression of belief or impression by a  
10 witness. You must determine the accuracy of the  
11 identification of the Defendant. You must consider the  
12 believability of each identification witness in the same way  
13 as any other witness. You may consider whether the witness  
14 has had an adequate opportunity to observe the offender at  
15 the time of the offense. This will be affected by things  
16 like how long or short of time was available, how far or  
17 close the witness was, the lighting conditions and whether  
18 the witness had the chance to see or know the person in the  
19 past.

20 Once again, I instruct you that the burden of proof  
21 that is on the State, extends to every element of the crime  
22 charged and specifically includes the burden of proving  
23 beyond a reasonable doubt the identity of the Defendant as  
24 the person who committed the crime. If, after examining the  
25 testimony, you have a reasonable doubt as to the accuracy of

1 the identification, you must find the Defendant not guilty.  
2 A person who has a past criminal record is competent to  
3 testify during a trial. A past record does not effect the  
4 ability of that witness to testify. The past record may  
5 only be considered by you if at all in determining the  
6 witnesses believability.

7 Remember, you're the sole judges of the facts in this  
8 case and the believability of any and all of the witnesses.  
9 You have heard evidence that the Defendant was convicted of  
10 a crime, other than the one for which the Defendant is now  
11 on trial. This evidence may be considered by you if you  
12 conclude that it is true. Only in deciding whether the  
13 Defendant's testimony is believable and for no other  
14 purpose. You must not consider the Defendant's prior record  
15 as evidence of the Defendant's guilt on the charges of  
16 murder. It is only proper for you to consider the  
17 Defendant's prior conviction for strong arm robbery as was  
18 stipulated to or agreed to by the parties.

19 The Defendant is charged with murder. The State must  
20 prove beyond a reasonable doubt that the Defendant killed  
21 another person with malice aforethought. Malice is hatred,  
22 ill will or hostility towards another person. It is the  
23 intentional doing of a wrongful act without just cause or  
24 excuse and with the intent to inflict an injury or under  
25 circumstances that the law will infer an evil intent.

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1 Malice aforethought does not require that malice exists for  
2 any particular time before the act was committed. But  
3 malice must exist in the mind of a Defendant just before and  
4 at the time that the act is committed. Therefore, there  
5 must be a combination of the previous evil intent and the  
6 act. Malice aforethought may be expressed or inferred.  
7 These terms, expressed and inferred do not mean different  
8 kinds of malice, but merely the manner in which malice may  
9 be shown to exist. That is either by direct evidence or by  
10 inference from the facts and circumstances which are proved.  
11 Expressed malice is shown when a person speaks words, which  
12 are expressed hatred or ill will for another, when a person  
13 prepared beforehand to do the act, which was later  
14 accomplished. For example, lying in wait for a person or  
15 any other acts of preparation going to show that the deed  
16 was within the Defendant's mind would be expressed malice.  
17 Malice may be inferred from conduct showing a total  
18 disregard for human life. Inferred malice may also rise  
19 when the deed is done with a deadly weapon. A deadly weapon  
20 is an article, instrument or substance, which is likely to  
21 cause death or great bodily injury or great bodily harm.  
22 Whether an instrument has been used as a deadly weapon  
23 depends on the facts and circumstances of each case. The  
24 following are examples of instruments which may be used as  
25 deadly weapons, a pistol, a shotgun, a rifle, a dirk, a

1 dagger, a knife, a slingshot, metal knuckles, a razor,  
2 gasoline, a firebomb or Molotov cocktail and lighter fluid.  
3 A gun may be a deadly weapon, even if it's not operating.  
4 If facts are proved beyond a reasonable doubt sufficient to  
5 raise an inference of malice to your satisfaction, this  
6 inference would simply be an evidentiary fact to be  
7 considered by you, along with the other evidence in this  
8 case and you may give it the weight that you decide it  
9 should receive.

10 The Defendant is charged with possession of a pistol by  
11 a person convicted of a crime of violence. The State must  
12 prove beyond a reasonable doubt that the Defendant possessed  
13 a pistol and has been convicted of a crime of violence. The  
14 parties in this case stipulated that the Defendant has a  
15 prior conviction for strong arm robbery. A stipulation is  
16 an agreement between the parties that a fact is true. In  
17 the State of South Carolina a strong arm robbery is  
18 considered a crime of violence.

19 Ladies and gentlemen of the jury, your verdict in this  
20 case must be a unanimous one. That, of course, means that  
21 all twelve of you must agree on the verdict. Mr. Rose is  
22 the Foreman of the jury. You'll have the verdict form in  
23 the jury room with you and it's rather self-explanatory. It  
24 goes as to each charge and says as to the charge of murder  
25 of Tyrone Cummings we, the jury, unanimously find the

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1 Defendant, and then you circle the appropriate verdict. It  
2 goes on to the next indictment, which states as to the  
3 charge of murder of Deborah Bazzle, we the jury, unanimously  
4 find the Defendant -- and you again circle the appropriate  
5 verdict. And then go on to the third indictment and as to  
6 the charge of possession of a pistol by a person convicted  
7 of a crime of violence, we, the jury, unanimously find the  
8 Defendant and circle the appropriate verdict. Date it and  
9 sign it as the Jury Foreperson, Mr. Rose. Also, you'll have  
10 with you in the jury room the actual indictments. And if  
11 you would, on the front of the indictment, each indictment  
12 has a section here that says verdict. If you write the  
13 appropriate verdict and sign your name as the foreperson on  
14 each of the fronts of the indictments.

15 I'm going to ask you to return to your jury room. But  
16 before you begin your deliberations, I'm going to ask that  
17 you wait on us to make sure that you have all of the  
18 exhibits back in the jury room, along with the verdict forms  
19 and the indictments. Then you may begin your deliberations.  
20 Please return to your jury room. Oh, let me remind you.  
21 Once you have reached a verdict, please knock on the door so  
22 we know you've reached a verdict and we'll bring you back in  
23 here to receive your verdict.

24 (Jury out at 11:52 a.m.)

25 THE COURT: Any exceptions or objections to the

1 charge on the law from the State and the Defense?

2 MR. SORENSON: No, Your Honor.

3 MR. MCCOY: No, ma'am.

4 THE COURT: All right. If y'all would please get  
5 together and make sure we have all the exhibits. And here  
6 are the indictments and the verdict form.

7 I'm going to go release the alternate jurors while  
8 y'all look at that.

9 (Alternate jurors excused at 11:59  
10 a.m.)

11 (Jury deliberating at 11:59 a.m.)

12 (Court in recess awaiting the  
13 verdict of the jury at 11:59 a.m.)

14 (Court in session for verdict at  
15 3:37 p.m.)

16 THE COURT: All right. It's my understanding that  
17 we have a verdict in this case. Before we bring the jury  
18 out to receive the verdict, I want to inform everyone in the  
19 gallery that I certainly understand that this is a very  
20 emotional case for all those involved and a very difficult  
21 circumstance. However, I will not tolerate any outburst or  
22 any show of disrespect to either side regardless of what the  
23 verdict is. So if you don't think that you can handle your  
24 emotions, you can leave now. Any outburst will be  
25 considered a contempt of court.

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1 Anything further before we bring the jury out?

2 MR. SORENSON: No, Your Honor.

3 MR. MCCOY: No, ma'am.

4 THE COURT: Bring the jury in, please.

5 (Jury in at 3:37 p.m.)

6 THE COURT: Mr. Foreman, has the jury reached a  
7 verdict?

8 FOREMAN: Yes.

9 THE COURT: Could you please hand it to the  
10 bailiff.

11 FOREMAN: (Complies)

12 THE COURT: Madam Clerk, if you will please  
13 publish the verdict.

14 THE CLERK: In the matter of State of South  
15 Carolina versus Quadrik Michael Shawn Willis:

16 As to the charge of murder of Tyrone Cummings, we, the  
17 jury, unanimously find the Defendant guilty;

18 As to the charge of murder of Deborah Bazzle, we, the  
19 jury unanimously find the Defendant guilty;

20 As to the charge of possession of a pistol by a person  
21 convicted of a crime of violence, we, the jury, unanimously  
22 find the Defendant guilty.

23 Dated October 11th, 2017 signed by Jury Foreperson,  
24 Darryl Rose.

25 THE COURT: Thank you, Madam Clerk. Will you

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1 please poll the jury?

2 THE CLERK: Yes, ma'am.

3 (The jury was polled and the  
4 verdict stands)

5 THE COURT: Thank you ladies and gentlemen of the  
6 jury, if you'll please return to your jury room, I'll be in  
7 there momentarily to dismiss you.

8 (Jury out at 3:40 p.m.)

9 THE COURT: So, Solicitor, if you'd please prepare  
10 the sentencing sheets. I'm going to release the jury.

11 MR. SORENSON: Yes, ma'am. Thank you.

12 (Court in recess at 3:41 p.m.)

13 (Court in session at 3:43 p.m.)

14 MR. SORENSON: May I approach?

15 THE COURT: Yes, sir.

16 (Off the record bench conference with counsel and the  
17 Court.)

18 THE COURT: Are you ready to proceed with  
19 sentencing, Mr. McCoy?

20 MR. MCCOY: Yes, ma'am. Would you like for us to  
21 stay here, Judge, or come forward?

22 THE COURT: Why don't you come forward, please?

23 (Counsel and Defendant approach the  
24 bench)

25 THE COURT: Yes, sir.

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1           MR. MCCOY: Thank you, Judge. May it please the  
2 Court and Judge, any time that you're in a position like  
3 this representing a client that has gone to trial, it's not  
4 an easy position. We absolutely respect the jury's verdict,  
5 but I will add, Judge, that I've represented Mr. Willis now  
6 for quite some time. And I have to tell the Court he's been  
7 very respectful to me. He's been very respectful to my  
8 office. He has been very involved in his case from day one,  
9 as in wanting to learn more about it, hear more about it, go  
10 through as much discovery as humanly possible and he's been  
11 very much on top of his case, Judge.

12           He is -- as you heard he testified in court, Judge,  
13 already and you heard about his age. He's thirty-two years  
14 old. He's grown up in this area his entire life. His  
15 family is here. A lot of them are still here right now.  
16 They're in the -- to the left, behind me, Judge. They're  
17 from the same area right here as well. He's -- Judge,  
18 before this arrest happened he was working, as you heard for  
19 Key West Boats. It was a job that had him getting up early  
20 with a shift that started at 4:00 a.m. So Judge he was  
21 working hard and doing well for himself. It was a job that  
22 paid a good wage an hour.

23           What I can tell you Judge is, again, we respect the  
24 verdict that came down here today. Obviously, it's not what  
25 we want to hear but he, again, has been nothing but

1 respectful to me, nothing but respectful to my office, and  
2 respectful to the process, the court process as well. So,  
3 Judge, it's tough for us to hear that. I think he's -- I  
4 think he's a very smart young man. I think he has a lot to  
5 offer. His family certainly loves him very much and he  
6 loves them back, Judge. So I would just ask that you take  
7 that into consideration when considering your sentence.

8 THE COURT: Thank you, Mr. McCoy? Anything else  
9 from your side in mitigation in regards to the family or  
10 anything?

11 MR. MCCOY: Is there anyone from the family that  
12 would like to say something? And if you could just come  
13 forward. Before you say anything please let the Judge know  
14 your full name.

15 MR. RICHBURG: Reginald Richburg.

16 THE COURT: Yes, sir, Mr. Richburg?

17 MR. RICHBURG: Yes, ma'am. I've been in Quadrik's  
18 life since he was about five years old. Me and his mother  
19 was married for over twenty years this September. We've  
20 been together twenty-five years. Quadrik have been raised  
21 in a solid home. Me and my wife have owned our own business  
22 for fifteen years. When he was young he came in on the  
23 weekends. He learned a lot. Today is very hurtful for both  
24 sides of this family. It's a loss for everyone, Your Honor.  
25 And we as parents sometimes don't know where the future lies

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1 at with our kids. But one thing I can say about Quadrik he  
2 was always well-mannered, a very respectful young man. He  
3 wasn't perfect. None of us in this courtroom today is  
4 perfect.

5 Your Honor, I ask you to take it in consideration that  
6 maybe he would have a life after this again. And that you  
7 can't look at one or two things somebody did and kind of  
8 judge their whole life on that, because Quadrik was a very,  
9 still is a very respectful person. I can't say what  
10 happened that night. I just wish my son was home when that  
11 happened. And on behalf of my family, to the victims'  
12 family, we really do apologize for what happened. Not  
13 saying that my son did it, but the jury has found him  
14 guilty. But from the bottom of our hearts we apologize to  
15 the victims' family. After today we don't want no beef or  
16 problems out in the streets when we do see each other. And  
17 I hope this is the end of it, that we all have learned  
18 something from this today.

19 And I just think Your Honor, it's just a loss for  
20 everyone right now, Your Honor. You know, my wife is  
21 crushed. I have a daughter that's in the military, she's  
22 not able to be here. And my oldest daughter and my baby boy  
23 is here. And like I say he came from a well-working family.  
24 We always worked and like I say, I've been in his life for  
25 twenty-five years, so he is my son. I don't say step-son.

1 I never have not one day in my life. And so I just hope,  
2 Your Honor, some how your heart could have some  
3 consideration. And once again for the victims' family and  
4 for the victims. Oh, God bless them. Thank you, Your  
5 Honor.

6 THE COURT: Thank you.

7 MR. MCCOY: Nicole, when you come up front, make  
8 sure you tell the Judge your name, full name. Speak loudly.

9 MS. PALMER: My name is Nicole Palmer. I am the  
10 mother of Quadrik's children. Quadrik has a total of four  
11 children and my son, which he considers his son, so that's  
12 five. He hasn't always been the perfect guy but like his  
13 father said we all make mistakes. We all have done things.  
14 We're all human. I'm not going to say that I agree with  
15 what the verdict was said today, but at the end of the day  
16 they made the decision. And like his father said, he's a  
17 hardworking man. His kids miss him. We miss him as his  
18 family. As far as the victims' family, I've been praying  
19 for them just as well as praying for Quadrik.

20 When we leave here today, hopefully this is all said  
21 and done. We won't have no bickering. We won't have any of  
22 that because at the end of the day both sides lost. We're  
23 losing Quadrik, his kids are losing him. They've lost  
24 family members.

25 All we can really do is now pray and pray to God that

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1 Quadrik gets a second chance, not only for himself but for  
2 his children. We have school-aged children. When I left  
3 home this morning my son said mommy, are you going to work?  
4 I said no, I'm going to court to see your daddy. And he  
5 said when he come home with you today, what we going to do?  
6 I said well, did somebody tell you he was coming home. He  
7 said no, but I trust God and I know he's going to come home.  
8 So when I go home today, not only do I have to tell my baby  
9 the judge or the jury didn't say what you thought that they  
10 were going to say. I don't know when your daddy's going to  
11 come home. So this is a second loss for us in a week. We  
12 just lost a family member. I understand they lost two  
13 family members but we lose two in a week. It's going to be  
14 hard. But, again, life isn't fair. Things happen.

15 We weren't there that night to say who did what, how it  
16 happened. All we can do is trust you and pray that you give  
17 him a second chance at life as well. That's just it.

18 MR. MCCOY: Thank you.

19 THE COURT: Thank you, ma'am.

20 MR. MCCOY: Your Honor, I think that's it from the  
21 family's side. And I would reiterate a lot of what his  
22 family members have come up here to say to you, Judge. He's  
23 a very faithful young man. I know for a fact from what  
24 Nicole Palmer has told you, that they have also continued to  
25 pray for the victims' family in this case too. That has not

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1 gone without thought. And they've certainly been in our  
2 thoughts throughout this entire process, Judge. And I know  
3 they've been in the thoughts of Quadrik as well. So, Judge,  
4 it's not easy for either side. But we ask you to take into  
5 consideration what we've presented, not only with Mr. Willis  
6 on the witness stand but here today. And also what his  
7 family members have had to say to you.

8 THE COURT: Thank you, Mr. McCoy.

9 MR. MCCOY: Thank you.

10 THE COURT: Yes, sir.

11 MR. SORENSON: May it please the Court, Your  
12 Honor.

13 THE COURT: Yes, sir.

14 MR. SORENSON: You've heard Mr. Willis' record  
15 from when he testified. I mean, the main thing would be the  
16 strong arm robbery and the weapons conviction from back in  
17 2007 or so. There are -- I guess before I have some kind of  
18 closing remarks, again, several family members of Deborah  
19 and Tyrone that do wish, I believe, wish to address the  
20 Court so. I'll let them kind of go in whatever order they  
21 would like to go in.

22 COURT REPORTER: I just need a name, Don.

23 MS. WILLIAMS: My name is Doris Williams. I'm  
24 Tyrone Cummings mother. Tyrone was my only son. We have  
25 the same birthday. Every year January the [REDACTED] come around

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1 he have a birthday. He have three children, two biological  
2 kids and one of his kids is who he helped raise. Tyrone was  
3 a good child. I'm a single mother. I had raised my four  
4 kids by myself and my kids have always been raised to treat  
5 people good. You don't treat people bad. We always help  
6 people. Two days before my son was murdered, he took a bag  
7 of food out of the house to carry to this young lady and her  
8 daughter.

9 And I want, Your Honor, I just want to thank God for  
10 today. I pray. I'm Christian, also a pastor, and I just  
11 pray for justice. And I thank God that it was done today.  
12 I don't have no madness in my heart, no hate. I love  
13 everyone and I pray for the young man, also. But my son  
14 can't come back, can't come back. I can't see my -- all I  
15 go to his grave and it hurts so much. I -- I go to  
16 counseling. I'm on a lot of medication. Every day I pray  
17 to God to give me the strength to go on, to go on.

18 And I also want you to know, Your Honor, why I'm  
19 standing here. I have a restraining order against the aunt.  
20 She was threatening my life and it's still going on. It was  
21 going on before my mother die in 2013 and she was  
22 threatening me. Then my son got murdered. She keep calling  
23 the house telling me she going to put me in the ground,  
24 which one I want to lay beside, my mama or my son. I'm so  
25 tired. I'm just so tired. I just want to be left alone.

1 Is that too much to ask? I can't say everything because I  
2 just, I just barely can make this. But I want you to know  
3 that I love everybody, everybody. I don't hate anybody.

4 And thank you for listening to me today, and I thank  
5 God for the jurors. I thank God for the decision. And I  
6 already know that it was the right decision because I know  
7 God did this. I know my God did this. Thank you.

8 THE COURT: Thank you, ma'am.

9 Yes, ma'am.

10 MS. PRYOR: My name is Darlene Williams Pryor.  
11 Tyrone was my brother. He used to tease me all the time  
12 because he was the only man of the house. So he would tell  
13 us you got to listening to me because I'm your daddy. Even  
14 though he was my brother, he used to act like he was my dad.  
15 And he has, like my mom said, three kids but his son, at the  
16 time, he was five. He has ADHD. He doesn't understand, you  
17 know, about being that -- understand that his dad is gone.  
18 You know. He often a lot talks about his dad. You know,  
19 can you go -- he wants to go to the grave. He wants you to  
20 pull the concrete up. He wants to get to his dad. He wants  
21 to know why it happened. Who did it? You know, so it's  
22 hard to tell a child, you know, you can't talk to your dad.  
23 You're not going to see your dad. I mean -- and he really  
24 don't understand so we had to put him in counseling to kind  
25 of break it down to him. And every day he just seem -- like

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1 you could see him, he will be on his knees. What are you  
2 praying for. I'm pray for my -- just so I could see my dad.  
3 I'm just praying that my dad come home. And it's rough for  
4 us because he doesn't know any better and we don't know what  
5 to tell him. So I just thank God that it's all over.

6 THE COURT: Thank you, ma'am.

7 MS. CUMMINGS: Hi. I'm Charlene Cummings. I am  
8 Tyrone's sister. It's been me and him for, what, about five  
9 years before -- that my mom had our sisters. But just to  
10 let you know that, you know, before he died he did a job  
11 interview. He was talking about going to work the next day  
12 before school started. School started, what on that Monday.  
13 He got killed on that Friday. So I just want to thank the  
14 Court and everybody in here just to see what the witnesses  
15 couldn't see or to see, you know, what other people couldn't  
16 see. I'm just glad that it's over with. I'm glad that they  
17 got justice now that everybody can sleep in peace. Don't  
18 have to worry about what people got to say on the Facebook.  
19 It's done. It's said and I'm glad we got justice for my  
20 brother.

21 THE COURT: Thank you, ma'am.

22 MS. BAGLER: Hi. I'm Deborah Bagler and I only  
23 had one daughter and she's gone. She leaves behind three  
24 kids. She left a baby. What, he was six. I don't know. I  
25 don't know if he was six. And I get him every other weekend

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1 and he talks just about his mama. It's hard but he knows  
2 where she is. He understands what happened, but he's mad.  
3 And I forgive the young man because God wants me to forgive  
4 him. It hurts. But, you know, I was mad. But when the  
5 verdict come back, it's like that madness is over now  
6 because my baby's resting. I can go to the grave and see  
7 her but I can't bring her home. All I can do is look at  
8 pictures and I had a beautiful daughter and she loved  
9 Tyrone. And he took the best thing. He took my baby from  
10 me. And I miss her dearly, Your Honor. I miss her so much.  
11 That was my baby. I had three kids. Now I've got two boys.  
12 She was -- I -- we look just alike. I miss her so much and  
13 I'm so glad what the verdict was.

14 (Court at ease)

15 THE COURT: Anything further from anyone?

16 MR. SORENSON: Your Honor, that would be all from  
17 the victims' family.

18 Just on behalf of the State, Your Honor, obviously  
19 you've heard the facts in this case. I mean, I really meant  
20 what I said in my closing. I mean these two young people  
21 were basically executed that night. I mean, going back you  
22 heard Dr. Ross, I mean, less than two feet away straight  
23 into Mr. Cummings' forehead. And I really truly believe  
24 that there's no -- no evidence has come out through this  
25 investigation of anything else happening out there that

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1 night, other than the cellphone being taken. And that  
2 unfortunately that Tyrone happened to be -- whether he took  
3 it or not, happened to be one around where it went missing  
4 from. And I really and truly believe that Deborah's only  
5 mistake that night was being with Tyrone and seeing what  
6 happened and was basically killed because of that reason.  
7 So we would just respectfully, Your Honor, I think if any  
8 case, you know, screams for a maximum sentence, I mean, this  
9 is one, Your Honor. And that would be what we would  
10 respectfully ask the Court to give Mr. Willis.

11 THE COURT: Anything further, Mr. McCoy?

12 MR. MCCOY: No, ma'am.

13 THE COURT: Well, Mr. Willis, you've certainly  
14 caused a lot of heartache on both sides. The families  
15 obviously are nice families, regardless of what family.  
16 And they obviously loved and cared for you and they raised  
17 you better than to commit such a heinous crime. I can't  
18 imagine somebody losing their life over a cellphone. It's  
19 just hard to even consider to execute two people over a  
20 phone, for any reasons. And certainly there's nothing  
21 that's going to bring anybody true closure as far as that's  
22 concerned because both sides have lost family members. And  
23 I certainly applaud both sides for saying that they hold no  
24 had feelings against each other for your actions. That's  
25 got to be very difficult but you've seen the grief that

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1 you've caused these families and to your family.

2 On indictment 2017-GS-18-1592 for sale or delivery or  
3 possession by a certain person to carry a pistol, you are  
4 hereby committed to the State Department of Corrections for  
5 a period of five years.

6 On indictment 2016-GS-18-0151, indictment for murder.  
7 You are hereby committed to the State Department of  
8 Corrections for the remainder of your natural life.

9 On indictment 2016-GS-18-0150, you're likewise  
10 committed to the State Department of Corrections for the  
11 remainder of your natural life. Those are concurrent.

12 MR. MCCOY: Thank you, Your Honor.

13 MR. SORENSON: Thank you, Judge.

14 (Off record discussion)

15 THE COURT: All right. We're adjourned.

16 MR. MCCOY: Thank you, Your Honor.

17 (This proceeding was concluded.)

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State v Willis

10/11/17

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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST 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 PROCEEDING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR DORCHESTER COUNTY, SOUTH CAROLINA, ON THE 9 - 11 DAY OF OCTOBER, 2017.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

May 5, 2018

DOCKET NO. 2016GS18-0150

**The State of South Carolina  
County of DORCHESTER**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

**WITNESSES**

D Peters

Dorchester County Sheriff  
15-008783

**ARREST WARRANT NUMBER**

2015A1810300796

Arrested: December 18, 2015

**ACTION OF GRAND JURY**

TRUE BILL

TK

Foreperson of Grand Jury  
Date: September 1, 2016

**VERDICT**

Guilty

Darryl Rose  
Foreperson of Petit Jury  
Date: 10-11-16

**COURT OF GENERAL SESSIONS**

September 5, 2016 TERM

**THE STATE  
vs.**

Quadrik Michael Sean Willis

I \_\_\_\_\_  
hereby appear in my own proper person  
and plead guilty to the within indictment or  
to \_\_\_\_\_  
\_\_\_\_\_

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for

Murder

SC Code: 16-3-10

2016 SEP -1 PM 2:49  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

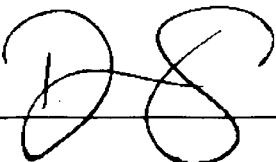
INDICTMENT  
2016GS18-0150

As a Court of General Sessions, convened on September 1, 2016 the Grand Jurors of DORCHESTER County present upon their oath:

**MURDER**

That in Dorchester County on or about August 14, 2015, with malice aforethought, the defendant, Quadrik Michael Sean Willis, did kill one Tyrone Cummings by means of shooting the victim. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



---

Donald N. Sorenson, Solicitor

DOCKET NO. 2016GS18-0151

**The State of South Carolina**  
**County of DORCHESTER**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

REC'D - RECORDS  
2016 SEP - 1 PM 2:49  
CLERK OF COURT  
DORCHESTER COUNTY

**WITNESSES**

D Peters

Dorchester County Sheriff  
15-008783

**ARREST WARRANT NUMBER**

2015A1810300797

Arrested: December 18, 2015

**ACTION OF GRAND JURY**

TRUE BILL  
TR

Foreperson of Grand Jury  
Date: September 1, 2016

**VERDICT**

Guilty

Darryl Asse  
Foreperson of Petit Jury  
Date: 10-11-17

**COURT OF GENERAL SESSIONS**

September 5, 2016 TERM

THE STATE  
vs.

Quadrik Michael Sean Willis

Indictment for

Murder

SC Code: 16-3-10

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

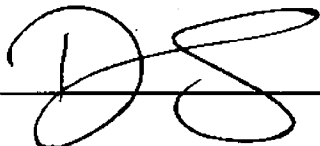
INDICTMENT  
2016GS18-0151

As a Court of General Sessions, convened on September 1, 2016 the Grand Jurors of DORCHESTER County present upon their oath:

**MURDER**

That in Dorchester County on or about August 14, 2015, with malice aforethought, the defendant, Quadrik Michael Sean Willis, did kill one Debra Bazzel by means of shooting the victim. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in black ink, appearing to be 'DS', is written over a horizontal line.

Donald N. Sorenson, Solicitor

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2017 AUG 31 PM 3:38  
CHERYL GRANHAM  
CLERK OF COURT  
DORCHESTER COUNTY

DOCKET NO. 2017GS18-1592

**The State of South Carolina  
County of DORCHESTER**

**COURT OF GENERAL SESSIONS**

**September 5, 2017 TERM**

**THE STATE  
vs.**

**Quadrik Michael Sean Willis**

**Indictment for**

**POSSESSION OF A PISTOL BY  
PERSON CONVICTED OF A CRIME  
OF VIOLENCE**

SC Code: 16-23-30

**WITNESSES**

D Peters

Dorchester County Sheriff  
15-008783

**ARREST WARRANT NUMBER  
2017DOR29**

Arrested: 0, 0

**ACTION OF GRAND JURY**

*Harley Abree*  
Foreperson of Grand Jury  
Date: August 31, 2017

**VERDICT**

*guilty*

Foreperson of Petit Jury  
Date: 10-11-17

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

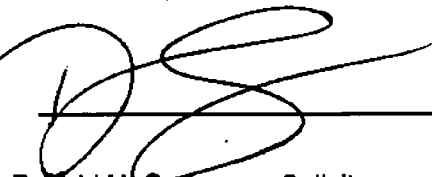
INDICTMENT  
2017GS18-1592

As a Court of General Sessions, convened on August 31, 2017 the Grand Jurors of DORCHESTER County present upon their oath:

**POSSESSION OF A PISTOL BY PERSON CONVICTED OF A CRIME OF VIOLENCE**

That in Dorchester County, South Carolina, on or about August 14, 2015, the Defendant, Quadrik Michael Sean Willis, did have in his possession a pistol described after having been convicted of a crime of violence, to wit: 2007 conviction for Strong Arm Robbery. This offense being in violation of Section 16-23-30, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

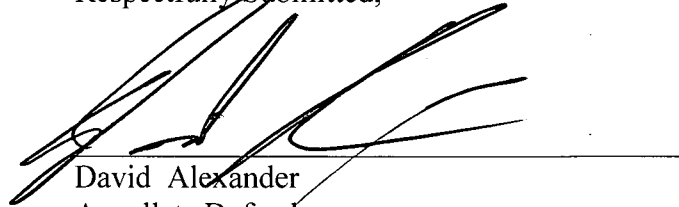


Donald N. Sofenson, Solicitor

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of November, 2018.

**RECEIVED**  
NOV 07 2018  
SC Court of Appeals