

THE STATE OF SOUTH CAROLINA

In The South Carolina Supreme Court

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APPEAL FROM COMMON PLEAS  
Post-Conviction Relief  
Brooks P. Goldsmith, Circuit Court Judge

S.C. SUPREME COURT

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DAQWAN MARQUELL JOHNSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2018-001084

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APPENDIX

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STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA )  
-vs- ) TRANSCRIPT OF RECORD  
DAQWAN MARQUELL JOHNSON, ) 11-GS-40-00863 & 00885  
Defendant. )

July 26, July 30-August 3, and  
August 8, 2012  
Columbia, South Carolina

B E F O R E:  
HONORABLE R. KNOX MCMAHON, Judge; and a jury.

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

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Attorneys for the State

GREGORY BRIAN COLLINS , Asst. Public Defender  
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Attorneys for the Defendant

L. COCONUT PANTSARI, R.P.R.  
Circuit Court Reporter

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**COURT'S EXHIBITS**

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1           (The following proceedings are reported on  
2 July 26, 2012.)

3           THE COURT: Mr. Collins, this is your motion.

4           MR. COLLINS: Thank you, Your Honor. I want  
5 to thank you for hearing this motion today. The reason  
6 we wanted to bring it up this week is for scheduling  
7 purposes. There's a lot of other trials on the docket.  
8 The issues that we are bringing up are not going to  
9 change over the weekend. So we wanted to try to address  
10 it as soon as possible.

11           As you are familiar, we started this case back  
12 on, I believe it was May 21st. An issue came up with  
13 some swabs that were in the evidence log that at the  
14 time we weren't sure if they had been tested or not. We  
15 moved for a continuance in the case to sort all that  
16 out.

17           Since that time we have gotten the full D.N.A.  
18 report with all the buccal swabs of all the  
19 codefendants. We got that July 12th. We have also  
20 gotten roughly about 200 pages of miscellaneous  
21 discovery since July 12th to this date.

22           But the main issue that we have here today  
23 from the defense's standpoint is recently there has been  
24 a federal indictment against, I believe, 37 Blood gang  
25 members here in Richland County. A number of the names



1 listed in that indictment are specifically referenced in  
2 the discovery of this case and are potential witnesses  
3 and possibly have information that we could use as a  
4 defense. We could use to impeach. We are not sure.

5 The one thing we do know is that in the  
6 federal indictment, there was a two-year investigation,  
7 which encompassed the time of this shooting. Some of  
8 the people listed in the indictment were involved with a  
9 retaliatory shooting in 2010 after this time of the  
10 murder where Blood gang members -- after Gary Reese, the  
11 victim, in this case, after he was shot and killed -- a  
12 number of Blood gang members then went to a Studio 54  
13 nightclub within hours of the murder to try to  
14 retaliate. There was a big shootout at the nightclub as  
15 well.

16 Specifically Titus Bowman is one name who was  
17 in the federal indictment as one of the main players.  
18 He was at the nightclub. He was the main instigator.  
19 He was there. Darryl Austin and Craig Austin, one of  
20 those brothers -- I think it was Craig -- was actually  
21 shot in the face at the nightclub.

22 Bernard Breland is listed in the federal  
23 indictment, Torrian Sims, Antwon Brisbane. Michael  
24 Taylor is also specifically referenced in the discovery  
25 for this case, a witness seeing him in the car going

1     towards the nightclub right before the shooting.

2             The reason we think this is important is that  
3     these people were under surveillance at this time. It's  
4     a very likely scenario that as they are making phone  
5     calls and assembling before they do a retaliatory  
6     shooting, they are talking about: Who just shot Gary  
7     Reese and who just shot at them and what is going on.

8             If that is on a recording or a wire tap, which  
9     were used in this investigation, we think that would be  
10    invaluable to the defense to have that. Whether it  
11    helps us or hurts us, we feel that that is information  
12    that is attainable through the federal guidelines, Title  
13    28, 16-21 through 29. There is a process to go through  
14    to try to obtain that information. We have already  
15    started that process.

16            We just really want to get our hands on it and  
17    see if something is relevant. The A.U.S.A., when it  
18    gets our requests, reviews what they have, responds to  
19    us, and discusses whether they have what we are  
20    specifically requesting. We haven't gotten to that  
21    point. So that's the first reason we are asking for a  
22    continuance just to sort it out.

23            I will preface that with Mr. Johnson is in  
24    jail without a bond. We are not asking for a bond. We  
25    are willing to concede for five or six months that we

1 won't apply for a bond or won't be allowed to apply for  
2 a bond. We simply just want to make sure that when we  
3 do this trial, we do one trial, and information doesn't  
4 come out later -- that eventually will come out -- that  
5 could have helped or materially changed the case. At  
6 this point we are not sure exactly what is within the  
7 federal investigation.

8           We do know that it's a two-year investigation,  
9 and there's a number of names listed in that indictment  
10 that they had surveillance on that were involved with  
11 this case, and I think involved to a degree that they  
12 could be material involvement, especially if you are  
13 talking about witnesses to the shooting calling their  
14 friends or Blood members to go retaliate, they are going  
15 to talk about what they have seen.

16           That brings me to the next issue we have got.  
17 Yesterday we were informed that Rontrell Henderson, a  
18 State's witness who was at the Gable Oaks Apartments the  
19 night of this shooting, he gave a statement to police  
20 saying that he saw our client, Daqwan Johnson, shooting  
21 a gun at the victims that night.

22           He was arrested over the weekend. The  
23 Solicitor's Office informed us yesterday or the day  
24 before yesterday that they went and spoke with him, and  
25 now he is saying that is what he told the police;

1     however, it's not true. He made it up completely.

2             Here is where we have the problem. What he  
3     got arrested for, he was appointed to our office. We  
4     have already turned that in for conflict review, and it  
5     will get appointed out to a private attorney. But until  
6     he is appointed a private attorney, we can't send our  
7     investigation to go talk to him.

8             We really very much want to find out why he  
9     made that up and why he gave that statement. It's  
10    material because it could affect our defense if there is  
11    a certain reason why he made it up. We would like, at  
12    least, to be given the chance to explore that. That  
13    just came up this week. We are doing everything we can  
14    to get him appointed a private attorney as fast as  
15    possible, but given the fact today is Thursday, the time  
16    crunch is definitely there for that.

17            The other issue, we have ordered the  
18    transcript from the first day and a half back in May.  
19    We didn't think it was necessary to get the transcript  
20    until we received some documents on July 12th. At that  
21    time we realized there is a potential issue that we are  
22    requesting the transcript. We haven't got it yet. We  
23    are hoping to get it hopefully tonight, but I'm not sure  
24    exactly when we are going to get it. That is another  
25    reason. We would like to have a chance to review the

1 transcript and flesh that issue out. I don't want to  
2 bring it up or put anything on the record until we have  
3 had a chance to review exactly what is on there.

4           We are not trying to do any kind of legal  
5 maneuvering or stall tactics, Your Honor. We simply  
6 just want get to the bottom of what is contained in this  
7 federal investigation because it's the time period.  
8 It's the players. They have surveillance. They have  
9 wiretaps. There very well could be material information  
10 out there. We just want to be given a chance to access  
11 it, and we haven't been given a full chance at that.

12           That's the reason we are asking for a  
13 continuance. I believe Your Honor is in Richland County  
14 the end of August and also the end of October at some  
15 point, and we would be okay with either one of those  
16 dates. We would preferably ask for October so we can  
17 have a few months to deal with the federal issue. As  
18 part of the procedure, we will probably have to go have  
19 a hearing in federal court and get the information that  
20 way.

21           But there was an issue with the CrimeStopper  
22 tip reports. I have heard from Chris Cowan from  
23 CrimeStoppers via e-mail. He is going to get me a  
24 certified letter --

25           THE COURT: Say that again. I'm sorry. I

1 wasn't tracking.

2 MR. COLLINS: Chris Cowan with CrimeStoppers,  
3 he e-mailed me today. We issued a subpoena back in May  
4 after we started the trial. He gave me an e-mail. He  
5 is going to be sending me an official letter. From  
6 their review, there was only one CrimeStopper tip report  
7 given. That is not an issue anymore.

8 But, again, the main reasons we are moving for  
9 a continuance is the federal indictment issue and the  
10 investigation that was done, the new information about  
11 Rontrell Henderson that at this time we are unable to  
12 explore just for conflict reasons. We can't talk to him  
13 until we know who represents him and clear it with his  
14 attorney.

15 Just on top of that, Your Honor, we have  
16 gotten approximately 200 pages of discovery in the past  
17 two weeks. I have been the lead trial both of these  
18 past two weeks. I have done everything I can and will  
19 continue to do everything I can to be ready as soon as  
20 possible.

21 It just seems that this is getting rushed  
22 together, and we want to take all precautions to make  
23 sure that Mr. Johnson gets a full and effective defense.  
24 Without giving us an opportunity to explore everything  
25 and find out this information, I don't feel like we are

1 being effective. That's the reason we are asking for a  
2 continuance in this case.

3 THE COURT: Thank you, Mr. Collins.  
4 Ms. Campbell.

5 MS. CAMPBELL: May it please the Court. If I  
6 can just clarify. It's my misunderstanding that as far  
7 as the federal indictment, their concern is there may be  
8 wiretaps in and around the time of that offense that may  
9 have some information in the subsequent shooting and the  
10 murder we are here in trial about.

11 I did get in touch yesterday with the U.S.  
12 Attorney's Office to try to anticipate some of these  
13 arguments, Your Honor. As far as any wiretaps, there  
14 were no wiretaps in place until June of 2011. So in and  
15 around the time -- this occurred June of 2010 -- up  
16 until a full year later, there were no wiretaps in place  
17 according to the U.S. attorney who I talked to.

18 In addition to that, this is information they  
19 claim they have been seeking since these indictments  
20 came out. I spoke to people, representatives from the  
21 F.B.I., as well as the U.S. Attorney's Office. The  
22 first time they had any request from the Public  
23 Defender's Office was yesterday afternoon. They were  
24 served with a subpoena.

25 They are now attempting to comply with the

1 information they are seeking. They were apparently  
2 supplied with some 15 names they wanted to run through  
3 as far as whether there is any association with the  
4 people.

5 Your Honor, I have procured a copy of the  
6 indictment to which they are referring where the U.S.  
7 Attorney's Office is proceeding. Ms. Walker prepared a  
8 chart going through the federal indictments, the people  
9 named in the federal indictments. The ones in bold are  
10 the ones they are claiming to have a certain interest  
11 in. If I may approach?

12 (Attorneys confer).

13 (Hands to Court.)

14 MS. CAMPBELL: I have also, Your Honor,  
15 reviewed -- at the prior trial, we did hand up witness  
16 lists and witness names were done at that point, the  
17 defense witness list, as well as our witness list. None  
18 of those names appear on either witness list.

19 The people that are named in the indictment --  
20 and there are only three of them, Your Honor, that have  
21 any bearing on the shooting we are not going to trial  
22 on, which has already been resolved. One person was  
23 charged. That person pled guilty. As far as the State  
24 is concerned, that case was resolved.

25 It was -- and some people do say it was a



1 retaliation shooting by the Bloods on the Folk or the  
2 Crips as a result of our murder. We do not know that  
3 that would be admissible at trial. We were not planning  
4 on getting into it. If they want to get into it, of  
5 course, they can.

6           However, even under their information and need  
7 to talk with the U.S. Attorney's Office, there is no  
8 information that they have that they haven't already  
9 gotten from their discovery from the Studio 54 shooting,  
10 which happened several hours after the murder we are  
11 going forward on.

12           To give you just a brief factual background,  
13 basically this was an ongoing shooting back and forth on  
14 the day of the 19th. There was a shooting of a Whitney  
15 Wilson earlier in the day at Gable Oaks apartment  
16 complex.

17           There was another shooting where supposedly  
18 Whitney Wilson shot back at some of the people that were  
19 subsequently charged in this case, at which point,  
20 according to the information we have, these five  
21 codefendants got together at the instigation of Daqwan  
22 Johnson and kind of gathered forces.

23           All became armed and there is actually  
24 videotape where you see them going into the Gable Oaks  
25 area. They enter in and there is literally a shooting

1 by multiple members of those five people that were  
2 involved. You can also see them exiting with their guns  
3 and things of that nature. You can't actually identify  
4 anybody off of the video, but you can at least see how  
5 they looked and what they were doing that day.

6 Then several hours later, Your Honor, there  
7 was another shooting in the County at Studio 54 in which  
8 none of the people that they named were in any way  
9 implicated to be in any way involved in our murder case  
10 or anything to do with it. I would ask the Court to  
11 inquire if they have any reason to believe anymore  
12 information is out there.

13 I have checked with federal prosecutors. I  
14 have talked to Stacy Haynes and D.J. Rowell, as well as  
15 Michael Stansbury with the F.B.I. They are  
16 double-checking to make sure, but they indicate to me  
17 they have no information that would have any bearing on  
18 our case whatsoever.

19 In the Studio 54, three of these defendants  
20 were there apparently at the Studio 54 shooting;  
21 however, they were not even named as victims in the  
22 case. We aren't going into that so I don't know how  
23 this would have any bearing on our murder case we are  
24 going forward on.

25 As far as I can see, this is a fishing

1 expedition. But even by their own admission since there  
2 were no wiretaps in place in June of 2010 through  
3 June of 2011 -- June or July, summer of 2011 -- this  
4 should not be an issue anyway since that is not the  
5 case.

6 As far as Rontrell Harrison -- I believe is  
7 his name -- Your Honor, he was recently arrested. We  
8 interviewed him. He gave our investigators recanting or  
9 whatever you want to call it about the information. We  
10 turned that over to the defense as we should.

11 At this time, Your Honor, we would just ask --  
12 and I think we can take care of it -- if you would just  
13 appoint counsel from the bench, and that issue can be  
14 resolved as well.

15 Was there another ground, Your Honor?

16 THE COURT: Transcript from the prior hearing  
17 before me.

18 MS. CAMPBELL: And the discovery, Your Honor.  
19 As far as what has been turned over to them, Your Honor,  
20 I have a copy of what we turned over to them since the  
21 last hearing. The majority of that are some visitation  
22 records from the jail. They have also requested rap  
23 sheets on all our witnesses, which is what they are  
24 doing now. We have given them to them. The majority of  
25 this is rap sheets.

1           I believe the gang information that they  
2 requested as well has been turned over to them. I can  
3 hand up this copy of what we have turned over to them  
4 since then. The only thing of any substance was a  
5 single page of an E.M.S. report that we turned over to  
6 them, as well as the D.N.A., which is the whole reason  
7 for the continuance before. We turned it over as soon  
8 as we got it.

9           THE COURT: Was the D.N.A. done locally?

10          MS. CAMPBELL: Locally by the Richland County  
11 Sheriff's Department, Your Honor. The only holdup in  
12 getting that done -- we did it as quick as possible --  
13 we had to get swabs from all five defendants for  
14 elimination problems. The D.N.A. also eliminated their  
15 client as being involved, did not inculcate him. That's  
16 swabs from the shell casings.

17          THE COURT: How long does it normally take to  
18 appoint a lawyer when the public defender has a conflict  
19 in Richland County?

20          MS. CAMPBELL: In Richland County, Your Honor,  
21 it's my understanding they could do it that day. I  
22 don't do the process as far as what the Public  
23 Defender's Office does.

24          THE COURT: They don't perform it either? A  
25 judge does?

1 MS. CAMPBELL: Typically a judge can do it  
2 from the bench.

3 MR. COLLINS: If it goes through the Clerk of  
4 Court, it used to be a lot quicker. Currently it is now  
5 taking a few weeks before an attorney is appointed, but  
6 it can happen immediately if a judge appoints a certain  
7 attorney from the bench. This one could be a tough one  
8 to find a attorney without a conflict given the  
9 involvement of Mr. Henderson, but we should be able to  
10 find somebody that could be appointed very soon.

11 THE COURT: I don't mind appointing somebody.  
12 If I was the administrative judge, I certainly would.  
13 Do y'all's conflict cases just go down the list? The  
14 clerk maintains a list and it pops up the next one on  
15 the list?

16 MR. COLLINS: I know there is a preferred  
17 list. There's all kinds of different lists, and I'm not  
18 sure exactly the rhyme or reason.

19 THE COURT: The preferred list. I wonder if a  
20 lawyer wants to be on that preferred list or not,  
21 Mr. Collins.

22 MR. COLLINS: Certain people do and some  
23 people don't.

24 THE COURT: And who it's preferred by.

25 MR. COLLINS: We got the conflict in

1 immediately. So that should be easily -- we can go to  
2 Judge Benjamin. I can go there with the solicitor and  
3 try to get somebody appointed immediately, and then we  
4 can get down there and try to talk him at some point  
5 over the weekend, I guess.

6 As far as the federal subpoena that we have  
7 done, the reason for the delay is there is a federal  
8 procedure that we had to research in order to try to  
9 attempt to obtain the information. We talked with  
10 several federal public defenders. The federal  
11 regulations, we were trying to comply with that.

12 Our subpoena asks for -- wiretaps is one  
13 thing, and that is information that is news to us, that  
14 they didn't have wiretaps at that time, but there is  
15 also any and all records or anything like that.  
16 Ms. Campbell just admitted that they are looking into it  
17 because apparently there is information from those  
18 players, that whether or not they feel the retaliatory  
19 shooting is material, it's material to us.

20 We plan on getting into it, and we plan on  
21 finding out and using that in different ways for our  
22 defense. We just want -- we are just asking for time to  
23 get all this information and make sure we have  
24 everything we need to have before we go forward with  
25 this trial.

1 THE COURT: Yes, ma'am.

2 MS. CAMPBELL: Your Honor, if I misspoke -- I  
3 don't believe I did -- but the only information that the  
4 feds have is my understanding they got from the County  
5 investigation, which he already has. There is no  
6 additional information.

7 THE COURT: Mr. Collins, I have never  
8 practiced in federal court. Why can't you subpoena  
9 someone involved in the investigation? Like I said, I  
10 prefaced that by saying I never practiced in federal  
11 court.

12 MR. COLLINS: Your Honor, the first step is  
13 you have to give the subpoena to the Department of  
14 Justice. The A.U.S.A. assigned then reviews what they  
15 have in their discovery and responds. His response can  
16 be either: We are not giving it or there is nothing  
17 relevant.

18 THE COURT: I'm talking about why can't you  
19 subpoena a federal officer?

20 MR. COLLINS: As a witness in the trial?

21 THE COURT: Yes, sir.

22 MR. COLLINS: Your Honor, the reason we are  
23 looking into this is just for our investigative  
24 purposes. We need this information to properly  
25 investigate, to prepare the defense. We don't want to

1 have to be forced to do our investigation in front of a  
2 jury. We are trying to get this information so we are  
3 prepared for trial.

4 THE COURT: You wouldn't necessarily have to  
5 do it in front of a jury. You can do it in camera.  
6 There may be a rule. I don't know. There might be law.  
7 I don't know I am just asking the question.

8 Could you subpoena an officer -- not a U.S.  
9 attorney. I don't mean that, and the answer may be no.  
10 I don't know the answer -- and say, I am going to  
11 subpoena Agent -- what was his name -- Mulder. I am  
12 going to subpoena Agent Mulder. He either will or won't  
13 talk to you. He either will or won't testify.

14 I am not saying you have to do it in front of  
15 a jury at all. I would never require you to put a  
16 witness up, number one. Number two, even if you did it,  
17 it wouldn't have to be in front of the jury. Can you do  
18 that?

19 MR. COLLINS: At this point we don't know who  
20 the federal investigators were. All we know is -- we  
21 don't even have a copy of the indictment. We have the  
22 news stories. So we wouldn't know who to serve. Even  
23 then if we got information on the stand, we would need  
24 to use that for our own investigation, which I don't  
25 feel comfortable giving too many details about that on



1 the record at this point and give away some of our  
2 possible defense.

3 THE COURT: I'm not asking you to do that.

4 MR. COLLINS: They also have a non-disclosure  
5 agreement. That's the reason I believe in the federal  
6 regulations, they have specifically a way to do it  
7 because of the non-disclosure rule.

8 The fruits of their investigation sometimes  
9 they have different confidential informants and rules on  
10 disclosing. The process isn't extremely lengthy. It's  
11 a pretty set process. It's only about three or four  
12 steps.

13 THE COURT: You mentioned seven individuals.  
14 You named seven specific individuals: Mr. Bowman, D.  
15 and C. Austin, Breland.

16 MR. COLLINS: Antwon Brisbane.

17 THE COURT: And it looks like Sims, Brisbane,  
18 and Taylor.

19 MR. COLLINS: Yes.

20 THE COURT: Are those -- of the 38 or however  
21 many you read about in the newspaper -- are those the  
22 only ones you are interested in?

23 MR. COLLINS: Those are the ones that are  
24 listed in the indictment.

25 THE COURT: In what indictment?

1           MR. COLLINS: The federal indictment. The  
2 other names we put on our subpoena were people that are  
3 connected with those individuals that could possibly  
4 have been part of the investigation that the feds did.  
5 Those specific names are mentioned heavily involved with  
6 this case.

7           MS. CAMPBELL: Your Honor, for clarification  
8 they aren't involved in the murder case we are trying at  
9 all. He is referring to the club Studio 54 shooting  
10 that occurred hours after this.

11          THE COURT: I understand. Mr. Collins is  
12 alleging a connection between that and perhaps  
13 conversations between parties concerning the shooting of  
14 Mr. Reese --

15          MR. COLLINS: Yes, Your Honor.

16          THE COURT: -- by these parties.

17          MR. COLLINS: Yes, Your Honor. This was all  
18 in a three or four-hour time period. The whole reason  
19 for the nightclub shooting was the shooting of  
20 Mr. Reese. We believe it's all connected and would come  
21 in under res gestae or a number of other things.

22          THE COURT: Well, I don't know when these  
23 individuals were arrested. I know it was recently. I  
24 know you say there was something in the paper or on  
25 television. Was it the last couple of weeks or last

1 week?

2 MR. COLLINS: I believe it's been two or three  
3 weeks since the indictment, maybe a couple weeks.

4 THE COURT: For purposes of this hearing on a  
5 motion to continue, as to the federal indictment, I  
6 think there is a -- if there are dots to connect, I  
7 think it's very tenuous from the reading of a newspaper  
8 article concerning a federal indictment to a homicide  
9 case that occurred -- as I understand the date -- 19  
10 June of '10, which is a little over two years ago, two  
11 years and a month ago.

12 Now, part of my thinking is I have no way to  
13 connect the federal indictment to this particular act.  
14 I am further informed that the U.S. Attorney or  
15 assistant U.S. attorneys have advised the State that  
16 there were no wiretaps in place in June of 2010.

17 Of course, if you want to -- what the  
18 attorneys say obviously is not evidence. I don't mean  
19 it like that. But if you want to explore that in some  
20 manner, since I take your word as an officer of the  
21 Court and I take Ms. Campbell's word as an officer of  
22 the Court, but then, again, it's not like a witness  
23 testifying.

24 I am going to deny the motion on that ground.  
25 That does not mean you cannot revisit that motion. You

1 can revisit it. If you have got any evidence or  
2 testimony otherwise, I would be glad to consider it. As  
3 far as Mr. Henderson -- well, Mr. Henderson may be --  
4 let's put him down the line just a minute. What about  
5 the transcript issue?

6 MR. COLLINS: We are attempting to get it. We  
7 are supposed to be getting the transcript e-mailed at  
8 some point today or tonight. As of yet, we haven't  
9 gotten it. I know she is going out of town tomorrow.  
10 She said she would have it to us by then.

11 THE COURT: You can always rely on a court  
12 reporter.

13 MR. COLLINS: Yes, yes. The transcript, she  
14 said is close to 85 to 95 pages long. That's about how  
15 long it is.

16 THE COURT: The discovery, is Ms. Campbell  
17 correct that most of it is -- the majority of it is  
18 criminal histories and D.N.A. reports?

19 MR. COLLINS: The D.N.A. report was the bulk  
20 of it. There was also a number of records from the gang  
21 task force that were made available after our specific  
22 request. It was a little difficult to get through. All  
23 the e-mails were untitled and documents were mixed in  
24 and mixed up. We had to go through and sort it all out.  
25 We are getting through it.

1           Like I said, all that came since July 12th. I  
2 think it was like 11 different e-mails. It's a lot of  
3 odds and ends. We are still going through some stuff we  
4 have received, but essentially it's the D.N.A. report,  
5 the rap sheets, the gang task force records, the  
6 incident reports concerning certain witnesses, and the  
7 jail logs with the visitations, which, again, we have to  
8 look into that, different people that have been visiting  
9 at the jail and different names that we had not seen  
10 before. We then had to go and investigate that.

11           THE COURT: Were any of those names on the  
12 original witness list, the jail list? Is the jail  
13 log -- is that something y'all asked for particularly,  
14 the jail logs?

15           MR. COLLINS: No, Your Honor.

16           THE COURT: Is that something they provided?

17           MR. COLLINS: Yes, Your Honor. When it's  
18 provided then we have to be prepared in case one is  
19 called. A lot of the names were unfamiliar, but some of  
20 the names were familiar. I am still going through that.  
21 I have been able to complete that. We are still working  
22 on that.

23           THE COURT: Can a lawyer get a jail log for  
24 his client?

25           MR. COLLINS: If it's subpoenaed, yes.

1           THE COURT: Can a lawyer get the jail log for  
2 anybody in the jail if it's subpoenaed?

3           MR. COLLINS: That I'm not sure of. I don't  
4 think it has ever been done through our office. I don't  
5 think it's ever been requested.

6           THE COURT: I'm sure if it had some real  
7 relevancy Mr. Strickler or your office can subpoena it  
8 though, I would imagine. I was just asking that  
9 question.

10           Did you have a statement, Ms. Campbell?

11           MS. CAMPBELL: No, sir.

12           THE COURT: Let me see that discovery that has  
13 been provided, please.

14           (Hands to Court.)

15           MS. CAMPBELL: Your Honor, the only thing that  
16 is not in there is the D.N.A. report is my  
17 understanding.

18           THE COURT: Y'all have a video visitation at  
19 the Glenn center now?

20           MR. COLLINS: Yes, Your Honor.

21           THE COURT: How long has that been in place.  
22 approximately?

23           MR. COLLINS: Three to four years.

24           (Pause.)

25           THE COURT: Besides the D.N.A., Ms. Campbell,

1 all the discovery has been provided in July is in this  
2 notebook?

3 MS. CAMPBELL: It's my understanding, yes,  
4 sir, Your Honor.

5 THE COURT: When you go through these tabs,  
6 the largest amount is behind the tab with video  
7 visitation request. Many of the names are duplicitous:  
8 Mia Johnson, Mia Johnson, Mia Johnson, Wanda Odom, Wanda  
9 Odom. There are some others, Angela Johnson.

10 There is other information in here concerning  
11 gang information on Bowman and Bethel, gang information  
12 on Bowman and Bethel. There is another tab, Chris  
13 Johnson and an note from Investigator Brown, membership  
14 status that you requested. I take it that would be in  
15 the database of membership in a gang, rap sheets.

16 Have you fully and completely complied with  
17 the discovery, Ms. Campbell, as far as Rule 5 and  
18 Brady?

19 MS. CAMPBELL: Yes, sir. We have met, I  
20 think with defense counsel, and gone through everything.  
21 As well as any requests they have come up with, we have  
22 tried to address in a timely fashion.

23 THE COURT: As to the discovery motion, I am  
24 going to deny the motion. The discovery issue -- not on  
25 the other discovery issue you have that you e-mailed me

1 about -- but the motion to continue, I will deny that on  
2 that grounds.

3 If there is specific information -- without,  
4 of course, revealing your defense -- if there is someone  
5 in there you particularly want to talk to, I will order  
6 the Solicitor's Office and their investigator to try to  
7 make that person available for you.

8 Then, again, the defense lawyer is on a  
9 tightrope there if it ends up somehow exposing your plan  
10 if you think so. If there is someone particular you  
11 want to talk with and you need assistance in locating  
12 that person, I am willing to assist you in locating that  
13 person.

14 I guess the transcript is in abeyance. There  
15 are some cases out there, State versus McMillan and  
16 others, where a case has been tried and mistried and  
17 retried within three weeks. Of course, the court  
18 reporter is so far behind, they never even started on  
19 the transcript and trial judges have denied that. It  
20 just kind of depends on the totality of the  
21 circumstances in that regard. It sounds like you  
22 probably will have it available any way.

23 The next issue -- and I think the last issue  
24 until we get into that issue on the database -- I will  
25 be glad to contact Judge Benjamin and ask her to appoint



1 someone to represent Mr. Henderson and have that  
2 information provided to you before the end of the day  
3 today.

4 If it was a Lexington case, I could pick  
5 somebody and call them up and tell them, I am appointing  
6 you to represent so and so, one of the usual suspects so  
7 to speak. I would prefer her doing it being the chief  
8 admin judge.

9 Does that cover the basic -- does that cover  
10 your motion to continue, Mr. Collins?

11 MR. COLLINS: As far as today, yes, everything  
12 we have today. There could be something once we get the  
13 transcript. We will talk about that at the appropriate  
14 time.

15 THE COURT: The other issue you had was the  
16 e-mailing of the document. I kind of in my mind or  
17 perhaps in the e-mail, they call it a gang database from  
18 the Sheriff's Office in Richland County. Do you have a  
19 further matter you want to take up on that?

20 MR. COLLINS: Your Honor, the only information  
21 we were provided about what was given to you was that  
22 you were given some information to review. Until  
23 yesterday we didn't know exactly what you had to review.  
24 So I didn't want just to concede because we really  
25 didn't know anything about it.

1 THE COURT: Sure.

2 MR. COLLINS: We know we have gotten some  
3 information with gang task force headers on it for some  
4 of the people, I believe most of the people that we  
5 specifically requested.

6 We never asked for every Blood in Richland  
7 County. We were asking for certain names. I believe we  
8 listed it all back in May, along with the other  
9 discovery requests that we did in May, that we didn't  
10 receive in the last two weeks.

11 THE COURT: I think what they provided me is  
12 the database from A. to Z. of all the named individuals  
13 in the Richland County Sheriff's Department database. I  
14 think, from my understanding -- and they will correct me  
15 if I'm wrong -- the names that were in this database  
16 that were associated with this case, that information  
17 was extracted and provided. Is that correct,  
18 Ms. Campbell?

19 MS. CAMPBELL: Your Honor, if I can confer  
20 with Ms. Walker.

21 MS. WALKER: Your Honor, I'm Meghan Walker.  
22 Yes, sir, those names we extracted from that database,  
23 and we sent those to Mr. Collins and Mr. Newton. That  
24 is the complete database. Out of an abundance of  
25 caution, we wanted to make sure that the Court was aware

1 that there were other names out there that are connected  
2 in that Blood database but that are not connected with  
3 this case.

4 THE COURT: Thank you, Ms. Walker. Some of  
5 the names would have beside it, associate or member.  
6 It's like us in the courtroom, your name, my name,  
7 Ms. Campbell, Ms. Walker, Mr. Shellenberg, the name may  
8 be on the list. When you say, Who was at this location?  
9 It may be just me and you. So their names are not  
10 turned over. That's what I was trying to convey in my  
11 e-mail.

12 What I was intending to do is, if the case  
13 goes to trial, is have my law clerk check the witness  
14 list against this and against those individuals called  
15 if there is any discrepancy in that regard. Then I  
16 guess then put those under seal for an appellate court,  
17 if there was ever an appeal on the case, to review it.

18 But it's the same information that you have  
19 been provided on other individuals: names, age, date of  
20 birth, race, relationship -- that is whether associate  
21 or member -- and the relationship dates. I guess that's  
22 the input by the Sheriff's Department.

23 MR. COLLINS: Also included with that  
24 information they have -- when a person is referenced --  
25 they will include occurrences, field interview sheets,

1 and incident reports that are also in the database that  
2 may not be on the list.

3 The other issue we have is if that is just the  
4 list of Bloods, we also have the Folk Nation involved  
5 with this with codefendants. If there is stuff with the  
6 gang database on codefendants and other potential  
7 witnesses, we would ask that we be provided with that  
8 information as well.

9 THE COURT: If it's people involved in the  
10 case, that's what you are saying?

11 MR. COLLINS: The codefendants, I believe, are  
12 in a gang database as well. We haven't gotten anything  
13 as far as the Folk Nation, I don't believe.

14 THE COURT: I thought my e-mail said if it was  
15 victim, defendant, codefendants, witnesses, that should  
16 be provided.

17 MR. COLLINS: I guess my question is: Do you  
18 only have a list of the Blood gang members or is that  
19 all exclusive gangs from Richland County?

20 THE COURT: Let's see. Do you know that  
21 answer, Ms. Walker?

22 MS. WALKER: Yes, Your Honor. Those are the  
23 Blood Gang members. In speaking with the gang  
24 investigator with Richland County and the Columbia  
25 Police Department, we asked them specifically about the

1 codefendants in this case.

2 At the point in time which we spoke to them,  
3 they had not been entered into the gang database. I can  
4 check with them again to today if see if they have been  
5 entered into either the City or the County's gang  
6 database.

7 THE COURT: What about the other gangs that  
8 Mr. Collins is addressing, like the -- what did you call  
9 them, the Crips?

10 MR. COLLINS: Folk Nation, the Crips.

11 MS. WALKER: I did not get the complete Folk  
12 Nation database after they told us that the specific  
13 people that Mr. Collins was talking about weren't in  
14 there. I can go ahead and get the Folk Nation database  
15 if Your Honor would like us to and turn that over as  
16 well to Your Honor. But it's my understanding --

17 THE COURT: What about the Crips?

18 MR. COLLINS: The Folk Nation is a subset of  
19 the Crips.

20 THE COURT: Thank you.

21 MS. WALKER: If Your Honor would like us to  
22 get that database...

23 THE COURT: I think he wants to know if any of  
24 the individuals involved in gang activity, if there is a  
25 database and other databases beside the Bloods you can

1 check, I would suggest you do that and provide it to the  
2 Court.

3 MS. WALKER: Yes, Your Honor.

4 MR. COLLINS: That would be anybody on the  
5 witness list or any of the codefendants.

6 MS. WALKER: Yes, Your Honor.

7 THE COURT: Codefendants, witnesses, victims,  
8 defendants. There may be a master database. I don't  
9 know. Anything else?

10 MS. CAMPBELL: Nothing from the State.

11 MR. COLLINS: That's all we have today, Your  
12 Honor.

13 THE COURT: I will contact Judge Benjamin when  
14 I leave and ask her to appoint a lawyer. If she doesn't  
15 mind, if her law clerk will notify both sides as to who  
16 is appointed.

17 MR. COLLINS: Thank you, Your Honor.

18 MS. CAMPBELL: Your Honor, as far as  
19 scheduling for next week, it's my understanding that we  
20 are going to do a hearing with Your Honor on State  
21 versus Zinah Jennings on Monday. We should be able to  
22 start this case Tuesday morning.

23 THE COURT: Ms. Campbell, you handed some  
24 documents up to me that I think Mr. Collins said he  
25 didn't have copies of.

1           MR. COLLINS: We didn't have any copies of  
2 anything that was handed up to the court.

3           THE COURT: What would that be?

4           MS. CAMPBELL: I believe I handed up the  
5 indictment from the feds which we got.

6           THE COURT: And this chart, are you going to  
7 make copies of this for Mr. Collins?

8           MS. CAMPBELL: I would be glad to.

9           THE COURT: I don't have a clerk in here; so I  
10 will return this to you --

11           MS. CAMPBELL: And I will provide it to them  
12 today.

13           THE COURT: -- and you can provide it to  
14 Mr. Collins. Thank you. Thank you very much,  
15 Mr. Collins.

16           MR. COLLINS: Thank you very much, Your Honor.

17           (Whereupon the proceedings are concluded for  
18 July 26, 2012.)

19           (The following proceedings are reported on  
20 July 31, 2012.)

21           THE COURT: Solicitor.

22           MS. CAMPBELL: May it please the Court, Your  
23 Honor. We are here on the case of the State versus  
24 Daqwan Johnson. He is charged with murder and attempted  
25 murder, Your Honor. We are here today for the trial of

1 the case.

2 As you know, you were made aware this case was  
3 coming last week. We had a hearing in front of you.  
4 Your Honor, there is one matter I would like to take up  
5 right away that came to my attention yesterday morning.

6 Apparently on Friday afternoon, Greg Collins  
7 sent me an e-mail basically accusing me of ethical  
8 violations and prosecutorial misconduct. I will hand up  
9 a packet, Your Honor, including the e-mail, which I  
10 didn't get until yesterday morning by the way, Your  
11 Honor. Also, the packet from the D.N.A. that was  
12 produced to the defense, as well as a transcript from  
13 the prior hearing.

14 THE COURT: What prior hearing are you  
15 referring to?

16 MS. CAMPBELL: Your Honor, when we originally  
17 called this case, I believe it was the week of May 21,  
18 2012, in front of Your Honor, we did have pretrial  
19 hearings and actually picked a jury at that time.

20 It came up during the course of that there  
21 were some swabs that not been tested or had not been  
22 compared to anything, Your Honor, that we became aware  
23 of. At that point you granted a continuance on the  
24 case.

25 THE COURT: All right.



1 MS. CAMPBELL: Your Honor, in the e-mail that  
2 he sent, he references how he has conferred with John  
3 Freeman of the U.S.C. Law School about possible ethical  
4 violations.

5 He states that it has come to his attention  
6 that assertions were made by me during the pretrial  
7 stages that were not true; that I related the swabs  
8 could not be tested on numerous occasions; that I had  
9 gone over this issue with the County and forensics, and  
10 it was my understanding that swabs had not been tested.

11 He then references the full D.N.A. report that  
12 we received that we provided to them in conjunction with  
13 this case. Because at that point, if you may recall,  
14 Your Honor, there was some swabs from the shell casings  
15 and projectiles at the scene that had not been tested.

16 Your Honor, to give you a little bit of  
17 background, this is a City murder case. As you are  
18 aware, there was a secondary case, a shooting at a  
19 separate club later that night, that involved some of  
20 the same people.

21 The City then submitted their ballistics  
22 evidence to the County for testing, which the County  
23 agreed to do so since the two cases were related.  
24 However, as with outside cases, in this case the comedy  
25 is what happens when outside agencies submit cases,

1 they go under a separate case number from the County  
2 case.

3 As such, we received right before trial the  
4 chain from that, which is a property report which you  
5 reviewed in the last hearing, Your Honor. In that  
6 property report, we became aware that some of the  
7 property is the swabs that were done by David Collins,  
8 which ironically he didn't mention in his notes that he  
9 had swabbed the evidence.

10 That is standard protocol. He just didn't put  
11 it in his notes, that that had been swabbed and that  
12 evidence had been logged into the Richland County  
13 Sheriff's Department.

14 In the packet that I just handed up, Your  
15 Honor, you will see a request form that was filled out.  
16 It comes, is my understanding, by Gray Amick in this  
17 case.

18 At the top of the request form, it has the  
19 people that are requesting that certain items be tested,  
20 which include items 50 through 56, which are the swabs  
21 that were in question during the last hearing. My name  
22 is at the top of the list, Stan Smith's name is at the  
23 top of the list, and Willie Gonzalez' name, the people  
24 requesting that.

25 THE COURT: What page are you referring to,

1 Solicitor?

2 MS. CAMPBELL: Just a moment, Your Honor. Beg  
3 the Court's indulgence.

4 (Pause.)

5 MS. CAMPBELL: I apologize, Your Honor. For  
6 some reason it doesn't appear to be in the packet I  
7 pointed out for you. Your Honor, it's page 12 of the  
8 case jacket.

9 THE COURT: Page 12 of the forensic  
10 examination report?

11 MS. CAMPBELL: Yes, sir.

12 THE COURT: All right. I have it in front of  
13 me, Solicitor. You may continue.

14 MS. CAMPBELL: Your Honor, that form was  
15 filled out by Gray Amick with the Richland County  
16 Sheriff's Department. He is a D.N.A. analyst there. In  
17 the prior hearing, I made mention that I was not aware  
18 of any testing that had been done. Then I mentioned  
19 over and over I am double-checking on those things.

20 We had actually met -- and Ms. Walker can  
21 address this -- with the people from the County. The  
22 problem in this case is because it's an outside agency,  
23 when the testing was done, there was no case in the  
24 actual Richland County A.S.I.S., which is their way of  
25 tracking cases, Your Honor. There was a property

1 report, but there was no case to attach to the  
2 C.O.D.I.S. note.

3 What happened -- and Mr. Amick is here and can  
4 address the Court if you feel it's necessary -- is there  
5 are a number of ways in which the testing can be done.  
6 The date on that shows that in May of 2011, a request  
7 was made.

8 Having talked to Investigator Amick, the way  
9 that could have been done is either I made contact with  
10 Investigator Amick and requested for him to check to see  
11 if there was any evidence that needed to be tested in  
12 this case and would he please do that or I conveyed that  
13 through Major Stan Smith, who would have conveyed it to  
14 him if his name is reflected on the form as well.

15 The investigator that is noted is Willie  
16 Gonzalez, even though he was not involved in the case,  
17 somehow that information was related to Mr. Amick as  
18 well, even though he was involved with either the C.P.D.  
19 case or the Richland County case, or I made contact with  
20 Mr. Amick myself, which is not unusual for me to be at  
21 the County and say: Would you please check on the case  
22 and see if there is any evidence to be tested or not.

23 I do not have any independent memory of how  
24 this request was made, Your Honor, and I can tell you  
25 that Mr. Amick does not have independent memory.

1     However, if the request was made that those -- there are  
2     three ways in which it could have happened or I could  
3     have specifically asked for those items to be tested.

4             I am telling you as an officer of the Court, I  
5     don't have any specific recollection of requesting that  
6     items be tested. It's not unusual for me to go to the  
7     County with a number of cases for me to be looking into  
8     and to make requests that the D.N.A. department check  
9     into them and do any testing if it is appropriate. At  
10    that point, Your Honor, there were no known samples  
11    submitted in this case for anything to be compared to.

12            In addition, Your Honor, he also questions the  
13    fact that there was page 1 of the follow-up, which is  
14    right after the actual report itself, where it said that  
15    on 6/7/2011 -- that would be Rachel Grant e-mailed  
16    Willie Gonzales the C.O.D.I.S. note, which is the last  
17    page of this report, Your Honor.

18            I have spoken with Mr. Gonzales. He does not  
19    recall. He has no independent recollection of receiving  
20    a C.O.D.I.S. note. However, he receives a number of  
21    those, and it would not have alerted him -- because it  
22    just had a bunch of numbers on it -- to anything that  
23    was not a hit as well.

24            He would have just noted it. He doesn't have  
25    any independent recollection of it. He would not have

1 thought to notify anyone else as to its existence  
2 because it just wouldn't ring a bell with him because it  
3 is just a bunch of numbers.

4 He doesn't recall specifically receiving this,  
5 but he doesn't dispute that he may have. The reason his  
6 name is on the report is unknown to me, Your Honor, as  
7 the investigator to contact and to mail that to.

8 Your Honor, I had spoken to Rachel Grant and  
9 to Gray Amick at that point. At the time the further  
10 note says there was no case to attach that C.O.D.I.S.  
11 note to, as is normal in what we would have been looking  
12 at. There was no case in the system at the time. So  
13 therefore it would have just remained on her computer.

14 As we were preparing to go forward last time,  
15 Your Honor, as you became aware, we actually had to --  
16 Carter Cox with my office actually was checking on that  
17 while we were having a hearing, Your Honor. He had to  
18 actually call down there and have them retrieve the  
19 C.O.D.I.S. note from, I believe, Ms. Grant's computer,  
20 which she would have kept it separately. She would have  
21 had to look it up specifically.

22 So as far as accusing me of prosecutorial  
23 misconduct or anything, it's somewhat ludicrous in that  
24 I wouldn't have requested the testing be done if I was  
25 trying to hide evidence, number one. Number two, I have

1 no independent recollection of ever knowing this  
2 specific evidence existed.

3           Number three, we did go and try to check to  
4 make sure. If anything, Your Honor, it is my fault  
5 because there were other people handling the chain in  
6 this case. They think that they thought the swabs were  
7 related to other swabs that were taken from the car.

8           That is something that I should have been  
9 checking on and that was remiss on my part on that part;  
10 however, none of that would have come to light until  
11 that first day of trial anyway, Your Honor.

12           As Mr. Collins notes, he takes these matters  
13 very seriously. He would like an explanation in  
14 writing. I would prefer to have the Court hear  
15 everything, and if he wants, we can put up testimony as  
16 to what happened in this case specifically, Your Honor.  
17 However, we do not feel like there was any prosecutorial  
18 misconduct in this case.

19           I understand Mr. Collins' position is  
20 different. I would note in the transcript where he  
21 accuses me of making these assertions, I think the first  
22 things I say is page 75 forward, Your Honor. I mention  
23 that I am double-checking to make sure. It is my  
24 understanding that no testing was done. We got to  
25 Richland County and were informed no testing was done.

1 That was information given to us and I can put  
2 Ms. Walker up for that issue.

3 THE COURT: What page was that, Solicitor?

4 MS. CAMPBELL: Seventy-five.

5 THE COURT: Seventy-five?

6 MS. CAMPBELL: Yes, sir.

7 THE COURT: I go from page 74 to page 78 or  
8 either I don't know my numbers.

9 MS. CAMPBELL: You go from 74 to 78? I would  
10 hand up pages 75 through 77. The defense did request a  
11 copy. They have a copy of the transcript, as well as  
12 the packet I handed up.

13 THE COURT: The part you were referring to,  
14 Solicitor, is the part that is highlighted?

15 MS. CAMPBELL: It starts on page 75, yes, Your  
16 Honor, and it continues on page 78, over the next  
17 several pages. Then I correct myself because as first I  
18 do I assert we have been informed there was no testing  
19 information, which was the information we had. Then I  
20 said there was a C.O.D.I.S. note and hand that over  
21 immediately.

22 As far as we are trying to hide exculpatory  
23 evidence, Your Honor, the only gun we even relate to  
24 Mr. Daqwan Johnson is an S.K.S. There was a swab done  
25 from that. It came back with no D.N.A. on it.



1           As far as the report goes, there was swabs  
2   from an A.K., which we allege the codefendant had, as  
3   well as a swab from certain cartridge cases which we do  
4   not in any way relate to the defendant that come back  
5   matching no one in the case. However, Your Honor, that  
6   would relate to the codefendants and not to him.

7           THE COURT: Anything further, Solicitor?

8           MS. CAMPBELL: No, Your Honor. I do have the  
9   witnesses here if you want to hear from them.

10          THE COURT: Let me hear from Mr. Collins.

11          MR. COLLINS: Thank you, Your Honor.

12          THE COURT: Yes, sir.

13          MR. COLLINS: We weren't planning to bring  
14   this up as part of this trial. The potential problem  
15   that could have been happened was remedied when they did  
16   disclose the testing that had been done.

17                The problem I had is that they were vehemently  
18   opposed for a continuance last time, the first time the  
19   case was called for trial. Had we gone forward, we  
20   would have gone forward without this very important  
21   D.N.A. testing that we now have.

22                We feel like we have a very strong prima facie  
23   case as far as evidence that should have been known  
24   about and should have been disclosed. This is an issue  
25   for the disciplinary board if it goes that far.

1 I wrote the e-mail simply to get an  
2 explanation as to what she just gave the Court. I was  
3 asking for that in writing because I discussed this with  
4 Professor John Freeman at the law school. We discussed  
5 it very thoroughly.

6 I am doing this to cover myself as an attorney  
7 because I don't feel like I would properly be  
8 representing by client unless I at least addressed a  
9 prima facie showing that she requested those swabs be  
10 tested a year before we were in court and then came  
11 up --

12 THE COURT: That's not correct. Her name is  
13 on the form. The inference may be that she requested  
14 the swabs --

15 MR. COLLINS: Your Honor, my reading --

16 THE COURT: -- but if you are saying that is  
17 not before this Court and even if it happened in the  
18 manner in which you are alleging it had and it has been  
19 remedied, then there is nothing for me to act on.

20 MR. COLLINS: As far as this case, it has been  
21 remedied. The fact that we -- the response we have  
22 gotten today, I think possibly this is something we can  
23 resolve. I would hope she could have responded to me  
24 outside of Court instead of bringing it in here because  
25 I got absolutely zero response when I addressed that.

1           Simply we had a prima facie case. There was a  
2 letter which said, "for a Court date," which only the  
3 solicitor would know about the Court date. That's the  
4 reason it was requested to be tested.

5           When we saw that, we had concerns because we  
6 had just spent 20 minutes where they were fighting a  
7 continuance because they said there was no testing done,  
8 when, in fact, it looks like it was definitely requested  
9 by the Solicitor's Office a year before that hearing.

10           That was the problem we had. I feel we were  
11 hesitant going forward with an officer of the court who  
12 can make that kind of misrepresentation, which almost  
13 caused a trial without the only piece of exculpatory  
14 evidence that we now have. That was the great concern  
15 to us. That's the reason I wanted to address it with  
16 Ms. Campbell, and between Ms. Campbell and myself.

17           It was remedied. Thank goodness it was, and  
18 we are ready to go forward with the trial today. If she  
19 is claiming she has absolutely no memory of requesting  
20 it and that was the problem, then that is an explanation  
21 I can understand. That is all I was asking for was the  
22 reasonable explanation for it. We have gotten that on  
23 the record and we are ready to move forward.

24           THE COURT: Ms. Campbell.

25           MS. CAMPBELL: Briefly. He mentioned I

1 vehemently opposed a continuance. On page 78 of the  
2 transcript it says, "No, Your Honor. I told Mr. Collins  
3 if he is requesting the testing be done, we will  
4 accommodate him if that is what he is requesting." So  
5 we were not vehemently opposed to any continuance at the  
6 time.

7 In addition, Your Honor, I felt like as an  
8 officer of the Court, I needed to bring this to the  
9 Court's attention when I was accused of an ethical  
10 violation so that if you felt it was appropriate and it  
11 needed to be reported, that that could come before the  
12 Court, which would be appropriate.

13 THE COURT: Based on Mr. Collins' position in  
14 this matter as far as the issue of Mr. Johnson's trial,  
15 even taking the materials in the light most favorable to  
16 the defendant's position, it does not affect or would  
17 not affect his right to a fair trial or his right to due  
18 process. The items were tested. The results have been  
19 presented. The defense has it. Mr. Collins can  
20 evidently go forward in that regard.

21 Well, looking at the some of the cases  
22 concerning prosecutorial misconduct, if there is no  
23 motion concerning that before the Court, there is  
24 nothing for the Court to rule on in that regard. I  
25 reiterate that Mr. Collins has said if there was, it has

1    been remedied.

2               MR. COLLINS: Yes, Your Honor.

3               THE COURT: The focus of prosecutorial  
4 misconduct is not only the conduct of the prosecutor,  
5 it's on the fairness of the trial defendant. If you  
6 have all the materials now that the State has turned  
7 over, and Mr. Collins is satisfied it has been turned  
8 over appropriately, that matter is no longer before the  
9 Court.

10              Do you agree with that, Mr. Collins?

11              MR. COLLINS: Yes, Your Honor. It's our  
12 position it's a separate matter outside of this.

13              THE COURT: Do you agree with that, Solicitor?

14              MS. CAMPBELL: Yes, Your Honor. We do not  
15 think there was any prosecutorial misconduct to begin  
16 with, but everything has been turned over anyway.

17              THE COURT: I guess what I'm saying is the  
18 Court is not making a finding either way because it's  
19 moot as far as the fairness of Mr. Johnson's trial.  
20 Even if there was prosecutorial misconduct -- which I do  
21 not decide there was; I do not decide there was not --  
22 it is moot as far as the fairness of Mr. Johnson's  
23 trial.

24              If you want to put anything additional on the  
25 record, you may certainly do so. I don't think you need

1 to do so, but I never prohibit any of those parties from  
2 placing whatever they want on the record.

3 MS. CAMPBELL: No, Your Honor, I'm fine.

4 THE COURT: Any other motions?

5 MS. CAMPBELL: The only other thing I would  
6 like to bring up at this time is during one of the  
7 hearings or at some point in an e-mail or something, the  
8 defense indicated that wanted to call one of the  
9 codefendants to the stand. That is Mr. Brian Campbell.  
10 He is represented by Alex Postic of the private bar.

11 THE COURT: All right.

12 MS. CAMPBELL: We have talked to Mr. Postic,  
13 and it's my understanding that he has talked with the  
14 defendant and informed them his defendant, Brian  
15 Campbell, will assert the Fifth Amendment should they  
16 attempt to call him.

17 Your Honor, as the case law says they can't  
18 just to put him up in front of the jury to have him  
19 assert the Fifth. So I would just caution that any  
20 mention of him in opening or anything, that that is out  
21 there. We wanted to make sure it was clear on the  
22 record.

23 THE COURT: Mr. Collins.

24 MR. COLLINS: Your Honor, I think we can deal  
25 with that should it arise, but I don't think we should

1 be limited from being able to mention his name. He is a  
2 big part of this investigation. We will definitely be  
3 able to talk about him with the investigators and other  
4 witnesses. I think we should be allowed to talk about  
5 Brian Campbell. I don't understand why we wouldn't.

6 MS. CAMPBELL: That's not my position, Your  
7 Honor, just that he would not testify for the defense,  
8 what his testimony would be. That's what I'm asking  
9 about.

10 THE COURT: Normally what I do if you have a  
11 codefendant that the attorney -- his attorney -- states  
12 after talking with him he believes he is going to take  
13 the Fifth Amendment, I will allow you to put him up in  
14 camera to confirm that one way or the other outside of  
15 the presence of the jury in that regard, if you prefer,  
16 not that I wouldn't take Mr. Postic's word for it, but  
17 you never know who a widow might marry.

18 Isn't that right, Ms. Walker?

19 MS. WALKER: Yes, sir.

20 THE COURT: Anything further, Ms. Campbell?

21 MS. CAMPBELL: No, sir, Your Honor. We are  
22 ready for the jury. I don't know if the defense has any  
23 motions.

24 MR. COLLINS: Your Honor, I submitted a  
25 pretrial motion list. I also gave a copy to the

1 Solicitor's Office. Just to start off with, one that is  
2 not on the list is I notice that a Ms. Loree Johnson is  
3 on the jail transport list for today.

4 THE COURT: Loree Johnson?

5 MR. COLLINS: Yes, Your Honor. She is a  
6 witness who was just at the scene where the victim died.  
7 She recently picked up a case July 27th. She was  
8 arrested and she is in jail currently.

9 Our office opened the file. We haven't  
10 assigned it yet. As soon as I noticed her on the jail  
11 transport list for today, I e-mailed Doug Strickler. We  
12 are going to try to get that taken care of as quickly as  
13 possible.

14 We would just ask that if they are going to  
15 call her, to not call her today and give our office an  
16 opportunity to at least let her get represented before  
17 she is put on the stand.

18 THE COURT: Solicitor, any objections?

19 MS. CAMPBELL: Your Honor, she was scheduled  
20 to testify and that is the reason she was on the  
21 transport list. We will try to put her off for today.

22 THE COURT: Put her off today. Don't put her  
23 on the stand until she gets an attorney, and they have  
24 an opportunity to try to speak with her.

25 MS. CAMPBELL: Yes, sir.



1           THE COURT: If you need me to appoint  
2 somebody, I certainly will.

3           MR. COLLINS: We probably should go ahead and  
4 appoint somebody.

5           THE COURT: Madame Clerk, see if you can get  
6 in touch with the Mr. Leventis, 256-0113.

7           He doesn't represent any codefendants in this  
8 case; does he?

9           MR. COLLINS: No, Your Honor.

10          MR. NEWTON: Lee Leventis?

11          THE COURT: Yes.

12          MR. NEWTON: No, sir.

13          MR. COLLINS: Your Honor, I will move through  
14 the motions in order. Again, for the record we are  
15 going to renew our Rule 5 and our Brady motion. As late  
16 as yesterday, we have gotten a written statement from  
17 one of the witnesses.

18          So we just want to put on the record again  
19 that we are renewing our Rule 5 and Brady. Everything  
20 that is in the possession of the Solicitor's Office or  
21 any law enforcement agency that is related to this case  
22 in any way, we are asking that they turn that over.

23          Specifically, we have a number of evidence  
24 logs which shows the chain of custody from the City and  
25 from the County. The County has a couple of different

1 cases. The City has one case.

2 Specifically in reference to the D.N.A. swabs  
3 from the shell casings and from the guns that they  
4 actually did test, I think all the evidence logs have  
5 been provided to us.

6 I don't see anywhere in there, as far as who  
7 entered the D.N.A. swabs. I can see where they were  
8 sent to David Collins in ballistics and he sent them  
9 back. There is no record of who actually submitted the  
10 swabs or who took the swabs.

11 There is also no mention of -- we did see the  
12 evidence from the City property room. We were invited  
13 to the Solicitor's Office before the last trial that was  
14 called in May, and we walked into their office, in which  
15 case there was a number of evidence bags that had been  
16 opened and been sifted through. We have gotten no  
17 evidence report as far as who sealed those back up, and  
18 there is no chain of custody since that time.

19 We have no idea where the City's property has  
20 been since then. We have also not been given an  
21 opportunity to look at any property that was stored in  
22 the Sheriff's Department. So we would ask for any  
23 documentation of who opened those bags and who resealed  
24 them and give the chain of custody on those pieces of  
25 evidence because we haven't been provided with that.

1           As far as the gang task force records from the  
2 City or the County, if they are indicating we have  
3 everything that is in either one of those gang task  
4 force reports, then we are to rely on that, Your Honor.  
5 We have been provided with numerous reports on numerous  
6 people.

7           They gave us the police report from June 19,  
8 2010, where someone was arrested in Gable Oaks -- or it  
9 was, I think, Ashley Apartments at that time -- where  
10 someone was arrested on that day. We got an incident  
11 report from that; however, the timing of that arrest in  
12 that incident report did not match up with the security  
13 report.

14           There was a security company that monitored  
15 this apartment complex. They specifically noted in  
16 their notes that someone was placed in handcuffs and  
17 placed in a City police car at 11:46 P.M., roughly 30  
18 minutes after the shooting.

19           We haven't gotten any report or any radio  
20 transmission logs or anything of that nature to show  
21 what that arrest was for or what that detainment was  
22 for. Even if it was just a detainment, there should be  
23 some type of record or some time of report, and we  
24 haven't been provided with that.

25           With the CrimeStopper report, Your Honor, we

1 issued a subpoena on the CrimeStopper organization.  
2 It's within the Richland County Sheriff's Department.  
3 That was back on May 21st of this year. The only  
4 response we have gotten from that, after I called Seth  
5 Rose, an attorney for CrimeStoppers and actively pursued  
6 trying to get these records, Chris Cowan, I believe, of  
7 the CrimeStoppers organization sent me an e-mail saying  
8 that one report was all they got from this case.

9 I asked for an official letter, something to  
10 that regard, because I still -- it's very surprising to  
11 me that there would be close to ten 9-1-1 phone calls  
12 from the shooting. This shooting was on all the news  
13 stations. It was in the State. The header of all the  
14 news articles is: Call 1-800-Crimestoppers with any  
15 information.

16 I am having a hard time believing that there  
17 is only one call that came in about this case. We would  
18 ask, if it's possible, to put somebody from  
19 CrimeStoppers either on the record or ask for an  
20 official letter saying that is the only call they got in  
21 relation to this case.

22 I am doing that to preserve the record for my  
23 client and do everything I can to try to get those  
24 records because I do believe they could be relevant in  
25 this case.

1           The CrimeStopper tip report is what led them  
2 to their first witness in this case to begin with, and  
3 that's all we have. Those are the specifics for the  
4 Rule 5 and Brady renewal, Your Honor.

5           THE COURT: All right. Solicitor.

6           MS. CAMPBELL: Your Honor, addressing just the  
7 full evidence logs, we did run the evidence logs again  
8 from the County yesterday. I can hand that up at this  
9 time as far as the testing he requested to be done.

10           As far as where he asserts that he doesn't  
11 know who submitted the swabs in this case, that is in  
12 the evidence log that has already been provided to him.  
13 That would be David Collins.

14           THE COURT: So Mr. Collins swabbed and  
15 submitted the swabs?

16           MS. CAMPBELL: Which is in the evidence report  
17 he already has.

18           THE COURT: What about the City property room  
19 sealed bags?

20           MS. CAMPBELL: Your Honor, as far as any  
21 evidence, as far as any chain of custody that has to be  
22 proven at that point, in preparation for trial, of  
23 course, those bags were done, but all the testing had  
24 been done, other than after the last time this case was  
25 called for trial.

1           We then went and got known standards from all  
2 of the codefendants in the case, including the defendant  
3 because you granted Schmerber at the end of the last  
4 case, Your Honor. That evidence has not been tampered  
5 with in any way, and the actual swabs that were at the  
6 County never left the County because we didn't know  
7 about them.

8           Those were not opened or tampered with in any  
9 way. As far as any chain of evidence, of course, we  
10 only have to prove up to the point of testing, and we  
11 have provided them with the chain on that information.

12           THE COURT: I take it there is other items,  
13 non-fungible items, that he may be referring to?

14           MS. CAMPBELL: Yes, sir, it's not fungible  
15 items.

16           THE COURT: And what about his opportunity to  
17 view the Sheriff's Office property?

18           MS. CAMPBELL: Those would be swabs, Your  
19 Honor. We can have brought those over this afternoon  
20 and have them view the swabs. That's the only evidence  
21 he has not had the opportunity to view.

22           THE COURT: Aren't there non-fungible items of  
23 evidence with the County?

24           MS. CAMPBELL: Those were provided last time,  
25 Your Honor. He did see those.

1 THE COURT: Is that correct, Mr. Collins? I  
2 apologize. I wasn't tracking that.

3 MR. COLLINS: They invited us to look at the  
4 evidence. When we walked in and saw everything open and  
5 the bags unsealed and nobody there from the property  
6 room, we refused to go through without someone there to  
7 document as far as chain of custody went.

8 THE COURT: I thought that was the City?

9 MR. COLLINS: That was my understanding. We  
10 don't know where a lot of this evidence is.

11 THE COURT: I apologize. I'm not tracking. I  
12 thought you said you saw the City property, but the bags  
13 were open. "I don't know who sealed them." Then I  
14 thought you said you never had the opportunity to see  
15 the Sheriff's Office property. Maybe I thought wrong.  
16 I thought that's what you said.

17 MR. COLLINS: We were invited to view the  
18 evidence that they indicated was from the City. We  
19 didn't look through it because we noticed all the bags  
20 were opened and unsealed, and there was nobody there to  
21 be a custodian of the records or to document the chain  
22 of custody as far as looking through the property. So  
23 we did not want to go through and contaminate any  
24 property.

25 THE COURT: And tell me about the Sheriff's

1 property.

2 MR. COLLINS: Up until the date of the last  
3 trial, we were still learning everything that they had  
4 in evidence as far as swabs. We have not been able to  
5 even look at the swabs to see if there were multiple  
6 swabs or just one swab. We haven't been able to view  
7 any of that evidence.

8 THE COURT: Can you make those arrangements,  
9 Ms. Campbell?

10 MS. CAMPBELL: Your Honor, the evidence is  
11 here, and we will make -- they had the opportunity to  
12 view the evidence. They chose not to. The swabs that  
13 we are referring to that were in question last time had  
14 already been tested at that point. There is no further  
15 chain issues on that.

16 The only additional evidence that they haven't  
17 seen or had the opportunity to see -- and we would have  
18 provided them had they been requested -- were the buccal  
19 swabs that were taken from the five codefendants.  
20 Everything was there and available to them to view.  
21 They refused to view it.

22 THE COURT: Make it available for them to view  
23 it with a custodian there.

24 MS. CAMPBELL: Yes, sir.

25 THE COURT: The gang task force, you rely on



1 what has been turned over. Is that correct,  
2 Mr. Collins?

3 MR. COLLINS: Yes.

4 THE COURT: The police report of 6/19/10, as I  
5 understand it, you say that it does not match the timing  
6 of the security report where an individual was placed in  
7 handcuffs and placed in the back of a patrol vehicle. I  
8 take it that would be the Columbia Police Department  
9 patrol vehicle at 11:46 P.M. on that date?

10 MR. COLLINS: That's correct, Your Honor. We  
11 were provided, since the last time the trial was called,  
12 with an incident report of somebody being arrested  
13 during the afternoon at that apartment complex but  
14 nothing from that night.

15 THE COURT: Was anybody arrested that night,  
16 Solicitor?

17 MS. CAMPBELL: Your Honor, I had Sergeant  
18 Thomas check on that specifically. He found no other  
19 reports that could address this issue. I'm not aware of  
20 anything else.

21 THE COURT: If an officer takes a person into  
22 -- will an officer at times take a person into  
23 detention, handcuff them, place in the vehicle, and not  
24 arrest them?

25 OFFICER THOMAS: That does occur, Your Honor,

1 depending on what the situation it. I had dispatch look  
2 up calls that night and give me an indication that was  
3 related to that area. I think what they were provided  
4 with was the only thing. There was a custodial arrest  
5 made that night.

6 Sometimes officers will detain, place a  
7 subject in the car, ask a few questions, and if there is  
8 nothing on what he said, they will cut him loose. It's  
9 just a small detention. I don't know if that's what  
10 occurred here, but I did have them look up any arrests  
11 that were made. Whatever we provided them with was the  
12 arrest that was made that night.

13 THE COURT: Is there a way to find out if that  
14 is what occurred here? That an officer took a person  
15 into detention and placed them in the back of that car?

16 OFFICER THOMAS: That is normally not  
17 communicated through dispatch. It's normally just --  
18 tells whatever is happening right there at the time.  
19 They may sometimes get some information possibly in  
20 their file or they may just write something on their  
21 pad, "I made contact with John Doe."

22 THE COURT: If you were trying to find that  
23 out, Sergeant, what would you do?

24 OFFICER THOMAS: Again, check with dispatch  
25 and see what calls happened within that time frame and

1 any case that was related. I can double-check again. I  
2 can have somebody call dispatch and double-check, but  
3 the last time, I think, they only produced a drunken  
4 report or something of that nature.

5 THE COURT: Can you have somebody check with  
6 the officer that respond to that scene in Gable Oaks or  
7 can you see if anyone did respond to that scene between:  
8 11:15, quarter to 12:00, 11:00?

9 OFFICER THOMAS: The only way to really do  
10 that is to try to reference through dispatch through  
11 their communications. In a shooting and melee of that  
12 nature, there may have been 25 or 30 officers that  
13 responded.

14 All may not call out. They may just come up  
15 for a backup or to secure the area. They may not call  
16 dispatch immediately on radio. They may be in the area  
17 for additional security. I can, again, refer back to  
18 dispatch on that day and see if they come up with  
19 anything different.

20 THE COURT: Can you refer it to whoever the  
21 shift commander would have been and ask him to check  
22 with whoever was on the shift?

23 OFFICER THOMAS: I can attempt to do that as  
24 well.

25 THE COURT: If you can just follow it a little

1 bit further logically, Sergeant, I would ask you to do  
2 so.

3 OFFICER THOMAS: Okay.

4 THE COURT: All right. If it does occur that  
5 an officer has a memory of it occurring, just advise the  
6 solicitor. She can turn that information over to the  
7 defense. If it occurs you cannot find anyone, advise  
8 the solicitor so that can be placed on the record also.  
9 Thank you, Sergeant.

10 OFFICER THOMAS: Yes, sir.

11 THE COURT: What about CrimeStoppers,  
12 Solicitor? He said he thought Mr. Cowan -- and I take  
13 it Mr. Cowan is the officer over CrimeStoppers at  
14 Richland County?

15 MS. CAMPBELL: Yes, sir. Your Honor, I have  
16 spoken -- I haven't actually spoken to Mr. Cowan. I  
17 have spoken to Seth Rose who actually represents  
18 CrimeStoppers. He indicates to me that they have  
19 provided everything they have got, but I can  
20 double-check that as well.

21 I didn't know what their motions were going to  
22 be this morning so I didn't have him here to address  
23 that specific issue, but I can get Captain Cowan here,  
24 say, by lunchtime.

25 THE COURT: Either have him provide a letter

1 that is all they have or subpoena him, and he can come  
2 testify to whatever he is going to testify to. That  
3 should take care of it.

4 MS. CAMPBELL: Yes, sir.

5 THE COURT: I think that takes care of your --  
6 my response to your various issues on discovery,  
7 Mr. Collins.

8 MR. COLLINS: One additional Ozmint v. Riddle.  
9 They have --

10 THE COURT: Is that exculpatory -- change in  
11 statements?

12 MR. COLLINS: Change in statements. From the  
13 jail transport list yesterday, it looked as if most of  
14 the codefendants were brought over. We are guessing  
15 that the solicitors had conversations with them.

16 THE COURT: One of them went back -- I will  
17 pull his name out in a minute -- Robinson? Is that his  
18 name, the one you wanted to appoint a lawyer for last  
19 week? What was his name?

20 MR. COLLINS: Rontrell Henderson.

21 THE COURT: Henderson. I'm sorry.

22 MR. COLLINS: We got the information we needed  
23 from that, and we thank the Court for helping us out.

24 THE COURT: So if there is any change in  
25 statements, you want those?

1           MR. COLLINS: Yes, Your Honor. Specifically  
2 with the codefendant Detrick Walker, he did not give a  
3 written statement.

4           THE COURT: Detrick?

5           MR. COLLINS: D-E-T-R-I-C-K, Detrick Walker,  
6 he is a codefendant in this case, a potential witness.  
7 He did not give a written statement. There is a report  
8 from the investigator stating things that he said that  
9 was not recorded. When the recording was turned on, he  
10 refused to give a statement.

11           I believe the last time we were in front of  
12 Your Honor back in May, Mr. Cambo Streeter gave us a  
13 little bit of information about what was said when they  
14 interviewed him.

15           But we are just asking for maybe a written  
16 report or something as far as the nature of their  
17 conversation with that witness since there was no  
18 written statement from him.

19           THE COURT: Solicitor.

20           MS. CAMPBELL: May it please the Court, Your  
21 Honor. After the last hearing, Mr. Streeter had  
22 interviewed Detrick Walker, along with a number of the  
23 other codefendants, Your Honor. He did meet with the  
24 defense at their request, and he gave them all the  
25 information he had.

1           I am not aware -- and I will double-check with  
2 him too. I was in court all day yesterday. I didn't  
3 meet with any codefendants -- but I am not aware of any  
4 changes in anyone's statements. If I become aware of  
5 that, I will immediately turn it over.

6           MR. NEWTON: Your Honor, if I may, Clarke  
7 Newton for the defense. I was the one that spoke to  
8 Investigator Streeter. We sat down and I took notes,  
9 but it was just -- he had a little note card that he had  
10 notes. He advised me that he just had a conversation  
11 with him.

12           We do want to make sure, if it was written  
13 down past just his note card, which he let me look at --  
14 and this was May of 2012 that we did this -- that if  
15 they did actually take written statements, just hand  
16 them over if they did.

17           I don't think so, from my conversation with  
18 them, but I know they brought him over yesterday. I do  
19 have my little piece of paper with my notes. But  
20 outside of that, if they sat down and talked to him  
21 yesterday --

22           THE COURT: You want any additional notes that  
23 there may be on Mr. Detrick Walker, if there are any?

24           MR. NEWTON: Yes, sir.

25           THE COURT: Solicitor.

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Mr. Collins.

3 MR. COLLINS: Your Honor, number two, I  
4 believe we settled this last time, sequestering  
5 witnesses. We would request that everybody except for  
6 the victim's family and the lead investigator be  
7 sequestered. Also, if they have any experts that they  
8 are planning on putting up, they would be allowed to  
9 stay as well.

10 We have our client's mother, grandmother, and  
11 father here. They are on the witness list from the  
12 State which they gave us the last time the case was  
13 called for trial. We ask that they be allowed to remain  
14 in the courtroom throughout the trial as well.

15 THE COURT: What about the evidence custodian?  
16 Did I address that last time?

17 MR. COLLINS: We would be fine with the  
18 custodian staying in.

19 THE COURT: I really don't remember my ruling  
20 last time. Sometime I rule based on Carmack and other  
21 times I rule not based on Carmack, I guess I should say.  
22 How did I rule?

23 MS. CAMPBELL: Page 38, Your Honor, of the  
24 transcript that I handed up, and you ruled pursuant to  
25 Carmack.



1           THE COURT: Yes. If they have already given a  
2 written statement, they can remain as witnesses, number  
3 one. Number two, the evidence custodian, you can keep  
4 the evidence custodian if you have physical items of  
5 evidence. The chief investigator and, of course, any  
6 parties that are authorized under the victim/witness,  
7 but I leave that up to y'all. Of course, I will allow  
8 his family members to remain.

9           MR. COLLINS: Thank you, Your Honor. Number  
10 three, I believe they have provided all of the rap  
11 sheets for the witnesses as far as we know. So we can  
12 go past that one.

13           Number four, Your Honor, based on the new  
14 Liverman case, which stated that you are entitled to a  
15 Neil v. Biggers hearing whether someone knew the person  
16 or not, if there is any kind of identification, there is  
17 a number of people that identified Mr. Johnson out of a  
18 lineup. If the State is seeking to introduce any of  
19 those identifications, we would ask for a Neil v.  
20 Biggers for any of those potential witnesses.

21           THE COURT: You will take that up at the  
22 appropriate time, Solicitor?

23           MS. CAMPBELL: Yes, sir.

24           THE COURT: Number five?

25           MR. COLLINS: Number five, Your Honor, we are

1 not asking that there be no mention of gangs in this  
2 case. We are asking that there be no mention of gang  
3 affiliation of Mr. Johnson unless they can establish a  
4 proper foundation for that without attacking his  
5 character.

6 If they have witnesses that will get up there  
7 and testify as to gangs, that is introducing his  
8 character evidence. We would object to that. We just  
9 want to make a motion in limine that he not be  
10 associated with a gang unless they can lay a proper  
11 foundation.

12 THE COURT: What is the proper foundation? If  
13 they have the capo of the gang testify and say,  
14 Mr. Johnson was at all the meetings or he wore colors.  
15 He had a tattoo. I don't know. What is the proper  
16 foundation?

17 MR. COLLINS: We would object if they would  
18 testify about previous meetings that are not relevant to  
19 this case, but if they have their gang expert, which  
20 they normally put up, who does not have a C.V., but if  
21 he gets up there and testifies they have him on the list  
22 without some kind of reason for it, we would object to  
23 them claiming he is in a gang at this point.

24 THE COURT: Solicitor?

25 MS. CAMPBELL: Your Honor, we are not trying

1 to attack anyone's character in the case. This whole  
2 case is premised on the fact that there were two rival  
3 gangs that were out to shoot each other.

4 Whether or not you say he is affiliated with  
5 it or a member of it -- I don't know if we are mincing  
6 words there -- but it was Mr. Daqwan Johnson's beef that  
7 happened to be with the Bloods, who the ultimate victim  
8 ended up being, and that caused this whole thing to  
9 happen.

10 I don't know how we mention that this -- and  
11 the whole motive in this case is gang involved -- how we  
12 mention gangs without at least affiliating him with a  
13 gang. I do not understand what the proper foundation  
14 would be.

15 THE COURT: Mr. Collins?

16 MR. COLLINS: Your Honor, I guess we can deal  
17 with it as it comes up. We just wanted to bring up the  
18 motion in limine to try to avoid the situation.

19 THE COURT: Thank you, Mr. Collins. Number  
20 six.

21 MR. COLLINS: I believe we addressed this in  
22 May in both Investigator Thomas and Investigator  
23 Reese -- who I don't see Investigator Reese here  
24 today -- again, there is a number of recorded statements  
25 from codefendants and numerous, numerous references to

1 notes being taken by the investigators.

2 In fact, you can hear the pen writing on  
3 paper. We don't have any handwritten notes from either  
4 one of those investigators. Last time Investigator  
5 Thomas said his notes were incorporated into his report.  
6 His report is a 12-page document.

7 Specifically when he interviewed Terrance  
8 Patterson, he references the first statement he wrote  
9 out where Terrance Patterson denied involvement in the  
10 shooting. Then he gave a separate statement after that  
11 admitting that he was in the shooting. We have gotten  
12 no records from that initial statement that Investigator  
13 Thomas specifically references.

14 I believe he put on the record that all his  
15 notes were incorporated into a report before. We would  
16 just ask and like to reiterate that if there are any  
17 notes out there, that they be turned over.

18 THE COURT: Any notes, Solicitor?

19 MS. CAMPBELL: None that I'm aware of, Your  
20 Honor.

21 THE COURT: Number seven.

22 MR. COLLINS: Number seven, Your Honor, just  
23 to put it on the record, this case has been noticed for  
24 trial many, many, many, many times. Since dating back  
25 to the beginning of 2011, it has been scheduled for

1 trial anywhere from six to eight different times.

2           Discovery has continued to trickle in  
3 throughout the over two years of this case. As I  
4 mentioned before, we got a written statement yesterday  
5 that we did not have up until yesterday. The fact that  
6 the solicitors have complete control of the docket and  
7 decide when to schedule the case, we were not consulted  
8 with this trial date of July 30th.

9           We have done everything in our power to get  
10 ready. We were noticed July 18th, technically within  
11 the ten-day -- I mean, outside the ten days notice  
12 required. However, we just want to put on the record we  
13 object to the solicitor-controlled docket, considering  
14 the complexity of this case, the number of potential  
15 witnesses.

16           We were not consulted with on a specific  
17 trial date. We were just told 12 days before to be  
18 ready to go to trial. I just want to put on the record  
19 that we object to the solicitor-controlled docket for  
20 those reasons.

21           THE COURT: Of course, I follow the Code of  
22 Laws for South Carolina, 1-7-330, that the solicitor  
23 does control the call of the case at this time. Thank  
24 you.

25           MR. COLLINS: Thank you, Your Honor. Again,

1 you denied it last time. Again, I want to make sure  
2 it's on the record. We would ask for attorney led and  
3 spoken voir dire -- as most of the other states do --  
4 allowed in this case. It's allowed in death penalty  
5 cases in South Carolina.

6 We are just asking for a chance to have it in  
7 this case, considering, again, the complexity of the  
8 case, the number of witnesses, the gang affiliations  
9 that could come out in the trial, and the amount this  
10 case was in the news two years ago.

11 We would ask to have attorney led, spoken voir  
12 dire to make sure we got a fair and balanced jury. I  
13 believe last time you ruled that if we had sensitive  
14 questions, the jurors could approach the bench if there  
15 were issues they weren't comfortable answering in front  
16 of the entire jury panel.

17 THE COURT: I would renew -- I don't recall  
18 specifically my ruling in that manner.

19 Solicitor, I didn't give you an opportunity to  
20 respond to number eight.

21 MS. CAMPBELL: Your Honor, I believe it's the  
22 standard voir dire. Of course, they have submitted  
23 questions they want to ask that would be appropriate.

24 THE COURT: I don't recall my ruling, but I  
25 would deny attorney led juror questioning. If I have

1 one come up and discuss a particular issue, sometime I  
2 have to walk off somewhere and confer with the  
3 attorneys, if there is any follow-up such like that. I  
4 will handle that on a juror-by-juror basis as far as  
5 additional questions. Number nine.

6 MR. COLLINS: Number nine, Your Honor, there  
7 are four codefendants in this case. A number of  
8 defendants have pending charges. Obviously the  
9 codefendants' charges are the same issues as this case.  
10 We understand they are all represented.

11 We also understand, since nothing has been  
12 provided to us, that none of these codefendants have  
13 been offered a deal with the exception of Brian  
14 Campbell, who it seems that they are not going to call  
15 as a witness.

16 But we would like an opportunity, outside the  
17 presence of the jury, for each one of those witnesses to  
18 be advised that they have the right to remain silent and  
19 they do not have to testify and incriminate themselves  
20 in this trial.

21 THE COURT: Are their attorneys going to be  
22 here?

23 MS. CAMPBELL: Excuse me?

24 THE COURT: Are the attorneys for the  
25 codefendants going to be present during their testimony?

1 MS. CAMPBELL: Yes, sir, that's the plan.

2 THE COURT: I may ask the attorneys if they  
3 have advised them.

4 MS. CAMPBELL: That's fine.

5 THE COURT: Any others motions, Mr. Collins?

6 MR. COLLINS: That's all our pretrial motions.  
7 I submitted our requested voir dire. Just a few  
8 questions outside of your normal voir dire is what we  
9 are requesting in this case.

10 THE COURT: Any objections to any of the  
11 questions submitted by Mr. Collins, Solicitor?

12 MS. CAMPBELL: Your Honor, looking at them,  
13 number one, if you could separate that in two parts.  
14 Sometimes it has got to be followed up with: Have you  
15 ever been a victim to a crime of violence or a witness  
16 to a crime of violence or accused of a crime of  
17 violence.

18 THE COURT: Yes, ma'am.

19 MS. CAMPBELL: That would be my only  
20 modification on number one, Your Honor. Did you ask me  
21 that?

22 THE COURT: All right. Any others?

23 MS. CAMPBELL: On number two, we would ask for  
24 the reciprocal, any Public Defender's Office and defense  
25 attorney's office.



1 THE COURT: All right.

2 MS. CAMPBELL: Number four, Your Honor, we  
3 would also ask that be expanded to include prisoner  
4 rights groups, things of that nature.

5 THE COURT: Number three, you want to expand  
6 it to what?

7 MS. CAMPBELL: Number three I'm fine with.

8 THE COURT: Number three is fine.

9 MS. CAMPBELL: Number four, we would ask that  
10 you add in: Have you ever been involved in prisoner's  
11 rights groups, things of that nature.

12 THE COURT: All right.

13 MS. CAMPBELL: Number five, has any member of  
14 the jury panel -- if you were to ask that one, Your  
15 Honor, I don't know what your position is on that -- but  
16 for the State or the defense.

17 THE COURT: All right.

18 MS. CAMPBELL: I have no problem with six and  
19 seven, however you want to ask those, or eight.

20 THE COURT: All right. Thank you. Anything  
21 further, Mr. Collins?

22 MR. COLLINS: No, Your Honor.

23 THE COURT: Solicitor do you have any  
24 requested voir dire? Do you have a potential witness  
25 list?

1 MS. CAMPBELL: Your Honor, we do have a  
2 witness list, and I believe the defense has a witness  
3 list as well. I don't have a copy of the defense  
4 witness list.

5 THE COURT: Did you have a witness list,  
6 Mr. Collins?

7 MR. COLLINS: At this time, Your Honor, there  
8 are so many questions marks about what the State is  
9 going to present, we don't have a witness list to  
10 prepare.

11 I don't have the name of the case right  
12 offhand, but there is a case that specifically states  
13 that the defense should not be required to produce a  
14 witness list until the close of the State's case.

15 THE COURT: Either State versus Terry or State  
16 versus Powers requires it, even in a death penalty case  
17 for qualification of the jury, I believe, Mr. Collins.  
18 Now, with that being said, under the law I cite, I am a  
19 little bit older than most of the attorneys in the  
20 courtroom.

21 MR. COLLINS: I will check on that. We have  
22 also provided them with alibi notice, with a list of  
23 witnesses. They should have a list of potential  
24 witnesses already. I believe we gave them a witness  
25 list in the last case. We will review that during the

1 lunch break and get something together. That would be a  
2 list, including but not limited to, depending on how the  
3 State presents its case.

4 THE COURT: We are going to select a jury  
5 before lunch. Let me see if I can find it real quick.  
6 I'm sorry. It was Benji Powers.. State versus Powers,  
7 501 S.E.2d 116, a 1998 case before Judge Ralph King  
8 Anderson, murder, first degree burglary, assault and  
9 battery with intent to kill. It was a death penalty  
10 case.

11 The Supreme Court held that the defendant was  
12 properly required to provide a witness list to the Court  
13 at the outset of the trial for purposes of jury  
14 selection. Y'all can shepherdize it very quickly if you  
15 would like. I think that is the law.

16 The whole purpose of the witness list is to  
17 make sure you don't get anyone on the jury that could  
18 not give a fair and impartial trial for various reasons,  
19 one of which is knowledge of the parties.

20 That cuts both ways. You could end up with a  
21 witness for the defense and somebody on the jury say,  
22 Well, I don't care much for that fellow, for your  
23 witness. I think you have to provide the Court with a  
24 witness list prior to jury selection. I think that is  
25 still the law.

1           MR. COLLINS: Your Honor, I will have our  
2 clerk -- there are only two names that we could possibly  
3 have that are not on the State's witness list, and that  
4 is Felicia Cassandra Morris.

5           THE COURT: Felicia Cassandra Morris?

6           MR. COLLINS: Yes, Your Honor.

7           THE COURT: The other name?

8           MR. COLLINS: The other name is Deidra Morris.

9           THE COURT: Those would be the only two with  
10 the exception of those individuals listed on the State's  
11 potential witness list?

12          MR. COLLINS: Yes, Your Honor. It seems that  
13 the rest of our potential witnesses at this point are on  
14 the State's witness list.

15          MS. CAMPBELL: Your Honor, I would just hand  
16 up the notice of their alibi, which lists four  
17 additional witnesses.

18          THE COURT: They are not on the witness list?

19          MS. CAMPBELL: I do not believe they are on  
20 the witness list.

21          THE COURT: There are four additional I see.  
22 All right. Anything further?

23          MS. CAMPBELL: Do you allow us to have a  
24 strike sheet or not?

25          THE COURT: No, ma'am. I understand

1 Mr. Leventis is unavailable. He is at a funeral; is  
2 that correct?

3 CLERK: Yes, sir.

4 THE COURT: Who is the next one on the list?  
5 (The clerk approaches the bench).

6 THE COURT: They are checking on an attorney  
7 for Ms. Johnson.

8 MR. NEWTON: Your Honor, I do believe there is  
9 an attorney present in the courtroom that could possibly  
10 assist us, Ms. Mixon with Todd Rutherford's law firm. I  
11 was just speaking with her.

12 THE COURT: In this Ms. Mixon?

13 MR. NEWTON: Yes. I happened to eye her in  
14 the courtroom. I don't know if she is available or not.  
15 She said she might be able to.

16 THE COURT: Are you available for an  
17 appointment, Ms. Mixon?

18 MS. MIXON: Yes, Your Honor, I am.

19 THE COURT: You can talk with the defendant  
20 today?

21 MS. MIXON: Yes, Your Honor.

22 THE COURT: I understand the defendant was  
23 transported today; is that correct?

24 MS. CAMPBELL: That's my understanding.

25 THE COURT: Somewhere within these facilities

1 even as we speak. I am appointing you to represent  
2 Loree Johnson. All right?

3 MS. MIXON: Thank you, Your Honor.

4 THE COURT: Thank you very much for your  
5 service. Anything further, Solicitor?

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: We will take about a ten-minute  
8 recess.

9 (Whereupon there was a recess.)

10 THE COURT: Are we ready for the jury,  
11 Solicitor?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: Mr. Collins?

14 MR. COLLINS: Yes, Your Honor. We quickly  
15 prepared a short witness list.

16 THE COURT: Thank you.

17 MR. COLLINS: May I approach?

18 THE COURT: Yes, sir, please.

19 (Hands to Court.)

20 MR. COLLINS: Your Honor, I guess it's my  
21 understanding that they are not going seek to introduce  
22 any kind of identification or out-of-court  
23 identification of Mr. Johnson.

24 One of our pretrial motions just asks for a  
25 hearing on that basis. The new case of Liveman where

1 even if the person knows the defendant, if there is a  
2 photo identification, you are still entitled to a  
3 hearing on whether or not -- the suggestiveness of that  
4 identification.

5 THE COURT: What month was that? That was  
6 Judge Johnson's case?

7 MR. COLLINS: Yes, Your Honor. I believe it  
8 was within the last couple of months when that case came  
9 out.

10 MS. CAMPBELL: It was State versus Chris  
11 Liverman, Your Honor. It was tried in Richland County.

12 THE COURT: Chris Liverman; is that right?

13 MS. CAMPBELL: Yes, Your Honor. We tried it  
14 here several years ago. It involved gangs.

15 THE COURT: Solicitor, what about the issue on  
16 Neil v. Biggers?

17 MS. CAMPBELL: Your Honor, it's my  
18 understanding that the only photo lineup that was shown  
19 was shown to Rontrell Henderson. He has known the  
20 defendant. He would be bound to that. He is also in  
21 custody. When we spoke earlier --

22 THE COURT: If court would come to order,  
23 please. Go right ahead please, Solicitor.

24 MS. CAMPBELL: When we had spoken earlier, at  
25 the appropriate time, we will have a hearing. Of

1 course, we would be glad to conduct a hearing with him  
2 prior to him taking the stand. The logistics in the  
3 case, because everybody is in custody, it might be  
4 easier just to take that up just prior to his testimony.

5 THE COURT: Who is the witness?

6 MS. CAMPBELL: His name is Rontrell Henderson.

7 THE COURT: Mr. Henderson is a codefendant?

8 MS. CAMPBELL: No, Your Honor. He is a  
9 witness.

10 THE COURT: He is a witness. Is he in  
11 custody?

12 MS. CAMPBELL: Yes, Your Honor. It's my  
13 understanding he is in custody.

14 THE COURT: He was shown a photographic  
15 lineup?

16 MS. CAMPBELL: Yes, Your Honor. I can show  
17 you the lineup.

18 THE COURT: Are there any others?

19 MS. CAMPBELL: As far as lineups on the  
20 defendant, Your Honor? Just a minute. Beg the Court's  
21 indulgence.

22 (Pause.)

23 MS. CAMPBELL: No, Your Honor. I am not aware  
24 that we will be calling any identifications through a  
25 photo lineup. However, if that comes up -- if I am



1 mistaken -- I will bring that to the Court's attention  
2 prior to testifying.

3 THE COURT: I had not let that slip off my  
4 plate, Mr. Collins. That's what I thought we were going  
5 to do is if a particular witness came up that would fit  
6 into that category, we would have a hearing at that  
7 time.

8 MR. COLLINS: It's our understanding that all  
9 the codefendants were shown lineups or shown pictures.  
10 I am a little concerned if they are saying that Rontrell  
11 Henderson is the only person that picked him out of a  
12 lineup. The discovery says otherwise.

13 THE COURT: Solicitor, what about the  
14 codefendants?

15 MS. CAMPBELL: I am double-checking. I'm not  
16 aware of what he is talking about. I will double-check  
17 to make sure and bring it to the Court's attention. If  
18 he tells me specifically what he is referring -- now,  
19 some of the codefendants' photographs were shown to  
20 people, but I don't think he would have standing to  
21 challenge those.

22 MR. COLLINS: We will deal with it as it comes  
23 up. It's our position it doesn't have to be a six-pack  
24 lineup that was shown. If it was a picture with the  
25 Defendant's face or his mugshot, we would like to have a

1 hearing outside the presence of the jury before that  
2 witness is allowed to possibly I.D. our defendant.  
3 That's all we are asking, to deal with this when it  
4 comes up.

5 THE COURT: Solicitor, I think there is a case  
6 out there that says the defendant has standing to  
7 challenge photographic lineup on a codefendant.

8 MS. CAMPBELL: I will look at that, Your  
9 Honor.

10 THE COURT: I think it was a Charleston County  
11 bank robbery case. I can't pull the name out right now,  
12 but I think a defendant has standing to challenge a  
13 codefendant's photo identification.

14 If any of them have been -- any of the  
15 witnesses, eyewitnesses, have been subjected to any  
16 police procedure, whether it's a show-up, one photograph  
17 or a photographic lineup, and there is an in-court  
18 identification, there should be an in camera hearing  
19 prior to that testimony.

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Does that meet your requirements,  
22 Mr. Collins?

23 MR. COLLINS: Yes, Your Honor.

24 THE COURT: Anything further before we bring  
25 our jury up?

1           MR. NEWTON: Your Honor, I would ask for just  
2 for personal reasons the scheduling for today, at  
3 6:00 o'clock I have a scheduled baseball game I was  
4 going to play in; however, if we are going to go past  
5 six, I need to let them know that I will not be  
6 attending.

7           THE COURT: Have you been conspiring with my  
8 court reporter?

9           MR. NEWTON: To be honest I don't mind missing  
10 the game.

11          THE COURT: I usually quit about 5:15 or 5:30,  
12 depending on where we are at with a particular witness.  
13 I will try to accommodate you. It sounds like all our  
14 witnesses are pretty well available.

15          MR. COLLINS: Just additionally, I am looking  
16 through the first page of the transcript of an interview  
17 of Terrance Patterson. The first question is: "Who is  
18 this right here?"

19                "That's G-man," which is the nickname for our  
20 client. So obviously he was shown a picture in that. I  
21 believe in almost every other interview with  
22 codefendants --

23          THE COURT: Who is that?

24          MR. COLLINS: Specifically with Terrance  
25 Patterson, one of the State's witnesses. The first

1 recorded question was: "Who is this?" Obviously we  
2 don't have a video, but I can't think of that question  
3 being asked without a picture being shown.

4 THE COURT: All right. Are you ready for the  
5 jury? Bring us our jury, please.

6 (The jury panel enters the courtroom.)

7 THE COURT: Solicitor, you may call your case  
8 for trial.

9 MS. CAMPBELL: May it please the Court, Your  
10 Honor. The State calls Daqwan Johnson. He is charged  
11 with one count of murder and one count of attempted  
12 murder.

13 THE COURT: Thank you. Thank you very much,  
14 Solicitor.

15 Ladies and gentlemen of the jury, if you would  
16 please give me your complete and undivided attention. I  
17 am sure you have been welcomed previously this morning  
18 to the Richland County courthouse. I welcome you again.  
19 Again, I remind you, my name is Knox McMahon. I'm a  
20 circuit court judge assigned to a term of general  
21 sessions court in Richland County this week. To my  
22 right is my law clerk, Ms. Rogers.

23 The State has called for trial the case of the  
24 State versus Daqwan Marquell Johnson. Did I pronounce  
25 that correctly, Mr. Johnson?

1           THE DEFENDANT: Yes, sir.

2           THE COURT: We are going to begin and go  
3 through a process whereby we select a trial jury for the  
4 trial of this case. As part of that process, I will  
5 publish or read to you the indictments in the case. The  
6 indictments in the case are not evidence.

7           The indictments are merely the formal  
8 documents by which an individual is placed on notice of  
9 charges that have been brought against him or her. It  
10 puts the individual on notice of the charges and is in  
11 no way any evidence of the mere allegations contained  
12 therein.

13          The evidence will come from the witnesses  
14 testifying under oath from the witness stand over to my  
15 right and any physical items of evidence or documentary  
16 evidence or the like. I read or publish these  
17 indictments to you because I will ask you a series of  
18 questions about the indictment and about individuals  
19 involved in the case and about your knowledge of the  
20 case, if any. Again, our purpose is to select a fair  
21 and impartial jury for the trial of this case for  
22 Mr. Johnson and for the State.

23          During the qualifications Monday morning, I  
24 had the clerk place you and your colleagues under oath.  
25 Please consider yourselves still under oath for purposes

1 of this proceeding. Make sure your answers to me to any  
2 questions that I propose to you are full, complete, and  
3 accurate.

4           The first indictment, 2011-GS-40-0863 -- 2011,  
5 of course, is the date. The GS indicates general  
6 sessions. Forty indicates Richland County on the  
7 alphabetical list of the 46 counties in South Carolina.  
8 Forty indicates Richland County. Then the particular  
9 Number is 0863. Again, it is the State versus Daqwan  
10 Marquell Johnson.

11           The indictment reads that Daqwan Marquell  
12 Johnson did in Richland County, on or about June 19,  
13 2010, willfully, feloniously, and intentionally kill the  
14 victim, Gary Reese, with malice aforethought, either  
15 express or implied by means of gunshot wounds, and the  
16 victim did die as a proximate result thereof in  
17 violation of 16-3-10 of the South Carolina Code of Laws,  
18 1976 as amended. That is an indictment for murder.

19           The next indictment, 2011-GS-40-0885 reads  
20 that Daqwan Marquell Johnson did in Richland County, on  
21 or about that same date June 19, 2010, did with the  
22 intent to kill, attempt to kill Lamettress Stevens with  
23 malice aforethought either express or implied, all in  
24 violation of Section 16-3-29 of the Code of Laws of  
25 South Carolina. That is an indictment for attempted

1 murder.

2           The State is represented by Assistant  
3 Solicitors in this case: Campbell, Walker and  
4 Shellenberg. If you would please, Solicitors, stand,  
5 face the jury panel, and introduce yourselves and any  
6 member of the Solicitor's Office staff that are going to  
7 assist you in this trial.

8           MS. CAMPBELL: I'm Luck Campbell. I am  
9 assistant solicitor in the Fifth Judicial Circuit.  
10 Meghan Walker and J.J. Shellenberg, also assistant  
11 solicitors or attorneys in our office. In addition you  
12 will be hearing from law clerks, specifically Dana Outen  
13 who will also assist us in this case.

14           THE COURT: Thank you. Thank you very much,  
15 Solicitor.

16           The defense is represented by Mr. Collins and  
17 Mr. Newton. If you would please stand, introduce  
18 yourselves, and your client to the jury panel.

19           MR. COLLINS: I'm Greg Collins. This is  
20 Daqwan Johnson and Clarke Newton. This is also a law  
21 clerk with us this summer. I might mess up her last  
22 name, Megan Eigenbrot, I believe. She will be with us  
23 throughout the trial.

24           THE COURT: Thank you. Thank you very much,  
25 Mr. Collins, Mr. Johnson, and Mr. Newton.

1           Is any member of the jury panel related by  
2 blood or marriage or close personal friends of either  
3 Assistant Solicitors Campbell, Walker, Shellenberg, or  
4 any employee of the Richland County or Fifth Judicial  
5 Circuit Solicitor's Office? If so, please stand.

6           (There is no response.)

7           THE COURT: Has any member of the jury panel  
8 or any member of your immediate family or close personal  
9 friend ever been represented in a trial by either  
10 Assistant Solicitors Campbell, Walker, or Shellenberg or  
11 any attorney with the Richland County or Fifth Circuit  
12 Solicitor's Office? If so, please stand.

13          (There is no response.)

14          THE COURT: Is any member of the jury panel  
15 related by blood --

16          (Juror stand.)

17          THE COURT: Yes, ma'am, your name and number,  
18 please. Excuse me, just your number. I apologize.

19          PROSPECTIVE JUROR: Number 129. I'm not sure  
20 that I quite understood the question, but the solicitor  
21 was in a case with my son about three years ago.

22          THE COURT: Step up here. Tell me your number  
23 again.

24          PROSPECTIVE JUROR: It's 129.

25          THE COURT: Step up here for me to my court



1 reporter.

2 (The following bench conference with the  
3 Court, counsel, and the juror is reported).

4 THE COURT: Let me find you on my list here.

5 PROSPECTIVE JUROR: One-twenty-nine.

6 THE COURT: Tell me what you were saying just  
7 a moment ago.

8 PROSPECTIVE JUROR: The solicitor, Campbell,  
9 they brought charges against my son. My son is  
10 currently incarcerated.

11 THE COURT: So she was the prosecutor --

12 PROSPECTIVE JUROR: She was the prosecutor.

13 THE COURT: -- on the case involving your son?

14 PROSPECTIVE JUROR: Right.

15 THE COURT: I was going to ask that reverse in  
16 just a moment.

17 PROSPECTIVE JUROR: I'm sorry.

18 THE COURT: No, no, no. I am glad to know  
19 that people understand where I am headed sometimes. Do  
20 you mind sharing with me your son's name?

21 PROSPECTIVE JUROR: His name is Corey Jenkins.

22 THE COURT: Corey Jenkins. The fact that  
23 Ms. Campbell prosecuted your son, could you be a fair  
24 and impartial juror in the trial of this case for both  
25 the State and the defense?

1 PROSPECTIVE JUROR: That's hard for me to  
2 answer. I think if I was chosen I would be fair, but  
3 it's very emotional for me. It would be very emotional  
4 for me.

5 THE COURT: Yes, ma'am. And you know yourself  
6 best.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Each of us knows ourselves best.

9 PROSPECTIVE JUROR: Right.

10 THE COURT: If you were selected as a juror in  
11 the trial of this case, you would listen. You would  
12 hear testimony. I would advise you that you must make  
13 your decision based on the evidence and testimony you  
14 hear in this courtroom.

15 PROSPECTIVE JUROR: Right.

16 THE COURT: And the law as I tell you the law  
17 is. Of course, you would have to set aside the fact  
18 that one of the prosecutors in the case --

19 PROSPECTIVE JUROR: I know.

20 THE COURT: -- had prosecuted your son.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: As I say, you know yourself best.  
23 Could you be a fair and impartial juror to the State and  
24 to the defense?

25 PROSPECTIVE JUROR: I would be fair.

1           THE COURT: Do you have any concerns about  
2 that. Do you have some hesitancy?

3           PROSPECTIVE JUROR: I do. When I first got in  
4 the courtroom yesterday, it became very emotional for  
5 me. I feel a duty to help if I can help.

6           THE COURT: Explain that to me, a duty to  
7 help?

8           PROSPECTIVE JUROR: I mean, in terms of being  
9 a juror.

10          THE COURT: But not helping one side or the  
11 other?

12          PROSPECTIVE JUROR: Not one side or the other  
13 because I don't know either, other than that.

14          THE COURT: Would you mind stepping over  
15 there. See where the deputy is seated. Would you step  
16 over there just for a moment, please.

17          PROSPECTIVE JUROR: No.

18          (The juror leaves the bench conference, and  
19 the following is reported.)

20          THE COURT: You heard her. Is there anything  
21 further y'all would like me to ask?

22          MS. CAMPBELL: The only concern I have, Judge,  
23 is this is a case Judge Cooper --

24          COURT REPORTER: Judge, I'm sorry. I can't  
25 hear.

1 MS. CAMPBELL: I apologize. Judge Cooper made  
2 as a condition of that plea that he would reduce the  
3 sentence if they made -- it was a hit and run case where  
4 there was like literally hundred of thousands of dollars  
5 in medicals. The kid lost half his head. The victim  
6 and the judge made a condition that he -- if they made  
7 payments, he would be reducing the sentence over a  
8 period of time. So it kind of puts the onus back on  
9 them.

10 They ended up not making the payments so that  
11 he served more time, and that would be my only concern  
12 is basically the judge put it on them to kind of pay his  
13 way out of jail. It was kind of a unique situation.  
14 She was very hesitant about whether she would be and  
15 even said when she saw me, it flooded all back and she  
16 was emotional.

17 THE COURT: Are there any other questions you  
18 would like me to ask of Miss 129? I can't get used to  
19 just using the numbers. I apologize.

20 MS. CAMPBELL: I don't know if you want to  
21 follow up any on the fact that I would be prosecuting  
22 the case specifically. Would that continue to cause her  
23 to be emotional, bring back memories, or cause her  
24 discomfort? It was a very contested case, which all of  
25 them are, but this one was especially.

1 THE COURT: Mr. Collins?

2 MR. COLLINS: I don't have any further  
3 questions.

4 THE COURT: I will ask that one follow-up  
5 question. Step back up for me, please, Madame Juror.

6 (The juror returns to the bench conference,  
7 and the following is reported.)

8 THE COURT: Of course, you understand there's  
9 no wrong answers, no right answers. Whatever your  
10 answers are are right. Given the fact that Assistant  
11 Solicitor Campbell is prosecuting this case, along with  
12 her other colleagues, could you still be a fair and  
13 impartial juror in the trial of this case for both  
14 Mr. Johnson and the State?

15 PROSPECTIVE JUROR: I think I could.

16 THE COURT: You could?

17 PROSPECTIVE JUROR: I could.

18 THE COURT: Thank you very much. Do not say  
19 anything to your fellow jurors.

20 PROSPECTIVE JUROR: I have not.

21 THE COURT: Thank you so much.

22 (The bench conference is concluded.)

23 THE COURT: Is any member of the jury panel  
24 related by blood or marriage or close personal friends,  
25 have any business, social, or professional relationship

1 with either Mr. Collins, Mr. Newton, or any employee of  
2 the Richland County Public Defender or Fifth Circuit  
3 Public Defender's Office? If so, please stand.

4 (Juror stands.)

5 THE COURT: Yes, your number and name, please.

6 PROSPECTIVE JUROR: Eighty-eight.

7 THE COURT: Step up here for me, please.

8 (Whereupon the following bench conference with  
9 the Court, counsel, and the juror is reported.)

10 THE COURT: Yes, ma'am, tell me your  
11 situation.

12 PROSPECTIVE JUROR: My husband went to law  
13 school with Mr. Newton.

14 MR. NEWTON: Her husband and I are friends.

15 THE COURT: The fact that you are friends  
16 with -- you are friends with him?

17 PROSPECTIVE JUROR: Yeah, my husband went to  
18 law school with him.

19 THE COURT: And your husband was a classmate  
20 in law school. Could you still be a fair and impartial  
21 juror in the trial of this case for both the State and  
22 the defense?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Yes?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What is your occupation?

2 PROSPECTIVE JUROR: I'm a Ph.D. student.

3 THE COURT: Ph.D student in?

4 PROSPECTIVE JUROR: In linguistics.

5 THE COURT: Any follow-up questions?

6 MS. CAMPBELL: No, sir.

7 MR. NEWTON: I did let Ms. Campbell know.

8 THE COURT: You can stay with us. Thank you  
9 very much.

10 (Whereupon the bench conference was  
11 concluded).

12 THE COURT: Any others?

13 (Juror stands.)

14 PROSPECTIVE JUROR: I'm 192. Come up.

15 THE COURT: Yes, ma'am. Step up here for me,  
16 please.

17 (Whereupon the following bench conference with  
18 the Court, counsel, and the juror is reported.)

19 THE COURT: Tell me your situation.

20 PROSPECTIVE JUROR: I'm not sure how far it  
21 extends, but I went to law school with Mr. Newton and  
22 Ms. Walker as well. We never had any cases together.  
23 We don't correspond socially.

24 THE COURT: You are a classmate of both  
25 Mr. Newton and Ms. Walker?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Given that fact could you still be  
3 a fair and impartial juror in trial of this case for  
4 both the State and the defense?

5 PROSPECTIVE JUROR: Absolutely.

6 THE COURT: Thank you very much.

7 (Whereupon the bench conference was  
8 concluded).

9 THE COURT: One-ninety-two will stay with us.

10 Is any member of the jury panel or any member  
11 of your immediate family a close personal friend or ever  
12 been prosecuted by any of the assistant solicitors  
13 involved in this case or represented by any of the  
14 assistant solicitors involved in this case or any member  
15 of the Richland County Solicitor's Office or have you or  
16 any member of your immediate family ever been  
17 represented by Mr. Collins, Mr. Newton, or any employee  
18 of the Richland County or Fifth Circuit Public  
19 Defender's Office? If so, please stand.

20 (There is no response.)

21 THE COURT: Ladies and gentlemen, I read the  
22 indictments to you. It alleges an incident that  
23 occurred on the 19th of June of 2010 in Richland County.  
24 The indictment alleging murder names a victim as Gary  
25 Reese, R-E-E-S-E. The indictment alleging attempted



1 murder names Lamettress Stevens. Does any member of the  
2 jury panel have any knowledge about the case? If so,  
3 please stand.

4 (There is no response.)

5 THE COURT: Does any member of the jury panel  
6 have any bias or prejudice towards the parties or the  
7 subject matter involved in the case, the parties being  
8 the State and/or the defendant, Mr. Johnson? If so,  
9 please stand.

10 (There is no response.)

11 THE COURT: Has any member of the jury panel  
12 heard or know anything about the case from any source  
13 whatsoever? If so, please stand.

14 (There is no response.)

15 THE COURT: Has any member of the jury panel  
16 or any member of your immediate family ever been a  
17 victim of, a witness to, or accused of a crime of  
18 personal violence? If so, please stand.

19 When this gentleman leaves, Mr. Bailiff, lock  
20 that back door. I don't want anybody else moving about  
21 during the jury selection.

22 (Jurors stand.)

23 THE COURT: I apologize for not notifying  
24 those in the gallery earlier. I shouldn't enforce rules  
25 when I haven't stated them. I have now stated them; so

1 I will now enforce them. If anybody moves now, Sheriff,  
2 just take them into custody.

3 Additional to what we referred to early,  
4 Miss 129?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Given the fact that we discussed  
7 earlier, could you still be a fair and impartial juror  
8 in the trial of this case for both the State and the  
9 defense?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Thank you. This other young lady,  
12 will you step up here for me, please, and you can follow  
13 around also.

14 (The following bench conference with the  
15 Court, counsel, and the juror is reported).

16 THE COURT: Good morning. Tell me your  
17 number, please.

18 PROSPECTIVE JUROR: Two-seventy-nine.

19 THE COURT: Tell me your situation.

20 PROSPECTIVE JUROR: My daughter was assaulted  
21 by a so-called boyfriend. That happened about a week  
22 ago in Miami, but it doesn't have anything to do with  
23 Richland County.

24 THE COURT: Given the fact that that crime of  
25 violence occurred against your daughter about a week ago

1 out of state, could you still be a fair and impartial  
2 juror in the trial of this case for both Mr. Johnson and  
3 the State?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Thank you. I believe you can stay  
6 with us. Thank you. Thank you very much.

7 (The juror leaves the bench, and a bench  
8 conference with the next juror is reported as follows).

9 THE COURT: Yes, ma'am. Tell me your number,  
10 please.

11 PROSPECTIVE JUROR: Number 303, sir.

12 THE COURT: Tell me your situation.

13 PROSPECTIVE JUROR: I don't know exactly what  
14 you mean by immediate family, but I have two cousins  
15 that were convicted of first degree murder.

16 THE COURT: About what time frame are we  
17 talking about?

18 PROSPECTIVE JUROR: In the last ten years.

19 THE COURT: Where was this at?

20 PROSPECTIVE JUROR: One cousin was convicted  
21 in the State of Illinois, and one cousin was convicted  
22 in the State of Michigan.

23 THE COURT: These are first cousins?

24 PROSPECTIVE JUROR: Second.

25 THE COURT: Second cousins. Given that fact

1 could you still be a fair and impartial juror in the  
2 trial of this case for both the State and Mr. Johnson,  
3 the defendant?

4 PROSPECTIVE JUROR: I believe so.

5 THE COURT: When you say I believe so, that  
6 may just be semantics. You haven't ever been on jury  
7 duty before?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: So you don't really know what to  
10 expect?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Would you listen to the evidence  
13 that is presented in the courtroom and make your  
14 decision based on what you hear in the courtroom and the  
15 law as I tell you the law is?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And set aside what may have  
18 occurred with your cousins?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Is that correct?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: I believe you can stay with us.  
23 Thank you very much.

24 (The bench conference is concluded.)

25 THE COURT: Has any member of the jury panel

1 or any member of your immediate family ever been  
2 employed by the Columbia Police Department, the Richland  
3 County Sheriff's Department, the Fifth Circuit  
4 Solicitor's Office, or the Richland County Fifth Circuit  
5 Public Defender's Office? If so, please stand.

6 (Juror stands.)

7 THE COURT: I apologize. Your number, please?

8 PROSPECTIVE JUROR: Seventy.

9 THE COURT: Seventy. Was it you or a member  
10 of your family?

11 PROSPECTIVE JUROR: My father.

12 THE COURT: Your father. He was employed  
13 where?

14 PROSPECTIVE JUROR: The Richland County  
15 Sheriff's Department.

16 THE COURT: Is he still employed?

17 PROSPECTIVE JUROR: No.

18 THE COURT: For what period of time was he  
19 employed?

20 PROSPECTIVE JUROR: About 28 years. He was a  
21 deputy.

22 THE COURT: He was a deputy.

23 PROSPECTIVE JUROR: And he retired.

24 THE COURT: How long has he been retired?

25 PROSPECTIVE JUROR: Seventeen years.

1           THE COURT: Seventeen years. Given the fact  
2 that your father was employed as a deputy for 28 years  
3 at Richland County and been retired 17 years, could you  
4 still be a fair and impartial juror in the trial of this  
5 case for both Mr. Johnson and the State?

6           PROSPECTIVE JUROR: Yes.

7           THE COURT: Thank you, ma'am. You may be  
8 seated. Any others?

9           (There is no response.)

10          THE COURT: Is there anyone who is going to  
11 testify with the State Law Enforcement Division?

12          MS. CAMPBELL: Yes, Your Honor.

13          THE COURT: Has any member of the jury panel  
14 or any member of your immediate family ever been  
15 employed with the State Law Enforcement Division,  
16 commonly known as S.L.E.D.? If so, please stand.

17          (There is no response.)

18          THE COURT: Does any member of the jury panel  
19 now belong to or have you been a member in the past or  
20 contributed to an organization whose primary purpose is  
21 the promotion of law enforcement? Such organizations as  
22 M.A.D.D., M-A-D-D; S.A.D.D., S-A-D-D; C.A.D.R.E., or are  
23 you a member of or contributed in the past to any prison  
24 rights groups or criminal defense groups? If so, please  
25 stand.

1 (Juror stands.)

2 THE COURT: Yes, sir, your number, please?

3 PROSPECTIVE JUROR: One-thirty-eight.

4 THE COURT: What group?

5 PROSPECTIVE JUROR: I'm a former member of the  
6 South Carolina Law Enforcement, S.C.L.E.O.A.

7 THE COURT: You were formerly employed in law  
8 enforcement?

9 PROSPECTIVE JUROR: I was a reserve police  
10 officer approximately 25 years ago for approximately two  
11 years.

12 THE COURT: Where at, sir?

13 PROSPECTIVE JUROR: West Columbia.

14 THE COURT: How long were you a reserve  
15 officer with West Columbia?

16 PROSPECTIVE JUROR: Approximately two years.

17 THE COURT: The fact you were a reserve  
18 Officer with the West Columbia Police Department and  
19 previous member of S.C.L.E.O.A., could you still be a  
20 fair and impartial juror in the trial of this case for  
21 both the State and Mr. Johnson?

22 PROSPECTIVE JUROR: Yes, Your Honor.

23 THE COURT: Thank you. Thank you very much.  
24 You may be seated. Any others?

25 (There is no response.)

1           THE COURT: I didn't ask this extended  
2 question earlier. I generally don't but I will do it  
3 now. Has any member of the jury panel or any member of  
4 your immediate family ever been employed with any law  
5 enforcement agency or prosecutor's office? If so,  
6 please stand.

7           (Jurors stand.)

8           THE COURT: Your number, please?

9           PROSPECTIVE JUROR: One hundred one.

10          THE COURT: Was it you or a member of your  
11 family?

12          PROSPECTIVE JUROR: Mother and father served  
13 on law enforcement.

14          THE COURT: What agencies?

15          PROSPECTIVE JUROR: My dad retired from the  
16 V.A. Before that he was with Naval Investigative  
17 Services.

18          THE COURT: Mom?

19          PROSPECTIVE JUROR: Same, N-C-I-S, Naval  
20 Investigative Services.

21          THE COURT: Given those facts could you still  
22 be a fair and impartial juror in the trial of this case  
23 for both Mr. Johnson and the State?

24          PROSPECTIVE JUROR: Yes, Your Honor.

25          THE COURT: Thank you. You may be seated.



1 Yes, ma'am, on the end, your number?

2 PROSPECTIVE JUROR: Fifty-five.

3 THE COURT: All right.

4 PROSPECTIVE JUROR: My daughter is a  
5 prosecutor, not in this case, but she is a prosecutor.

6 THE COURT: Where at, may I ask?

7 PROSPECTIVE JUROR: Virginia.

8 THE COURT: How long has she been employed?

9 PROSPECTIVE JUROR: Seven years.

10 THE COURT: Given that fact could you still be  
11 a fair and impartial juror in the trial of this case for  
12 both the State and the defense?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Thank you. You may be seated.

15 Yes, ma'am.

16 PROSPECTIVE JUROR: One-thirty-three. My  
17 sister is in law enforcement.

18 THE COURT: In what capacity?

19 PROSPECTIVE JUROR: She is with the  
20 metropolitan airport.

21 THE COURT: Metropolitan airport in Columbia?

22 PROSPECTIVE JUROR: Uh-huh. (Indicating  
23 affirmative response.)

24 THE COURT: How long has she been there?

25 PROSPECTIVE JUROR: About 15 years.

1 THE COURT: She is an officer?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Given that fact could you still be  
4 a fair and impartial juror in the trial of this case for  
5 both the State and the defense?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you. You may be seated.  
8 Yes, sir, your number?

9 PROSPECTIVE JUROR: Two-forty-four, Your  
10 Honor.

11 THE COURT: All right.

12 PROSPECTIVE JUROR: I was a member of the  
13 security police in the Air National Guard from  
14 1980-1984. I also worked for the South Carolina  
15 Wildlife in the Marine Resource Department, Law  
16 Enforcement Division for about four years. Again, from  
17 1982 until 1986 or '87. My uncle also was an Indiana  
18 State Trooper for 25 years and then a county sheriff for  
19 eight years after his retirement.

20 THE COURT: You were a conservation officer?

21 PROSPECTIVE JUROR: No, sir, I worked in the  
22 radio room.

23 THE COURT: In the radio room at Wildlife,  
24 D.N.R.?

25 PROSPECTIVE JUROR: Well, it wasn't D.N.R.

1 then.

2 THE COURT: It was Wildlife?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: I did the same thing. About the  
5 time I finished high school, I was a radio operator at  
6 the Wildlife Department. I always like that name  
7 better: Where do you work? The Wildlife Department,  
8 sounds like a great job.

9 Given all those facts could you still be a  
10 fair and impartial juror in the trial of this case for  
11 both the State and the defense?

12 PROSPECTIVE JUROR: Yes, Your Honor.

13 THE COURT: Thank you very much.

14 MR. COLLINS: Your Honor, what was his number  
15 again?

16 THE COURT: You number again?

17 PROSPECTIVE JUROR: Two-forty-four.

18 THE COURT: Yes, ma'am.

19 PROSPECTIVE JUROR: One-twenty-one. My  
20 brother was employed by the State in the Attorney  
21 General's Office.

22 THE COURT: What Attorney General's Office?

23 PROSPECTIVE JUROR: South Carolina State.

24 THE COURT: Was he a prosecutor?

25 PROSPECTIVE JUROR: He was.

1 THE COURT: For what period of time?

2 PROSPECTIVE JUROR: About two years.

3 THE COURT: About two years. How long has he  
4 been gone?

5 PROSPECTIVE JUROR: Probably about seven,  
6 eight years.

7 THE COURT: Is he in private practice now?

8 PROSPECTIVE JUROR: He is employed by  
9 S.C.A.N.A. now.

10 THE COURT: He works for S.C.A.N.A.?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Given that fact could you still be  
13 a fair and impartial juror in the trial of this case for  
14 both the State and the defense?

15 PROSPECTIVE JUROR: Yes, Your Honor.

16 THE COURT: Thank you. Thank you very much.  
17 This is number 70?

18 PROSPECTIVE JUROR: Seventy.

19 THE COURT: Tell me your situation.

20 PROSPECTIVE JUROR: My husband, we have been  
21 separated for about two and a half years. We are going  
22 through a divorce. He is an attorney.

23 THE COURT: He is an attorney?

24 PROSPECTIVE JUROR: He is.

25 THE COURT: In private practice?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Does he specialize in any type of  
3 practice?

4 PROSPECTIVE JUROR: He does it all, except  
5 real estate.

6 THE COURT: He does everything but real  
7 estate?

8 PROSPECTIVE JUROR: (Nods head.) (Indicating  
9 affirmative response.)

10 THE COURT: Does he do criminal defense?

11 PROSPECTIVE JUROR: Uh-huh. (Indicating  
12 affirmative response.)

13 THE COURT: Step up here for me.

14 (The following bench conference with the  
15 Court, counsel, and the juror is reported).

16 THE COURT: Number 70?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Do you mind telling me your  
19 husband's name?

20 PROSPECTIVE JUROR: Vannie Williams, Jr.

21 THE COURT: Vannie Williams, Jr. from Saluda?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Y'all are separated?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: That's what you said earlier?

1 PROSPECTIVE JUROR: Yes, I said married but  
2 separated. We are waiting on a hearing date.

3 THE COURT: Are you from Saluda?

4 PROSPECTIVE JUROR: From here.

5 THE COURT: You are from Columbia?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: Given that fact could you be a  
8 fair and impartial juror to both the State and the  
9 defense --

10 PROSPECTIVE JUROR: Yes. I didn't know if you  
11 needed to know that.

12 THE COURT: I appreciate it. I was going to  
13 ask that question yet.

14 (The juror leaves the bench and the following  
15 was reported.)

16 MR. COLLINS: I don't have a number 244 on my  
17 jury list. That's the reason I was asking. I don't  
18 know what his name is.

19 THE COURT: They won't let me ask names over  
20 here. What is his number?

21 MR. COLLINS: I don't know.

22 (The following is said in open court.)

23 THE COURT: My radio operator with the  
24 Wildlife, step up here for a minute, please. We will  
25 find out.

1           (Whereupon the following bench conference with  
2 the Court, counsel, and the juror is reported.)

3           THE COURT: I couldn't find your number. I  
4 apologize.

5           PROSPECTIVE JUROR: Two-forty-four -- 224. I  
6 said it wrong. I apologize, 224.

7           THE COURT: Thank you. That's all right.  
8 Thank you very much.

9           (The bench conference is concluded.)

10          THE COURT: Has any member of the jury panel  
11 or any member of your immediate family ever been  
12 employed in a private law office? Paralegal? Attorney?

13          (Juror stands).

14          THE COURT: This is 88?

15          PROSPECTIVE JUROR: Eighty-eight.

16          THE COURT: That's not your employment now;  
17 correct?

18          PROSPECTIVE JUROR: No, my husband is an  
19 attorney.

20          THE COURT: Private?

21          PROSPECTIVE JUROR: Yes.

22          THE COURT: We talked about that earlier.  
23 Given that fact could you still be a fair and impartial  
24 juror for both the State and the defense?

25          PROSPECTIVE JUROR: Yes, Your Honor.

1 THE COURT: Yes, ma'am, your number again?

2 PROSPECTIVE JUROR: One-twenty-one.

3 THE COURT: All right.

4 PROSPECTIVE JUROR: My brother is employed  
5 with a private firm.

6 THE COURT: Given that fact could you still be  
7 a fair and impartial juror in the trial of this case for  
8 both parties?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you. You may be seated.  
11 Has any member of the jury panel ever been a witness?  
12 Have you ever testified for the State or the defense in  
13 a criminal trial? If so, please stand.

14 (There is no response.)

15 THE COURT: Does any member of the jury panel  
16 have any opinions for or against gun ownership that  
17 would affect your ability to be a fair and impartial  
18 juror in the trial of the case involving the use of  
19 firearms? If so, please stand.

20 (There is no response.)

21 THE COURT: I have asked this question in a  
22 different twist earlier, but does any member of the jury  
23 panel remember ever seeing or reading anything about  
24 this case in any media news outlet? If so, please  
25 stand.



1 (There is no response.)

2 THE COURT: Does any member of the jury panel  
3 or any member of your immediate family have any  
4 knowledge of or connection to gang activity or  
5 affiliations that would affect your ability to be fair  
6 and impartial in the trial of this case for both the  
7 State and the defense? If so, please stand.

8 (There is no response.)

9 THE COURT: I will call a rather lengthy list  
10 of names, ladies and gentlemen, of potential witnesses  
11 in the trial of this case. I would ask if any of the  
12 witnesses are present when your names are called, if you  
13 would please stand and face the jury panel. I would  
14 advise the panel that the witnesses don't have to be  
15 present during this proceeding; therefore, names may be  
16 called and no one stands.

17 The question, of course, is any member of the  
18 jury panel related by blood or marriage or close  
19 personal friend or have any business, social, or  
20 professional relationship with any of these individuals  
21 whose names I now call? If you do, please stand.

22 I apologize in advance to any of these  
23 individuals whose names I may mispronounce. Lamettress  
24 Stevenson. Is Ms. Stevenson present?

25 MS. CAMPBELL: No.

1 THE COURT: Michael Samuels. Dedrick Belton.  
2 Asia Belton. Akeelah Belton. Destiny Dash. Cisco  
3 Knighter. Corey Stevenson. Tameka Roseborough. That's  
4 the first ten.

5 The next ten potential witnesses: Dajisha  
6 Williams. Denajahci Williams. Joshua Ruffing.  
7 Rontrell Henderson. Brittany Ruffin. Sharnice Reese.  
8 This is Ms. Reese; is that correct? That was Ms. Reese?

9 THE WITNESS: No, I'm Brittany Ruffin.

10 THE COURT: This is Ms. Ruffin. Thank you,  
11 Ms. Ruffin. Sharnice Reese.

12 THE WITNESS: She outside.

13 THE COURT: Thank you. Kimbrell Sumter.  
14 Edward Miller. Lucy Breeland. Kendrick Mann.

15 THE WITNESS: He outside too.

16 THE COURT: Thank you. The next ten names of  
17 witnesses, potential witnesses: Whitney Wilson.  
18 Kenneth St. John. Kapunda Bannister. Lamanda Smith.  
19 Corey Sanders. Coretta Johnson. Shanessa Shuler.  
20 Channell Snowden. Mia Lavetta Johnson. This is  
21 Ms. Johnson?

22 THE WITNESS: Yes. Thank you. Edna Frost.

23 Of course, again, ladies and gentlemen, the  
24 question is: Is any member of the jury panel related by  
25 blood or marriage, close personal friends, have any

1 business, social, or professional relationship with any  
2 of those individuals whose names I just called and/or  
3 who stood before you? If so, please stand.

4 (There is no response.)

5 THE COURT: The next ten names: William  
6 Smith, Marquez Prophet. Detrick Walker. Brian  
7 Campbell. Terrance Patterson. Thomas O'Bryan. Lyndon  
8 Beans. Kenyatta Riley. Bernard Livingston. Melvin  
9 Riley.

10 The next ten names Ricardo Bryan. Latonia  
11 Samuels. Is this Ms. Samuels?

12 THE WITNESS: Yes, sir.

13 THE COURT: Thank you, Ms. Samuels. Vernelle  
14 Hubbard. Markita Breeland. Persulla Reese. Is this  
15 Ms. Reese?

16 THE WITNESS: Uh-huh

17 THE WITNESS: Thank you, Ms. Reese. Jerome  
18 Singleton. Sameeka Stevenson. Lamettress Stevens. So  
19 there is a Lamettress Stevens and a Lamettress  
20 Stevenson. Amber Rumph. Karen Morris.

21 The next ten names: Loree Johnson. Christine  
22 Toatley. Sergeant Vincent Goggins, Richland County  
23 Sheriff's Department. Sandy Campbell, Gable Oaks office  
24 manager. Ben Harrison, United States Marshall.  
25 Custodian of records, 9-1-1. Sue Johnson, with

1 T-Mobile. Patrice McKnight, custodian of records,  
2 Verizon. Investigator William Pegram; Columbia Police  
3 Department. Officer Andrew Richbourg, Columbia Police  
4 Department.

5 The next ten names all appear to be employed  
6 with the Columbia Police Department: Aaron Wierschem,  
7 W-I-E-R-S-C-H-E-M. Matthew Baskins. David Martin.  
8 Kyle Gilbert. Officer Thomason. Sergeant Olga Cora.  
9 Corporal Christopher Holmes. Sergeant Joseph Smith.  
10 Officer Mary Holmes. Officer Roger Gilland -- all with  
11 the Columbia Police Department.

12 The next ten names all appear to be employed  
13 with the Columbia Police Department: Mike Babin. Noel  
14 Dow, D-O-W. William Hilton. Clarence Sumpter. A.L.  
15 Thomas. This is Sergeant Thomas to my front. Thank  
16 you, Sergeant. Robert McCracken. Captain Estelle  
17 Young. Kevin Reese. James Thorpe. Donna Martin.

18 The next ten names are all employed with the  
19 Columbia Police Department: Buddy Rose. Paul Nelson.  
20 George Wise. Tammy Moore. Ida Menendez. Will  
21 Buffington. Chris Blackwell. Darrius Wade. Jimmy  
22 Sherrod. Gerald Hutto.

23 (There is no response.)

24 THE COURT: The next ten names: Sergeant  
25 Vandell McCary. Officer Brian Hudak, H-U-D-A-K.

1 Captain -- I have already called her name. Both of  
2 these McCary and Hudak are employed with the Columbia  
3 Police Department.

4 The next two names --

5 (Juror stands.)

6 THE COURT: Yes, ma'am, number 70?

7 PROSPECTIVE JUROR: Yes, Mr. McCary was a  
8 classmate of mine.

9 THE COURT: Vandell McCary is a classmate of  
10 yours?

11 PROSPECTIVE JUROR: He is.

12 THE COURT: Given that fact could you still be  
13 a fair and impartial juror in the trial of this case for  
14 both the State and the defense?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Thank you. You may be seated.

17 The next two are employed with the Department of Motor  
18 Vehicles: Sharon Madison. Clarissa Mack.

19 Dr. Bradley Marcus, Palmetto Richland Memorial  
20 Hospital. Maria Brown, Richland County Coroner's  
21 Office. Leonard Bradley, Richland County Coroner's  
22 Office. Gary Watts, Coroner of Richland County. Lucas  
23 Estes, Richland County E.M.S.

24 The next ten names: Quinton Johnson, Richland  
25 E.M.S. Lieutenant D. Wilson, Richland County E.M.S.

1 David J. Collins, Richland County Sheriff's Department.  
2 Dr. Gray Amick, Richland County Sheriff's Department.  
3 Investigator Gerald Walls, Richland County Sheriff's  
4 Department.

5 The next five are employed with the Richland  
6 County Sheriff's Department: Dan Martin. Kelvin  
7 Griffin. Terry Gleason. Gerald Walls. Freida Wyatt.

8 The next ten names: John Barron.  
9 Investigator holly Wagner, Richland County Sheriff's  
10 Department. The next four names are employed with the  
11 State Law Enforcement Division: Ila Simmons. Megan  
12 Mebane. Doris Yarborough. John Roberts.

13 The next four names are employed with the  
14 Richland County Sheriff's Department: Anthony Branham.  
15 Patty Weed. Stephen Griffey. Tina Goff.

16 William Cedarstaff, Richland County Sheriff's  
17 Department. Deidra Morris. Felicia Cassandra Morris.  
18 Mia Johnson, who I believe I called earlier. I called  
19 Mia Levetta Johnson earlier. Brian Campbell.

20 PROSPECTIVE JUROR: Your Honor?

21 THE COURT: Yes.

22 PROSPECTIVE JUROR: You called a previous  
23 name, Kelvin Griffin?

24 THE COURT: What name?

25 PROSPECTIVE JUROR: Kelvin Griffin.

1 THE COURT: Yes, ma'am.

2 PROSPECTIVE JUROR: I don't have a close  
3 relationship with him. I heard him present before and  
4 he recently presented a conference.

5 THE COURT: Tell me your number.

6 PROSPECTIVE JUROR: One-sixty-seven.

7 THE COURT: Given those facts could you still  
8 be a fair and impartial juror in the trial of this case  
9 for both the defense and the State?

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: Thank you. You may be seated.  
12 Any others?

13 (There is no response.)

14 THE COURT: Thomas O.B. Williams. James  
15 Vance, Batesburg. Rosalyn Walker. Juanetta Everett.  
16 Esika L. Hill, Leesville.

17 (There is no response.)

18 THE COURT: Any additional requested voir dire  
19 from the State?

20 MS. CAMPBELL: None, Your Honor.

21 THE COURT: From the defense?

22 MR. COLLINS: No, Your Honor.

23 THE COURT: Ladies and gentlemen, finally, you  
24 know yourselves best. Any member of the jury panel, do  
25 you know any reason whatsoever why you feel like you

1 could not be a fair and impartial juror in the trial of  
2 this case for both the State and Mr. Johnson, the  
3 defendant? Do you have any question, have any concern,  
4 please stand.

5 (There is no response.)

6 THE COURT: Thank you. Thank you very much.  
7 No one stands. The strikes, Mr. Collins, the number?

8 MS. CAMPBELL: Five and ten, Your Honor.

9 THE COURT: Ten for the defense and five for  
10 the State; correct?

11 MS. CAMPBELL: Yes, sir.

12 THE COURT: Madame Clerk, would you give our  
13 jurors their directions.

14 CLERK: Yes, Your Honor.

15 THE COURT: And give us a jury, please.

16 CLERK: Ladies and gentlemen of the jury  
17 panel, as I call your number, please come down and have  
18 all your belongings with you. Stand here in front of  
19 the microphone facing the State and the defense. Repeat  
20 your number and give us your occupation. Number 28.

21 (The juror, a white male, comes forward.)

22 PROSPECTIVE JUROR: My name is Howard Bickley.  
23 I work for International Paper as an engineer and a  
24 business unit manager.

25 CLERK: What says the State?



1 MS. CAMPBELL: Please present the juror.

2 CLERK: What says the defense?

3 MR. COLLINS: Please excuse the juror.

4 CLERK: Have a seat in the back of the  
5 courtroom. Number 138.

6 (The juror, a white male, comes forward.)

7 PROSPECTIVE JUROR: Number 138. I'm  
8 self-employed as a legal videographer.

9 CLERK: What says the State?

10 MS. CAMPBELL: Please present the juror.

11 CLERK: What says the defense?

12 MR. COLLINS: Please seat this juror.

13 CLERK: Have a seat in the jury box, sir.  
14 Number 121.

15 (The juror, a white female, comes forward.)

16 PROSPECTIVE JUROR: I'm juror number 121 and  
17 an internist.

18 CLERK: What says the State?

19 MS. CAMPBELL: Please present the juror.

20 CLERK: What says the defense?

21 MR. COLLINS: Please seat the juror.

22 CLERK: Have a seat in the jury box.

23 Number 37.

24 (The juror, a white male, comes forward.)

25 PROSPECTIVE JUROR: Number 37, Randall

1 Bradley. I'm self-employed. I run a media production  
2 company.

3 CLERK: What says the State?

4 MS. CAMPBELL: Please present the juror.

5 CLERK: What says the defense?

6 MR. COLLINS: Please excuse the juror.

7 CLERK: Have a seat in the back of the  
8 courtroom, please. Number 242.

9 (The juror, a black male, comes forward.)

10 PROSPECTIVE JUROR: Two-forty-two, Cintron  
11 Shiver. I'm an audio visual sales manager, as well as a  
12 fitness instructor.

13 CLERK: What says the State?

14 MS. CAMPBELL: Please present the juror.

15 CLERK: What says the defense?

16 MR. COLLINS: Please seat this juror.

17 CLERK: Have a seat in the jury box, please.  
18 Number 133.

19 (The juror, a black female, comes forward.)

20 PROSPECTIVE JUROR: Number 133, cosmetologist.

21 CLERK: What says the State?

22 MS. CAMPBELL: Please present the juror.

23 CLERK: What says the defense?

24 MR. COLLINS: Please seat this juror.

25 CLERK: Have a seat in the jury box.

1 Number 7.

2 (The juror, a black female, comes forward.)

3 PROSPECTIVE JUROR: I'm number 7 and I'm a  
4 disability claims processor.

5 CLERK: What says the State?

6 MS. CAMPBELL: Please present the juror.

7 CLERK: What says the defense?

8 MR. COLLINS: Please excuse this juror.

9 CLERK: Have a seat in the back of the  
10 courtroom. Number 131.

11 (The juror, a white male, comes forward.)

12 PROSPECTIVE JUROR: I'm juror number 131. I'm  
13 a full-time student at Columbia International University  
14 and also work part-time at Publix.

15 CLERK: What says the State?

16 MS. CAMPBELL: Please present the juror.

17 CLERK: What says the defense?

18 MR. COLLINS: Please seat this juror.

19 CLERK: Have a seat in the jury box.

20 Number 92.

21 (The juror, a white female, comes forward.)

22 PROSPECTIVE JUROR: I'm number 92. I'm a --

23 COURT REPORTER: I didn't hear that.

24 CLERK: She said she was a school teacher.

25 What says the State?

1 MS. CAMPBELL: Please present the juror.

2 CLERK: What says the defense?

3 MR. COLLINS: Please excuse the juror.

4 CLERK: Have a seat in the back of the  
5 courtroom, please. Number 254.

6 (The juror, a white female, comes forward.)

7 PROSPECTIVE JUROR: Number 254. I'm a  
8 full-time student at U.S.C. and part-time cashier at  
9 Rush's.

10 CLERK: What says the State?

11 MS. CAMPBELL: Please present the juror.

12 CLERK: What says the defense?

13 MR. COLLINS: Please seat the juror.

14 CLERK: Have a seat in the jury box.

15 Number 238.

16 (The juror, a black female, comes forward.)

17 PROSPECTIVE JUROR: Number 238. I'm a  
18 homemaker and student at Full Sail University.

19 CLERK: What says the State?

20 MS. CAMPBELL: Please present the juror.

21 CLERK: What says the defense?

22 MR. COLLINS: Please excuse this juror.

23 CLERK: Have a seat in the back of the  
24 courtroom. Number 234.

25 (The juror, a black male, comes forward.)

1 PROSPECTIVE JUROR: Juror 234. I work in  
2 customer service and a computer technician for a health  
3 insurance company.

4 CLERK: What says the State?

5 MS. CAMPBELL: Please present the juror.

6 CLERK: What says the defense?

7 MR. COLLINS: Please excuse this juror.

8 CLERK: Have a seat in the back of the  
9 courtroom. Number 226.

10 (The juror, a white male, comes forward.)

11 PROSPECTIVE JUROR: Two-twenty-six. I'm vice  
12 president of operations for a mortgage servicing firm.

13 CLERK: What says the State?

14 MS. CAMPBELL: Please present the juror.

15 CLERK: What says the defense?

16 MR. COLLINS: Please seat this juror.

17 CLERK: Have a seat in the jury box.

18 Number 152.

19 (The juror, a white female, comes forward.)

20 PROSPECTIVE JUROR: Number 152. My husband  
21 and I are missionaries and pastors. I also work  
22 part-time in a specialty store.

23 CLERK: What says the State?

24 MS. CAMPBELL: Please present the juror.

25 CLERK: What says the defense?

1 MR. COLLINS: Plus excuse the juror.

2 CLERK: Have a seat in the back of the  
3 courtroom. Number 288.

4 (The juror, a black male, comes forward.)

5 PROSPECTIVE JUROR: I'm juror 288. My name is  
6 Elijah Wimberly. I'm a proprietor for Blue Ribbon Taxi  
7 Corporation.

8 CLERK: What says the State?

9 MS. CAMPBELL: Please present the juror.

10 CLERK: What says the defense?

11 MR. COLLINS: Please seat this juror.

12 CLERK: Have a seat in the jury box, please.  
13 Number 88.

14 (The juror, a white female, comes forward.)

15 PROSPECTIVE JUROR: Number 88. I'm a doctoral  
16 student and instructor at the university of South  
17 Carolina.

18 CLERK: What says the State?

19 MS. CAMPBELL: Please excuse the juror.

20 CLERK: Have a seat in the back of the  
21 courtroom. Number 55.

22 (The juror, a black female, comes forward.)

23 PROSPECTIVE JUROR: Number 55, college  
24 professor.

25 CLERK: What says the State?

1 MS. CAMPBELL: Please present the juror.

2 CLERK: What says the defense?

3 MR. COLLINS: Plus excuse the juror.

4 CLERK: Have a seat in the back of the  
5 courtroom, please. In a review of the strikes, for the  
6 State I have one and for the defense I have eight.  
7 Number 192.

8 (The juror, a white female, comes forward.)

9 PROSPECTIVE JUROR: I'm juror number 192 and  
10 I'm an attorney.

11 CLERK: What says the State?

12 MS. CAMPBELL: Please excuse the juror.

13 CLERK: Have a seat in the back of the  
14 courtroom, please. Number 1.

15 (The juror, a black female, comes forward.)

16 PROSPECTIVE JUROR: I'm juror number 1. I'm a  
17 full-time med student and work for my daddy in his  
18 cleaning service.

19 CLERK: What says the State?

20 MS. CAMPBELL: Please excuse the juror.

21 CLERK: Have a seat in the back of the  
22 courtroom, please. Number 51.

23 (The juror, a white female, comes forward.)

24 PROSPECTIVE JUROR: Number 51, unemployed,  
25 former banker.

1 CLERK: What says the State?

2 MS. CAMPBELL: Please present the juror.

3 CLERK: What says the defense?

4 MR. COLLINS: Please excuse this juror.

5 CLERK: Have a seat in the back of the  
6 courtroom. Number 10.

7 (The juror, a black female, comes forward.)

8 PROSPECTIVE JUROR: I'm juror number 10. I  
9 work for Palmetto Health Baptist. I'm a nurse tech.

10 CLERK: What says the State?

11 MS. CAMPBELL: Please present the juror.

12 CLERK: What says the defense?

13 MR. COLLINS: Please seat this juror.

14 CLERK: Have a seat in the jury box, sir.  
15 Number 241.

16 (The juror, a white female, comes forward.)

17 PROSPECTIVE JUROR: I'm juror number 241. I'm  
18 a controller and H.R. director.

19 CLERK: What says the State?

20 MS. CAMPBELL: Please present the juror.

21 CLERK: What says the defense?

22 MR. COLLINS: Please seat this juror.

23 CLERK: Have a seat in the jury box.

24 Number 129.

25 (The juror, a black female, comes forward.)



1 CLERK: What says the State?

2 PROSPECTIVE JUROR: One-twenty-nine. I'm an  
3 administrative assistant.

4 CLERK: What says the State?

5 MS. CAMPBELL: Please excuse the juror.

6 CLERK: Have a seat in the back of the  
7 courtroom, please. Number 14.

8 (The juror, a black male, comes forward.)

9 PROSPECTIVE JUROR: I'm juror number 14. I am  
10 captain of security for Geo, Incorporation.

11 CLERK: What says the State?

12 MS. CAMPBELL: Please present the juror.

13 CLERK: What says the defense?

14 MR. COLLINS: Please seat the juror.

15 CLERK: Have a seat in the jury box, please.  
16 The strikes, I have four for the State and nine for the  
17 defense. Number 233.

18 (The juror, a white male, comes forward.)

19 PROSPECTIVE JUROR: Two-thirty-three, Mitchell  
20 Schofield. I'm a full-time student at Columbia  
21 International University and an intern at Sandhills  
22 Community Church.

23 CLERK: What says the State?

24 MS. CAMPBELL: Please present the juror.

25 CLERK: What says the defense?

1 MR. COLLINS: Please seat this juror.

2 CLERK: Have a seat in the jury box.

3 THE COURT: Let's start with one alternate.

4 CLERK: Number 279.

5 (The juror, a white female, comes forward.)

6 PROSPECTIVE JUROR: Two-seventy-nine, former  
7 school teacher and part-time employee of the university  
8 of South Carolina, retired.

9 CLERK: What says the State?

10 MS. CAMPBELL: Please present the juror.

11 CLERK: What says the defense?

12 MR. COLLINS: Please excuse this juror.

13 CLERK: Have a seat in the back of the  
14 courtroom, please. Number 101.

15 (The juror, a white male, comes forward.)

16 PROSPECTIVE JUROR: Number 101. I'm an event  
17 promoter and consultant.

18 CLERK: What says the State?

19 MS. CAMPBELL: Please present the juror.

20 CLERK: What says the defense?

21 MR. COLLINS: Please seat this juror.

22 CLERK: Have a seat in the jury box, please.

23 THE COURT: Do you think one alternate will be  
24 sufficient, Solicitor and Mr. Collins?

25 MS. CAMPBELL: Whatever you think is

1 appropriate, Your Honor.

2 THE COURT: Give me another one, please.

3 CLERK: Number 303.

4 (The juror, a white female, comes forward.)

5 PROSPECTIVE JUROR: Number 303. I'm a high  
6 school teacher.

7 CLERK: What says the State?

8 MS. CAMPBELL: Please excuse the juror.

9 CLERK: Have a seat in the back of the  
10 courtroom, please. Number 114.

11 (The juror, a white male, comes forward.)

12 PROSPECTIVE JUROR: I'm juror 114. I'm a  
13 construction contractor.

14 CLERK: Does the State challenge for cause?

15 MS. CAMPBELL: Please present the juror.

16 CLERK: What says the defense?

17 MR. COLLINS: Plus excuse this juror.

18 CLERK: Have a seat in the back of the  
19 courtroom. Number 264.

20 (The juror, a white female, comes forward.)

21 PROSPECTIVE JUROR: Number 264, office  
22 manager.

23 CLERK: What says the State?

24 MS. CAMPBELL: Please present the juror.

25 CLERK: What says the defense?

1 MR. COLLINS: Please seat this juror.

2 CLERK: Have a seat in the jury box.

3 (The jury is impaneled at 12:30 P.M..)

4 THE COURT: Any motions regarding the jury  
5 selection process from the State?

6 MS. CAMPBELL: Beg the Court's indulgence.

7 (Pause.)

8 MS. CAMPBELL: Nothing from the State, Your  
9 Honor.

10 THE COURT: From the defense?

11 MR. COLLINS: Nothing from the defense, Your  
12 Honor.

13 THE COURT: Thank you. Thank you very much.  
14 For those of you who were not selected for trial of this  
15 case, momentarily I will release you from this courtroom  
16 and ask you to report back to your jury room assembly  
17 room on the first floor. They will give you further  
18 instructions concerning your jury service for the  
19 remainder of this week.

20 If I do not see you at any time the remainder  
21 of this week, it has been my pleasure and privilege to  
22 be with you these last partial days, Monday and Tuesday,  
23 in Richland County court. With that being said if you  
24 will report down to the first floor jury assembly room.  
25 Thank you. Thank you very much for your service.

1 (The jury panel is excused.)

2 THE COURT: Madame Clerk, would you swear our  
3 jury, please.

4 CLERK: Yes, Your Honor.

5 (The jury is duly sworn.)

6 THE COURT: Ladies and gentlemen of the jury  
7 panel, momentarily we are going to take our luncheon  
8 recess. I believe y'all reported at 10:00 o'clock this  
9 morning; is that correct?

10 JUROR: At 9:45.

11 THE COURT: At 9:45. I want you to know that  
12 any delay in getting you upstairs today for the jury  
13 selection process was not on the part of the attorneys  
14 involved or the parties involved in this case. They  
15 were here early, much earlier than 9:45, working very  
16 diligently to get to the jury selection process stage.

17 That is not unusual for there to be pretrial  
18 matters that must be taken up by the Court before jury  
19 selection. As I say, we are going to take our luncheon  
20 recess, but I must advise you of certain of your duties  
21 and responsibilities, both during your luncheon recess,  
22 evening recess, and while you are on jury duty.

23 During these recesses you may not discuss this  
24 case with anyone. That includes your fellow jurors,  
25 lunch mates, family, friends, or anyone else. You may

1 not read, watch, or listen to any news reports about the  
2 case, should there be any.

3           You may not use your computer, cellular phone,  
4 or any other electronic device with communication  
5 capabilities while you are in attendance at trial or  
6 during deliberations. You may of course, use these  
7 devices during your luncheon recesses, but you may not  
8 use them to obtain or disclose any information that is  
9 prohibited.

10           Information that is prohibited includes but is  
11 not limited to the following: Information about a  
12 party, a witness, an attorney, a Court officer, any  
13 current or past news accounts of the case. Any  
14 information that you think that you would research on  
15 any topics raised or testimony offered by any witness,  
16 or any information collected through your research on  
17 any other topic that you think might be helpful to you  
18 in deciding the case.

19           You decide the case based on the evidence and  
20 testimony of the witnesses testifying before you in this  
21 court from that witness stand under oath and any  
22 physical items of evidence -- charts, diagrams, exhibits  
23 or what have you -- and the inferences you think may  
24 properly be drawn from the evidence, applying it to the  
25 law as I tell you the law is.

1           You the jury are the finders of the facts in  
2 this case. You find those facts based on the evidence  
3 and the testimony that you hear in the courtroom,  
4 uninfluenced by any outside consideration. You were all  
5 under oath when we went through the procedure. You have  
6 all been selected by the party to be members of this  
7 fair and impartial jury in this trial of this case.

8           We are going to take our luncheon recess. I  
9 will ask you to return promptly at 2:00 P.M. I have your  
10 first assignment for you as a jury. Upon your return I  
11 would ask you to please select one among your number as  
12 the foreperson of the jury panel. That can be any one  
13 of the 12. It may not be juror number 101 or juror  
14 number 264.

15           Although I believe both of those jurors would  
16 make fine forepersons, at this point in time they are in  
17 the status of alternate jurors. So it would have to be  
18 one of the 12, whatever criteria you would like to use  
19 in selecting your foreperson. That person would be the  
20 jury's spokesperson here in the courtroom and would be  
21 responsible for writing and signing the unanimous  
22 verdicts of the jury.

23           With that being said, ladies and gentlemen, I  
24 can't emphasize enough the importance of no  
25 conversation. If anyone tries to talk with you, please

1 let me know immediately. No research on the internet or  
2 otherwise, no personal research.

3 In the past I have told jurors that has not  
4 been an issue that I was aware of in South Carolina.  
5 That is no longer the case. Under your oath that you  
6 have sworn to follow, you have duties and requirements  
7 as a juror in this court. Failure to follow your oath  
8 could result in contempt.

9 I have held jurors in contempt in the past.  
10 Jurors can be incarcerated by up to six months and fined  
11 and then have to pay court costs if they research  
12 outside the record or anything of that nature. That is  
13 not by way of a threat in any manner.

14 That is to impress upon you the importance of  
15 following the oath which I know you will each follow  
16 scrupulously in that regard. With that being said, any  
17 questions before I release you for your lunch? Any  
18 questions?

19 (There is no response.)

20 THE COURT: When you get back and you make  
21 that selection, when all 14 of you are back and the 12  
22 make the selection of the foreperson, write that name  
23 down for me, knock on the jury room door, and give it to  
24 the bailiff. The bailiff will give it to me. We will  
25 have you back in the courtroom at that time. Thank you.



1 Thank you very much. You will exit to your back left  
2 with your bailiff.

3 (The jury is excused for lunch at 12:40 P.M.)

4 THE COURT: Anything further from the State,  
5 Solicitor?

6 MS. CAMPBELL: No, sir.

7 THE COURT: The defense, Mr. Collins?

8 MR. COLLINS: No, sir.

9 THE COURT: Two o'clock. Court will be in  
10 recess until 2:00 P.M.

11 (Whereupon there is a luncheon recess.)

12 THE COURT: Juror number 138 is our  
13 foreperson. Anything from the State before we bring in  
14 our jury?

15 MS. CAMPBELL: Just some housekeeping matters,  
16 Your Honor. They inquired of me as I was leaving the  
17 office if it would be possible for us to do a murder  
18 bond setting in the morning. I didn't know what your  
19 schedule would be like. It shouldn't take any time at  
20 all.

21 THE COURT: To do a bond?

22 MS. CAMPBELL: Bond setting on a murder. The  
23 other thing is we anticipate -- we don't know if we will  
24 get to them -- but our crime scene investigator may go  
25 up today. I do have in the courtroom the evidence I

1 intend to offer through him.

2 He is available -- although he is sequestered;  
3 so I didn't bring him in here -- and available to show  
4 them the evidence if they would like so we could perhaps  
5 expedite things.

6 THE COURT: Do you want to look at it now,  
7 Mr. Collins?

8 MR. COLLINS: I don't think we have the  
9 investigator here. I don't see him.

10 MS. CAMPBELL: It's Investigator Rose. It  
11 shouldn't take but a few minutes.

12 THE COURT: You can look at it. I will step  
13 back out, and y'all tell me when you are ready.

14 MS. CAMPBELL: Yes, sir.

15 MR. COLLINS: We have one more issue.

16 MR. NEWTON: Yes, and I think we can probably  
17 handle this while Mr. Collins goes through it. As  
18 Mr. Collins and I were heading up to the courtroom, we  
19 took the stairs. There are benches right next to the  
20 flight of the stairs right there.

21 We had about three -- we saw about three or  
22 four jurors sitting there at the stairs themselves.  
23 They were sitting there talking to each other. At the  
24 stairs when we were coming up, people that we have  
25 noticed in the courtroom area over here (indicating)

1 were about the distance between the clerk of court and  
2 I, and were talking.

3 We have no idea what they said. It did not  
4 sound like they were saying, I had a great lunch. But I  
5 don't know what they were talking about. I think it  
6 would be in our best interest just to find out if the  
7 jurors heard anything.

8 I have spoken to the State. I don't think  
9 that they have a problem with that. I know for a fact  
10 of the three, the juror's numbers. I'm 95 percent sure  
11 of the fourth person that was sitting there is the  
12 number I am thinking, but I know three that were there.

13 THE COURT: Solicitor.

14 MS. CAMPBELL: Your Honor, I don't know if  
15 just a general inquiry by the Court if anyone heard  
16 anything over the break would be sufficient.

17 THE COURT: Are they not informed by someone  
18 who is assigned to court that when they leave and they  
19 come back to the jury room, they are supposed to come  
20 right back and not linger in the hallways?

21 MS. CAMPBELL: The jurors, Your Honor?

22 THE COURT: Yes, ma'am.

23 MS. CAMPBELL: I would assume they were  
24 informed. I don't know.

25 THE COURT: I didn't tell them that. That's

1 not normally what is told by me.

2 CLERK: I don't know if that's what they were  
3 told or not. Normally they go wait down here in family  
4 court.

5 THE COURT: I will take care of it.

6 MR. NEWTON: If you would like the juror  
7 numbers, I can let you know. Ms. Campbell does have a  
8 point. It could be a general inclusive: Did anybody  
9 hear anybody talking about the case? I think that  
10 settles it.

11 THE COURT: I will do it generally. Do you  
12 want to take a few minutes, Mr. Collins?

13 MR. COLLINS: Yes, Your Honor, if we can.

14 THE COURT: I will let y'all look at that.  
15 Will about 15 minutes be enough?

16 MS. CAMPBELL: It should be, Your Honor.

17 THE COURT: If you finish any earlier, please  
18 let me know. Thank you very much.

19 (Whereupon there is a recess.).

20 THE COURT: Mr. Collins, did you get the  
21 opportunity to review the items of evidence?

22 MR. COLLINS: We have been able to review what  
23 they have in the courtroom: the shell casings, the  
24 three guns recovered, and some unspent bullets. We  
25 still haven't -- we are going to try to work something

1 out where we can look at whatever is still in the County  
2 lockup or is here in the Solicitor's Office.

3 THE COURT: I guess my question would then be:  
4 That which is available in the courtroom, you have had  
5 an opportunity to review?

6 MR. COLLINS: Yes, Your Honor.

7 MS. CAMPBELL: Your Honor, there is more  
8 evidence available in our office. During a break or  
9 whenever we can make it available. I wanted them to be  
10 aware of what may come in today.

11 Your Honor, another housekeeping matter. I am  
12 trying to expedite things. As far as prior record on  
13 some of the witnesses that may come up this afternoon, I  
14 have reviewed that with Mr. Collins over the break as  
15 well.

16 I think we have agreed generally as to what  
17 should be impeachable. I can put this on the record  
18 quickly. Mr. Jerome Singleton, he is not showing any  
19 convictions for which he could be impeached. On  
20 Mr. Detrick Walker, he is showing a 2006 burglary second  
21 juvenile conviction which will come in.

22 On Terrance Patterson, Your Honor, he is not  
23 showing anything for which he should be able to be  
24 impeached. For Loree Johnson, Your Honor, I'm not  
25 showing any convictions for which she could be able to

1 be impeached; however, she does have pending at this  
2 time, Your Honor, charges.

3 We are checking to make sure we get what those  
4 charges are since they are pending in our office. If  
5 the defense chooses to go into those, I think he would  
6 have the right to do that. Mr. St. John does not have a  
7 prior record.

8 THE COURT: All right.

9 MR. COLLINS: Jerome Singleton, the only thing  
10 I'm seeing on his rap sheet is there is a shoplifting  
11 from Mount Pleasant where there is no disposition. We  
12 have asked them to inquire to find out if that is  
13 actually a conviction or not.

14 THE COURT: Someone is checking on that?

15 MS. CAMPBELL: I could ask him. I guess I can  
16 call Mount Pleasant.

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: I will have someone do that.

19 (Pause.)

20 THE COURT: Anything further, Ms. Campbell, as  
21 to the Johnson trial?

22 MS. CAMPBELL: No, sir.

23 THE COURT: Mr. Collins?

24 MR. COLLINS: The only thing I would ask, Your  
25 Honor, it looks as if the evidence is kind of on display

1 over there, well in the jury's view. We would just ask  
2 that the prosecutors put the evidence behind the  
3 prosecution table or not display it until it's entered  
4 into evidence.

5 THE COURT: Y'all can handle that, Solicitor.

6 I have three notes already from the jury. The  
7 first note, of course, named the foreperson. The second  
8 note, juror 131 now states that he is acquainted with  
9 someone at S.L.E.D. with the same first name as one of  
10 the potential witnesses.

11 I would bring 131 out and ask him the  
12 question: Given the fact that he is acquainted with  
13 someone at S.L.E.D. with the same first name as one of  
14 the potential witnesses, if he can be a fair and  
15 impartial juror.

16 Mr. Bailiff, would you bring me juror 131.

17 BAILIFF: Yes, sir.

18 (The juror enters the courtroom.)

19 THE COURT: This is juror 131; is that  
20 correct?

21 JUROR: Yes, Your Honor.

22 THE COURT: I received this note, Mr. Juror,  
23 that you state you may be acquainted with someone at  
24 S.L.E.D. Can you tell me a little bit more about that.

25 JUROR: Yes, Your Honor.

1 THE COURT: Stand up and speak up for me,  
2 please.

3 JUROR: Sure. I wasn't sure how to address it  
4 before, and I'm pretty sure that I'm not, but one of the  
5 names that you read, I know I work with someone at  
6 Publix who also works at S.L.E.D., and they have the  
7 same first name. I have no idea what their last name  
8 is. So I just wanted to make sure in case they came and  
9 were a witness that I wouldn't wait until then.

10 THE COURT: Sure. What is the first name?

11 JUROR: Tina.

12 THE COURT: Tina. I thought the Tina whose  
13 name I called was employed with the Richland County  
14 Sheriff's Office. Is there a Tina on the witness list  
15 that is employed with S.L.E.D., Solicitor or  
16 Mr. Collins?

17 MS. CAMPBELL: No, sir.

18 MR. COLLINS: Not that I'm aware of.

19 THE COURT: If I inform you that the Tina that  
20 I called is employed with the Richland County Sheriff's  
21 Department, I take it, she didn't work with you at  
22 Publix?

23 JUROR: Okay.

24 THE COURT: Is that correct?

25 JUROR: Yes, sir.



1 THE COURT: Even if it is the Tina that worked  
2 with S.L.E.D. and worked with you at Publix, could you  
3 still be a fair and impartial juror in the trial of this  
4 case for both Mr. Johnson and the State?

5 JUROR: Yes, Your Honor.

6 THE COURT: Thank you. Thank you very much.  
7 You may return to your jury room. Bring me -- return  
8 him to the jury room first.

9 (The juror leaves the courtroom.)

10 THE COURT: Were there any objections to juror  
11 131 remaining on the jury panel from the State?

12 MS. CAMPBELL: No, sir.

13 THE COURT: Defense?

14 MR. COLLINS: No, sir.

15 THE COURT: Any further questions you would  
16 like me to ask?

17 MS. CAMPBELL: No, sir.

18 MR. COLLINS: No, sir.

19 THE COURT: The third note is juror number 10.  
20 She is a bit concerned. She did not speak up during the  
21 selection process. She states her nephew was murdered  
22 two months ago.

23 The nephew's assailant was -- she has got the  
24 word acquitted scratched out and then not tried and will  
25 be let off on self-defense charges. Juror states this

1 experience may affect her judgment in the case before  
2 us.

3 Do y'all want me to question juror number 10  
4 in that regard, Solicitor?

5 MS. CAMPBELL: Yes, sir.

6 MR. COLLINS: Your Honor, I think the fact  
7 that she didn't bring it up when those questions were  
8 specifically asked of the jury panel should eliminate  
9 her from the start. I don't think there is any way to  
10 cure it at this point, the fact that she didn't tell the  
11 Court about that.

12 THE COURT: Well, there are some cases on that  
13 that say if it's inadvertent -- I think State versus  
14 Burgess and that line of cases. Although I will  
15 concede, you wonder how she inadvertently would not  
16 recall that her nephew was murdered two months ago.

17 MR. COLLINS: There were about three or four  
18 separate jury questions that that should have been an  
19 answer yes to.

20 THE COURT: Your point is well taken.  
21 There's that line of cases, Burgess and others, fairly  
22 recently.

23 MS. CAMPBELL: The only thing I would bring to  
24 the Court's attention out of an abundance of caution, I  
25 did meet just a day or two ago, I guess last Friday,

1 with a family to explain to them why there would not be  
2 charges brought on a case similar to what you are  
3 describing. I don't recall meeting with her, but there  
4 were family members there.

5 THE COURT: Well, of course, she does state:  
6 "Juror states this experience may affect her judgment in  
7 the case before us." Bring me juror number 10, please.

8 (The juror enters the courtroom.)

9 THE COURT: Good afternoon. This is juror  
10 number 10?

11 JUROR: Yes.

12 THE COURT: I received this note concerning  
13 the matter with your nephew.

14 JUROR: Yes, sir.

15 THE COURT: Can you tell me a little bit more  
16 about that.

17 JUROR: What do you want to know, what  
18 happened or what?

19 THE COURT: Tell me your concerns about  
20 serving as a juror in this case based on what happened.

21 JUROR: Well, he got murdered in front of my  
22 sister's house. The solicitor just called her Friday,  
23 and they are letting the man off with a self-defense  
24 charge. He hadn't served a day in jail.

25 THE COURT: Now, did you not recall this

1 earlier when we went through all those questions?

2 JUROR: Yeah. I guess after I thought about  
3 it, what it was, I said I couldn't -- I don't know.

4 THE COURT: Do you feel like -- why didn't you  
5 tell me about it earlier?

6 JUROR: I don't know. I don't know. I don't  
7 know.

8 THE COURT: You had it in your mind earlier  
9 and you just didn't tell me?

10 JUROR: Yeah, I just -- yeah.

11 THE COURT: Do you feel that would negatively  
12 affect your ability to be a fair and impartial juror?

13 JUROR: No.

14 THE COURT: You seem kind of emotional about  
15 it.

16 JUROR: Yeah, I still am, yeah.

17 THE COURT: Thank you. Thank you for bringing  
18 it up now, Madame Juror.

19 I will release juror number 10 from any  
20 further service on this jury. Whatever instructions the  
21 other panel has received, Madame Clerk, if you would  
22 please advise juror number 10.

23 Thank you very much. The clerk will give you  
24 further instructions.

25 (The juror leaves the courtroom.)

1           THE COURT: As far as alternates, doesn't the  
2 statute require they be picked out of a hat or a cigar  
3 box in criminal case? Have you got a hat or a cigar  
4 box? Someone under the age of nine?

5           (Pause.)

6           CLERK: Juror number 264.

7           THE COURT: Anything else before we bring in  
8 our jury from the State, Madame Solicitor?

9           MS. CAMPBELL: No, sir.

10          THE COURT: From the defense, Mr. Collins?

11          MR. COLLINS: No, sir.

12          THE COURT: Bring us our jury, please,  
13 Mr. Bailiff.

14                I will give these notes to the court reporter  
15 for the record.

16                (Court's Exhibit Number 1-3 are marked for  
17 purposes of the record.)

18                (The jury returns to the courtroom at  
19 2:42 P.M.)

20          THE COURT: Juror number 264?

21          JUROR: Yes.

22          THE COURT: You have been promoted.

23          JUROR: I'm sorry?

24          THE COURT: You are now a member of the  
25 primary jury. If you would take that last seat on the

1 second row on the right.

2 Juror number 138?

3 FOREMAN: Yes, Your Honor.

4 THE COURT: Thank you. Thank you for your  
5 service as our foreperson.

6 Juror Number 101, you are still in the status  
7 of an alternate.

8 Mr. Foreman, and ladies and gentlemen of the  
9 jury, the case we are about to try is the case of the  
10 State versus Daqwan M. Johnson. What I will now say is  
11 intended to serve as an introduction to the trial of  
12 this case.

13 These remarks are not a charge or instruction  
14 on the law that apply in this case. I will instruct you  
15 fully and completely on the law that applies to this  
16 case at the end of the trial before you retire to  
17 consider your verdicts. This is merely an explanation  
18 of the procedures that we will follow in the trial of  
19 this case so that you may have a better understanding of  
20 what may be happening.

21 The defendant is charged by two indictments in  
22 this case, one indictment for murder, the other  
23 indictment for attempted murder, the elements of which  
24 will be explained to you later. Again, ladies and  
25 gentlemen, these indictments are simply the formal

1 documents by which the cases are brought into court, and  
2 they are in no way any evidence of the allegations  
3 contained.

4           Mr. Johnson has pled not guilty to these  
5 indictments. The State therefore has the burden of  
6 proving each and every element of each of the  
7 indictments beyond a reasonable doubt. It will be your  
8 duty, ladies and gentlemen, to decide whether the State  
9 meets its burden. As to these indictments, you would  
10 consider the evidence independently and distinctly as to  
11 each charge based on the facts as you find them to be.

12           Your purpose as jurors is to find and  
13 determine the facts. You are the sole judge of the  
14 facts. If at any time I make any comment about the  
15 facts, you must disregard it. You are to determine the  
16 facts of this case from the testimony that you hear and  
17 any other evidence introduced into court.

18           It is up to you to determine what inferences  
19 which you feel may properly be drawn from the evidence.  
20 It is especially important that you perform your duty of  
21 determining the facts diligently and conscientiously  
22 because ordinarily there is no way to correct an  
23 erroneous determination of the facts by a jury.

24           On the other hand and with equal emphasis, the  
25 same law that makes you the judge of the facts makes me

1 the judge of the law. The law as given and instructed  
2 to you by the Court is the only law you may consider.  
3 You must accept it and follow it even though you may  
4 disagree with it. I cannot tell you what the facts are.  
5 You cannot disagree with me about what the law is or  
6 should be.

7 Your job is to take the law as I give it to  
8 you and apply it to the facts as you find them from the  
9 testimony of the witnesses and any other evidence that  
10 is introduced. After doing that you will render your  
11 verdicts, true and just verdicts, under the solemn oath  
12 that you have taken as jurors.

13 Ladies and gentlemen, it is important that  
14 each of you keep an open mind and not decide any issue  
15 in the case until all of the evidence has been  
16 presented, the parties have made their closing  
17 arguments, and I have instructed you on the law in this  
18 case.

19 It is your solemn responsibility to determine  
20 the guilt or innocence of the defendant, and your  
21 verdict must be based solely on the evidence as it is  
22 presented to you in this trial and on the law as I  
23 instruct you during and at the close of the trial. The  
24 State has the burden of proving its case beyond a  
25 reasonable doubt, and a defendant in South Carolina,



1 regardless of the seriousness of the charge, is always  
2 presumed to be innocent.

3 Now, in just a moment, ladies and gentlemen,  
4 the solicitor will make what is called an opening  
5 statement in which the solicitor will explain to you the  
6 issues in the case or at least what the solicitor thinks  
7 the issues are. Mr. Newton or Mr. Collins, the  
8 attorneys for Mr. Johnson may also make an opening  
9 statement, although they are not required to do so.

10 What the attorneys tell you during their  
11 opening statements is not evidence in the case. It is  
12 only their contention as to what the issues are. The  
13 attorneys' questions are not evidence. The attorneys'  
14 questions are the framework by which evidence is  
15 elicited, testimony is elicited from the witnesses on  
16 the witness stand. That evidence will be presented to  
17 you by that testimony of those sworn witnesses and/or  
18 any exhibits that may be introduced.

19 From time to time during the trial, you may  
20 hear one of the lawyers say something like: Your Honor,  
21 I believe we have a question of law or a matter of law  
22 to discuss with you or, Your Honor, may we approach the  
23 bench, or sometimes I myself might find it necessary to  
24 excuse you from the courtroom for a short while so the  
25 attorneys and I can discuss a matter of law.

1           Why do I do this? The reason for this is  
2 because you are the judges of the facts in this case.  
3 Sometimes when I am discussing matters of law with the  
4 attorneys, it may be necessary for me to make some  
5 comment as to the facts in connection with ruling  
6 whether or not a particular law applies. I am not  
7 supposed to tell you what I think the facts are. So I  
8 will excuse you from the courtroom while these  
9 discussions take place so that in no way will you be  
10 influenced by anything that I might say or do in  
11 connection with the facts.

12           In determining what the true facts are, you  
13 necessarily must decide whether or not the testimony of  
14 the witnesses is believable. It will be my  
15 responsibility to rule as a matter of law as to whether  
16 certain testimony is admissible at all or not. But once  
17 the testimony is admitted, whether or not you believe it  
18 is solely for you to determine.

19           In deciding whether to believe a witness, you  
20 have a right to consider the interest of any witness,  
21 the bias of any witness, the prejudice of any witness,  
22 the opportunity for the witness to have seen the matters  
23 and things about which the witness may testify, and the  
24 demeanor or the way the witness acts on the witness  
25 stand. You have the right to consider anything that is

1 in the record that will help you evaluate the testimony  
2 of the witnesses.

3 Use your good judgment and common sense in  
4 that regard. That means it will be your duty to pay  
5 close attention to the witnesses, to observe the  
6 witnesses, to listen to the witnesses, to pay close to  
7 the attorneys and to the Court. Do not let your  
8 thoughts wander but give your strict attention to all  
9 the testimony in the case. So that at the end, after  
10 the arguments of counsel and the charge on the law by  
11 the Court, you will be in a position to determine what  
12 the true facts are, to apply the law to those facts, and  
13 thus render those true and just verdicts.

14 Mr. Foreman, it will be your added duty to  
15 preside in the jury room and be the jury's spokesperson  
16 here in the courtroom. It will also your duty to write  
17 the verdict, but I will give you further instructions  
18 about that at the conclusion of the case.

19 Ladies and gentlemen, I know we took our  
20 luncheon recess and y'all were to return at 2:00 P.M. I  
21 ask: Has any member of the jury panel during that  
22 recess or at any other time since you have been selected  
23 on the jury panel heard anything about the case from any  
24 source whatsoever? If so, please stand.

25 (There is no response.)

1           THE COURT: Upon your return there may have  
2 been some jurors that were seated out in the lobby.  
3 During that period of time, if there were jurors sitting  
4 out there, did they hear any comments about the case or  
5 anyone talking about the case? If so, please stand.

6           (There is no response.)

7           THE COURT: I would advise you when you take  
8 your luncheon recess or when you return in the morning  
9 if you would come directly back and not linger in the  
10 hallways and such like that. I don't want -- you are  
11 not to be exposed to anything outside the courtroom as  
12 far as this matter is concerned.

13           I will further advise you that I will ask  
14 these questions -- if you had any exposure to the news,  
15 the internet, third party, overheard conversations,  
16 anything of that nature -- I will ask you these  
17 questions throughout the course of this proceeding.

18           Ladies and gentlemen, what I am really in  
19 charge of? I am in charge of taking breaks. I have a  
20 very simple rule. When I want to take a break, we take  
21 a break. It's real simple. It works out real well for  
22 me. Well, this is an important case. This case is  
23 important to Mr. Johnson. This case is important to the  
24 State of South Carolina.

25           If you sit there too long and your thoughts

1 start to wander, you are losing your focus, please raise  
2 your hand. Y'all will take your break; we will take our  
3 break. This is not some type of judicial marathon. The  
4 parties will have adequate time as far as the trial of  
5 the case is concerned, and y'all will have adequate  
6 time. So any time any of you need a break or the  
7 whatever reason, please raise your hand. Get my  
8 attention and we will certainly take a break.

9 I also tell jurors this. Many times there may  
10 be photographs or items of evidence. They could be  
11 handed to the foreperson while you are out here in the  
12 courtroom and passed among the members of the jury while  
13 you are out here in your jury box. You may look at  
14 those items all you wish out here in the courtroom in  
15 your jury box.

16 Please keep in mind if I allow it in evidence,  
17 you will also have that item, that photograph, or that  
18 diagram, whatever it may be, in your jury room with you  
19 at the time of your deliberations. So the only  
20 opportunity you have would not be out here in the  
21 courtroom. Again, you can look at those items and take  
22 all the time you wish to take in the courtroom, keeping  
23 in mind again that you will have those items with you in  
24 your jury room at the time of your deliberations.

25 Also, ladies and gentlemen, from time to time

1 you may see me on the computer. I tell you this because  
2 a juror brought it my attention and told me it was  
3 distracting. They may have been telling me I was  
4 distracting. I took it they were telling me that me  
5 being on the computer was distracting.

6           Generally these are very good trial lawyers,  
7 experienced trial lawyers. I anticipate legal issues  
8 that may be coming around the bend. So I do some  
9 research. I don't e-mail. I don't tweet, peet, or  
10 anything like that. Facebook, I am faceless. It's  
11 nothing of that whatsoever. My focus is entirely on  
12 this case. Even when it's on my computer, I am trying  
13 to anticipate a legal issue that may come up. If that  
14 becomes distracting to you, all you have to do is tell  
15 me. I will certainly change my behavior in that regard.

16           Ladies and gentlemen, I had the clerk  
17 administer your oath prior to the luncheon recess. You  
18 shall well and truly try and true deliverance make  
19 between the State of South Carolina and the defendant at  
20 bar, Mr. Johnson, and return a true and just verdict  
21 based on the law and the evidence so help you God. You  
22 swore to that.

23           I also took an oath when I was appointed as a  
24 judicial officer in South Carolina. Each of these  
25 attorneys took oaths when they became members of the

1 bar. I have to be true to my oath or justice is not  
2 done. They have to be true to their oath or justice is  
3 not done. You also have to be true to your oath. Out  
4 of those oath takers that are true to those oaths, true  
5 and just verdicts are delivered. I know you will hold  
6 to your oath in this case.

7 Mr. Foreman, do not discuss the case, any of  
8 you at any time, until you are directed to do so after  
9 you heard all the evidence, all the testimony, and  
10 instruction on the law by the Court. If you have any  
11 other questions during the course of the trial, I know  
12 already you know how to write me a note. So please do  
13 so, but you can't discuss the case. So there should be  
14 no reason for notes concerning the case. Thank you very  
15 much.

16 Any objections to anything I have told the  
17 jury, Mr. Collins?

18 MR. COLLINS: No, Your Honor.

19 THE COURT: Madame Solicitor?

20 MS. CAMPBELL: No, sir.

21 THE COURT: With that being said, we will now  
22 have openings. Mr. Shellenberg.

23 MR. SHELLENBERG: Yes, Your Honor.

24 THE COURT: You may address the jury.

25 MR. SHELLENBERG: May it please the Court.

1 THE COURT: Yes, sir.

2 OPENING STATEMENT

3 MR. SHELLENBERG: On June 19, 2010, five  
4 men -- Daqwan Johnson, Brian Campbell, Marquez Prophet,  
5 Detrick Walker, and Terrance Patterson -- armed  
6 themselves with an A.K.47, an S.K.S. assault rifle, a  
7 .223 assault rifle, a .40 and a 9-millimeter handgun.

8 They went to the Gable Oaks apartment complex  
9 where they went through a cut to get in surrounding  
10 Building 23 and opened fire, firing over 40 times,  
11 hitting Lamettress Stevenson in the shoulder and Gary  
12 Reese in the back, killing him. Neither one was the  
13 intended target.

14 That's why we are here today. Because Daqwan  
15 Johnson is one of the five men charged with attempted  
16 murder and murder. Three of the others, you are going  
17 to hear from later today.

18 Attempted murder in the State of South  
19 Carolina is defined as a person attempting to kill  
20 another person with malice aforethought, whether that  
21 malice is express or implied.

22 Murder is defined as the unlawful killing of  
23 any human with malice aforethought, whether that malice  
24 is express or implied. The State has the burden, the  
25 highest burden. We must prove our case beyond a



1 reasonable doubt. Ladies and gentlemen, we will in this  
2 case.

3 Now, additionally the State of South Carolina  
4 has a law that is known as the hand of one is the hand  
5 of all. That simply says when these five men decided to  
6 participate in this murder, as soon as they went and  
7 ambushed Gable Oaks, they became equally guilty of  
8 attempted murder and murder.

9 Now, there were some events that led up to  
10 this murder. You see, the victim, Gary Reese, and some  
11 of the other witnesses you are going to hear from are  
12 gang members. They are known as the Bloods. Some of  
13 the other people you are going to hear from are members  
14 of the Folk Nation. Those are rival gangs. Ladies and  
15 gentlemen, this is gang violence.

16 You are going to see how it all started. You  
17 are going to see a video from the Gable Oaks apartment  
18 complex that shows a resident, Whitney Wilson, just  
19 taking out his trash when the defendant, Daqwan Johnson,  
20 and Brian Campbell pull up in Daqwan's silver Buick and  
21 open fire. Whitney flees and gets away safely.

22 Now, later in the day some of those gangs  
23 members from Gable Oaks apartment complex, they go  
24 looking for that Buick. They want retribution and they  
25 find it on Farrow Road where Brian Campbell is driving

1 this time. They fire at the Buick and they hit it, and  
2 Brian gets away.

3 But Brian calls Daqwan Johnson to tell him  
4 what happened. You are going to get to see phone  
5 records of all this before and after the shooting. So  
6 he tells him what happens. Daqwan gets him over to his  
7 grandmother's house. Then they get three more people:  
8 Marquez Prophet, Terrance Patterson, and Detrick Walker.

9 Those three men are going to get up here, and  
10 they are going to confess. They are going to tell you  
11 exactly what happened that day. They are going to tell  
12 you how they went over there.

13 They armed themselves. Terrance had an  
14 A.K.47. Brian Campbell had an S.K.S. Daqwan Johnson had  
15 a .223 -- all assault rifles -- and Marquez and Detrick  
16 had a 9-millimeter and a .40.

17 They are going to tell you how they got in the  
18 car, how they drove over to Gable Oaks apartment  
19 complex, went through the cut, they spread out  
20 surrounding Building 23, and they fired killing Gary  
21 Reese.

22 Now, additionally you are going to get to see  
23 some video. You are going to see footage that shows  
24 five men from Gable Oaks coming through the cut, and  
25 they are going to tell you who it is, who each one is

1 holding the gun.

2           You are going to see them go in right before  
3 the shooting. Then you are going to see another video  
4 that shows Gary Reese as the bullets are flying trying  
5 to flee for his life.

6           Finally, you are going to get to see a video  
7 that shows five men flee the scene shortly after the  
8 shooting. They will tell you exactly who and what order  
9 they left in. You are going to get to see all that.

10           Now, you are also going to get to hear from  
11 some of the witnesses that were out there with Gary  
12 Reese. You are going to get to hear from the other  
13 victim, Lamettress Stevenson, and you are going to get  
14 to hear from Loree Johnson.

15           Now, in addition, you are going to get to see  
16 some of these guns. You are going to see the .223 that  
17 the investigators found underneath Daqwan Johnson's bed  
18 with some bullets that matched. They are identical to  
19 bullets found at the crime scene. You are also going to  
20 get to see the A.K.47, and you are going to get to see  
21 the S.K.S. that Terrance Patterson, the codefendant, hid  
22 under his girlfriend's bed.

23           Five men, 40 shots, one man dead. When they  
24 got the phone call that Gary Reese was dead, they were  
25 on their way to Studio 54, a club on Two Notch Road, to

1 celebrate.

2 Ladies and gentlemen, my name is J.J.  
3 Shellenberg. Along with Assistant Solicitor Meghan  
4 Walker, Senior Assistant Solicitor Luck Campbell, we  
5 represent the State of South Carolina. The evidence  
6 this week is going to prove the events I told you about  
7 here today.

8 This is a serious matter. Crimes don't get  
9 anymore serious than murder. Murder to Daqwan Johnson,  
10 they are serious to him. They are serious to the State.  
11 They are very serious to the family of Gary Reese.  
12 That's why at the end of this trial we are going to come  
13 back and we are going to ask that you find the defendant  
14 guilty of attempted murder and murder. Thank you.

15 THE COURT: Thank you. Thank you very much,  
16 Mr. Shellenberg. Mr. Newton.

17 **OPENING STATEMENT**

18 MR. NEWTON: Good afternoon, ladies and  
19 gentlemen. My name is Clarke Newton. Along with Greg  
20 Collins, we represent Daqwan Johnson in these charges.  
21 Daqwan Johnson, I will say this to start, is an innocent  
22 man. He is not guilty of this crime. Okay?

23 What the State wants to do is they want to  
24 talk about gang warfare, rival gangs, fighting each  
25 others, killing each other. That's what happened here.

1 Okay? Five people went in to Gable Oaks Apartments and  
2 shot it up because they were fighting with another gang.  
3 But Daqwan Johnson was not there. Okay?

4 You are going to hear a lot about gang life.  
5 You are going to find out a lot about it, the various  
6 dealings with it. It's something we are not very  
7 familiar with -- I know I'm not very familiar with. I'm  
8 assuming y'all aren't, but we are going to find out  
9 about that.

10 One of the biggest things we are going to find  
11 out is the hierarchy of the situation: People on top  
12 and people below, and what you have to do to protect the  
13 people at the top. That's very important.

14 I want you guys to pay attention and listen  
15 and understand why Daqwan Johnson's name would get into  
16 this mess and what those people they say are coming to  
17 testify, why they would do it. I want you guys to pay  
18 very, very close attention.

19 As Mr. Shellenberg told you, this is serious.  
20 Someone is dead. A horrific shooting occurred and  
21 somebody is dead. It's awful and it's terrible, but  
22 Daqwan Johnson didn't do this.

23 I want y'all to take these days we are going  
24 to be here -- and it's going to take a while -- I want  
25 you to take these days and pay very close attention to

1 this. He deserves that. They have to prove this case  
2 beyond a reasonable doubt.

3 Now, on June 19, 2010, Daqwan Johnson woke up,  
4 ran some errands, and planned a birthday party.  
5 Mr. Shellenberg said they went to celebrate. Well,  
6 there was a birthday party planned for Daqwan Johnson's  
7 girlfriend at Studio 54, which at the time was called  
8 Club Gemini. It was an advertised party. There were a  
9 ton of people there.

10 Daqwan Johnson's birthday is right around the  
11 corner from June 19th. He was celebrating that as well.  
12 That is where he was on this night. He prepared for  
13 this party and they went to a party, and he was there  
14 and he was seen by people at the party throughout the  
15 night.

16 Their story is -- and they want to tie this  
17 in -- is that somehow during the course of him planning  
18 this party, he took the time to drive with four other  
19 people and go and shoot up an apartment complex.

20 That is their core story. That is the basic  
21 story. There will be a lot of other things, but that's  
22 the basic story is that he was planning a very fun  
23 night, and he decided to take a few minutes and go do  
24 this horrific thing. Just think about that.

25 There are other stories that came out of Gable

1 Oaks. When this shooting occurred, there was tons of  
2 9-1-1 calls. There was a ton of people interviewed.  
3 There is a ton of people that weren't interviewed. This  
4 is a huge crowded apartment complex. You are going to  
5 hear that from people. There was a ton of people, 40 to  
6 50 shots. It was horrific. It was awful.

7 I want, again, for you to take the time to pay  
8 attention to what people said and what they didn't say.  
9 And when they did tell Investigator Thomas and  
10 Investigator Reese information, what did they do with  
11 that information? They would get a lot of it.

12 The State is going to tell you that they went  
13 down the right path and got it and they are done. Well,  
14 wait a second. Pay attention. Be very critical of  
15 every single thing that they do, and do that because he  
16 deserves it. We deserve it as a country. We deserve  
17 the State to be put to the task when they charge someone  
18 with a crime, especially one as horrific as this.

19 So what the State has and what the State will  
20 give you -- and all they can give you are gentlemen that  
21 say they were a part of this and say that Daquan Johnson  
22 was there. All right? I want you to think about a  
23 couple of things when they get on the stand.

24 I want to backtrack just a second. That's all  
25 they have. This is the most serious crime we have in

1 this State. Someone is dead and it was caused by  
2 someone else maliciously.

3 There is D.N.A. There is forensics. There  
4 are pieces of evidence that don't involve statements.  
5 And guess what? None of it is tied to him at all. It's  
6 not linked to him.

7 D.N.A. was found on the gun -- or a bullet,  
8 not him and not any of the other people either, but it  
9 was somebody. So pay attention. Did they test it?  
10 Think of this.

11 Ask questions to yourself. Think about these  
12 things that come up. Why didn't do they do these  
13 things? Why didn't they follow these leads? That is  
14 very important.

15 So you are going to have three statements.  
16 You are going to have individuals, and I want you to  
17 think of three things. One, I want you to think about  
18 why they are testifying.

19 They are going to sit here. They are going to  
20 tell you their version of the events. They are going to  
21 sit right here, and they are going to explain this awful  
22 shooting.

23 They are going to say, That guy was there.  
24 Why would they come up and do this though? They are  
25 doing this because they are going to get a deal. They



1 are going to save their behind. They are going to save  
2 their necks, and they are also going to protect their  
3 leader.

4 I want to think about that. That is the  
5 credibility of the witnesses. These gentlemen are  
6 charged with murder, and they would do anything to not  
7 spend the rest of their life in prison. So think about  
8 that. It's very, very, very important.

9 Second thing, they know what gun and what  
10 person killed Gary Reese. Terrance Patterson. His  
11 bullet from his gun killed Gary Reese. They know that.  
12 Definitively. Terrance Patterson is the one whose gun  
13 killed Gary Reese. That is important just to think  
14 about that. Think about that.

15 Then finally he kept saying there's three  
16 individuals that are going to testify. There are four  
17 other people involved. Daqwan Johnson makes five in  
18 this.

19 Brian Campbell, we want them to bring Brian  
20 Campbell. It doesn't sound like they are going to do  
21 that. We want them to. We want them to give us all of  
22 the evidence and explain everything, and they are not  
23 going to.

24 I want you to think why is Brian Campbell not  
25 here? If he comes, even better. Find out what he has

1 to say. We want -- his nickname is B.K. We want him.  
2 Where is he? What would he tell you? What would he  
3 have to say?

4 I apologize. I am a little worked up. It's  
5 late. It's time to get going. I appreciate y'all's  
6 service. This is a huge commitment, I understand. We  
7 just thank you. We thank you. The State thanks you.  
8 This is about protecting their leader, but think again,  
9 it's also about a horrific crime that occurred, a  
10 horrific, awful crime.

11 I want you to remember how important this is  
12 to Daquan Johnson because he is not guilty of this, and  
13 I think as we go through all this and you ask the  
14 questions, you will come back with not guilty. Thank  
15 you.

16 THE COURT: Thank you. Thank you, Mr. Newton.  
17 Solicitor, before you call your first witness,  
18 are the firearms to be attempted to be introduced for  
19 this afternoon?

20 MS. CAMPBELL: I'm sorry, Your Honor?

21 THE COURT: The firearms, will there be an  
22 attempt to introduce firearms into evidence this  
23 afternoon?

24 MS. CAMPBELL: There may be, Your Honor, yes.

25 THE COURT: Prior to the first break?

1 MS. CAMPBELL: No, sir.

2 THE COURT: I just wanted to make sure we go  
3 over the guidelines for handling firearms as evidence  
4 prior to any display or introduction. Thank you,  
5 Solicitor. You may call your first witness.

6 MR. SHELLENBERG: The State calls Investigator  
7 Andrew Richbourg.

8 ANDREW RICHBOURG, being  
9 first duly sworn, testifies as follows:

10 CLERK: Have a seat in the witness stand  
11 please. State your name for the record.

12 THE WITNESS: Andrew Richbourg.

13 COURT REPORTER: Spell your last name, please.

14 THE WITNESS: R-I-C-H-B-O-U-R-G.

15 DIRECT EXAMINATION

16 BY MR. SHELLENBERG:

17 Q Good afternoon.

18 A Good afternoon.

19 Q What is your occupation?

20 A I'm employed by the City of Columbia Police  
21 Department.

22 Q And how long have you been employed by the City of  
23 Columbia?

24 A Approximately three years.

25 Q What are your present duties?

1 A Investigator with property crimes.

2 Q I will direct your attention back to the evening of  
3 June 19, 2010. Were you working that evening?

4 A Yes, sir.

5 Q And what were your duties at that point?

6 A I was a street unit, regular patrol.

7 Q Did you respond to a call at Gable Oaks?

8 A Correct.

9 Q And what kind of call was it?

10 A It originally came out as shots fired call with  
11 possibly one victim hit.

12 Q And were you first on the scene?

13 A I was either first or second. I believe I was  
14 second.

15 Q And what did you observe when you got there?

16 A I observed a large group of people. We parked  
17 behind Building 23, ran to the front. There was a  
18 large group of people that had gathered directing  
19 us, myself and other officers, into, I believe, it  
20 was Apartment ■, at which point we entered.

21 When we entered, we noticed a lot -- as we  
22 entered, there is a living room. There was a lot  
23 of blood on the wall. People were pointing us down  
24 the hall, and we observed a victim in the back room  
25 lying on the ground obviously in pain.

1 Q And did you secure the crime scene?

2 A Yes. At that point there was more officers coming.  
3 There was a large group that had gathered. First,  
4 we called -- of course, called for an ambulance,  
5 went out and we tried to rope off the area with  
6 caution tape as best as possible.

7 Q Is Gable Oaks located in the City of Columbia?

8 A Yes, sir.

9 Q Did you have a chance to interview anybody at the  
10 crime scene?

11 A Later I did speak with the lady next door. I think  
12 that was [REDACTED].

13 Q And how did you document what you did that evening?  
14 Do you keep handwritten notes?

15 A Yes, sir.

16 Q And what did you do with your handwritten notes?

17 A Our supervisor at the time advised us because of  
18 the -- it was a high charge. The nature of the  
19 crime -- that we turn them into the property room  
20 for future investigation.

21 MR. SHELLENBERG: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 (Pause.)

24 BY MR. SHELLENBERG:

25 Q And that took place here in Richland County?

1 A Right.

2 Q No further questions. Thank you.

3 THE COURT: Thank you, Solicitor. Mr. Newton.

4 CROSS EXAMINATION

5 BY MR. NEWTON:

6 Q Investigator Richbourg?

7 A Yes, sir.

8 Q You were the first on the scene; is that correct?

9 A I was either first or second.

10 Q And you said there was a large group of people;  
11 correct?

12 A Correct, out in the common area.

13 Q Any idea how many?

14 A No, sir, it was -- it's been so long. I don't  
15 know. I couldn't tell you the number. I would say  
16 it would be at least 50.

17 Q Fifty people. And you were able to secure the  
18 crime scene and attend to the victim?

19 A Actually the first priority is attend to the  
20 victim, at which point we checked out the victim,  
21 called for an ambulance. Once we have more  
22 officers come, we started roping off the whole  
23 apartment.

24 Q How long do you think that took to secure the  
25 scene?

1 A A matter of minutes because other officers were on  
2 scene in a matter of minutes. I'm not the actual  
3 one that taped the scene off. There was other  
4 officers there.

5 Q Okay. And you said that you took notes and turned  
6 them into a supervisor; is that correct?

7 A No, we turned them into our evidence locker.

8 Q And who was the supervisor that you were referring  
9 to?

10 A Sergeant Cora.

11 Q Sergeant Cora. Were you -- at any point did you  
12 speak to Sergeant Babin on that night?

13 A I may have. He was, I believe, he was the  
14 supervisor of investigations at that time. He was  
15 on scene. I may have talked to him; I may not  
16 have.

17 Q Were you one of the officers that secured the gun,  
18 the shell casings? Were you a part of that?

19 A No, sir.

20 Q You weren't?

21 A I was in the actual apartment where the victim was.

22 Q Okay.

23 MR. NEWTON: No further questions.

24 THE COURT: Redirect?

25 MR. SHELLENBERG: No, Your Honor.

1 THE COURT: Thank you. Thank you very much.  
2 You may step down.

3 THE WITNESS: Thank you, Your Honor.  
4 (Witness leaves the witness stand.)

5 THE COURT: You may call your next witness.

6 MS. WALKER: The State calls Kenneth St. John.

7 THE COURT: Come around to the bailiff, sir,  
8 and be sworn in.

9 CLERK: Place your left hand on the Bible and  
10 raise your right.

11 THE WITNESS: I'm a Christian. My word is my  
12 word.

13 THE COURT: Will you affirm that you will tell  
14 the truth?

15 THE WITNESS: Yes, sir.

16 THE COURT: Do you understand there are  
17 criminal penalties for failure to tell the truth?

18 THE WITNESS: Yes, sir.

19 THE COURT: What you testify to today will be  
20 the truth?

21 THE WITNESS: My word is my word.

22 THE COURT: Thank you. Thank you very much.  
23 You may take the stand.

24 KENNETH ST. JOHN, being  
25 first duly affirmed to tell the truth, testifies as



1 follows:

2 THE COURT: Tell me your full name.

3 THE WITNESS: My name is Kenneth St. John.

4 THE COURT: Spell your last name.

5 THE WITNESS: S-T-period, J-O-H-N.

6 THE COURT: Thank you very much.

7 MS. WALKER: May it please the Court, Your  
8 Honor.

9 THE COURT: Yes, ma'am.

10 DIRECT EXAMINATION

11 BY MS. WALKER:

12 Q Mr. St. John, where do you live? Do you live here  
13 in Columbia, South Carolina?

14 A Yes, I reside in Columbia, South Carolina.

15 Q Do you live alone?

16 A No, I have five foster kids.

17 Q Back in 2010 where did you live?

18 A I lived in [REDACTED], Apartment [REDACTED].

19 Q What is the name of that complex?

20 A Gable Oaks.

21 Q Gable Oaks. And were your foster kids with you  
22 then?

23 A Yes, they were.

24 Q I want to take you back to June 19th. Were you at  
25 home that day?

- 1 A Yes, I was.
- 2 Q That night were you at home then as well, on the  
3 night of June 19th?
- 4 A Yes, I was.
- 5 Q What were you doing?
- 6 A I'm a parent. I stay home with my kids.
- 7 Q At any point in time that night, did you hear  
8 gunshots?
- 9 A You said June 19th or June 20th?
- 10 Q June 19th going into June 20th, that night, did you  
11 hear gunshots at any point in time?
- 12 A Yes, I did, ma'am.
- 13 Q Can you please -- where were you when you first  
14 heard the gunshots?
- 15 A Sitting in front of my building.
- 16 Q You were outside?
- 17 A Yes, ma'am.
- 18 Q How many gunshots did you hear?
- 19 A About anywhere from 30 to 40.
- 20 Q When you heard those gunshots, what did you do?
- 21 A Hit the floor and ran into the house to check on my  
22 kids and called 9-1-1.
- 23 Q You said you hit the floor?
- 24 A Yeah, the pavement.
- 25 Q How long did the firing last?

- 1 A I would say about a good three or four minutes.
- 2 Q Could you tell which direction the gunshots were
- 3 coming from?
- 4 A Yes, I could.
- 5 Q Where were they coming from?
- 6 A They was coming from off of Randall, between
- 7 Randall and Ashley -- I mean -- between Ashley and
- 8 Colleton on Randall.
- 9 Q Could you see anyone with guns?
- 10 A I saw a couple of guys with guns, but they all had
- 11 on black.
- 12 Q After you got your kids inside and called 9-1-1,
- 13 what did you do?
- 14 A Calmed my kids down because my kids been through a
- 15 lot of trauma already, and I had to calm my kids
- 16 down.
- 17 Q I want to back up a little bit and take you back to
- 18 earlier that day.
- 19 A Yes, ma'am.
- 20 Q During the day of June 19th?
- 21 A Uh-huh. (Indicating affirmative response.)
- 22 Q Did you hear gunshots then?
- 23 A Yes, ma'am.
- 24 Q And could you see who was firing at that point in
- 25 time?

- 1 A No, I didn't see who was firing, but I seen a guy  
2 when he leaned out of the passenger's window. He  
3 sat up on the passenger window where it comes up  
4 at, and he leaned over and was shooting at the  
5 suspect.
- 6 Q He was shooting at?
- 7 A Whitney.
- 8 Q At Whitney?
- 9 A Yes.
- 10 Q You say he was leaning out of the car. Do you  
11 remember what the car looked like?
- 12 A Like a tan-colored car, four door.
- 13 Q It was a four-door car?
- 14 A Uh-huh. (Indicating affirmative response.)
- 15 Q Do you remember the make or model?
- 16 A No, I'm not good with cars.
- 17 Q Do you remember what the gun looked like?
- 18 A No, I was too busy worried about the kids that was  
19 outside. In that same area where Whitney was at,  
20 there was kids there too.
- 21 Q Were kids outside during both of these shootings?
- 22 A Yes, ma'am.
- 23 Q The shooting that happened during the day, do you  
24 know about what time that was? Can you recall?
- 25 A About 12:30. I was sitting outside by myself in

1 the park area.

2 Q Mr. St. John, where was Whitney, if you can recall,  
3 when he was shot at?

4 A He was coming down from out of -- I believe that  
5 was Building 23 -- to dump the garbage. As he was  
6 coming down, the car was pulling in the parking  
7 lot. As he was coming through the parking lot to  
8 go to the garbage can to cut through the cars, the  
9 car -- he looked at the people in the car. He kept  
10 on walking.

11 The car made a U-turn where the garbage can  
12 was at and waited. He dumped the garbage. When he  
13 dumped the garbage and started walking back, that's  
14 when the guy driver drove up, and the other one  
15 leaned out of the passenger seat and started  
16 shooting at him.

17 Q Thank you, sir. No further questions.

18 THE COURT: Mr. Collins.

19 MR. COLLINS: May it please the Court.

20 **CROSS EXAMINATION**

21 BY MR. COLLINS:

22 Q Good afternoon Mr. St. John. Have you moved away  
23 from Gable Oaks?

24 A Yes, sir.

25 Q Are you happy where you are now?

- 1 A I moved again.
- 2 Q Do you remember giving a statement to an  
3 investigator in this case way back a couple of  
4 years ago?
- 5 A Yes, I remember.
- 6 Q It was a signed, written statement; right?
- 7 A Yes, it was.
- 8 Q Have you had a chance to review that before you got  
9 to come in here today?
- 10 A Yes, I did.
- 11 Q In that statement you talked about the passenger  
12 shooting out of the car at Whitney; right?
- 13 A Yes.
- 14 Q You talked about Whitney having a gun too; right?
- 15 A No, I didn't say Whitney had a gun.
- 16 Q You didn't saying anything about Whitney having a  
17 gun at some point?
- 18 A No, not that afternoon when they shot at him.  
19 After the car left, then. You didn't ask that  
20 question.
- 21 Q Okay. But that was later when he had the gun?
- 22 A Yes, sir.
- 23 Q You also talked about the car in the afternoon  
24 shooting that you saw when Whitney was coming back  
25 from the dumpster. You said that car came back

1           about an hour later?

2    A    The car came into the parking lot. Whitney was  
3           coming down dumping the garbage. As Whitney was  
4           coming to dump the garbage, he looked at the car.  
5           He kept on walking. The car went past and made a  
6           U-turn.

7           When the car made a U-turn and Whitney dumped  
8           the garbage, as he was walking back to his  
9           building, he said hi to the kids, and they started  
10          shooting at him. When they started shooting at  
11          him, I told the kids to hit the ground.

12          The car then spun and left, went up Carteret,  
13          over by the office to the mailboxes, made a U-turn  
14          and sat and waited by the mailbox. Whitney went up  
15          the steps. I told him to stay up there, don't come  
16          down. They staying there and waiting for you to  
17          come down.

18          Meanwhile, I was getting the kids. When the  
19          car left, it spun out and went down Randall towards  
20          Ashley, and that's when Whitney came downstairs  
21          with his gun.

22    Q    And that's when he got some of his friends with  
23           him; right?

24    A    Yes.

25    Q    And he left with his friends?

1 A Yes.

2 Q And then in your written statement, you say about  
3 30 minutes after he left, that same car came back;  
4 right?

5 A Yes, sir.

6 Q But when it came back, it had two females --

7 A Driving.

8 Q -- driving and one male in the back seat; right?

9 A Yes.

10 Q And then somebody approached that car?

11 A Yes.

12 Q And somebody was like, Do y'all know him? Was that  
13 Whitney that went up to the car?

14 A The person in the car said something to them, and  
15 Whitney turned to his friend and said, Y'all know  
16 them? And the car spun backwards and the nigger in  
17 the back said, "Doughnuts."

18 Q Okay. At any point did any investigator try to  
19 show you a photo lineup to try to identify anybody?

20 A No.

21 Q You were never presented with that?

22 A No.

23 Q And the night shooting, you couldn't get a good  
24 look at the faces of the people because they had  
25 masks on; right?



1 A Right.

2 MR. COLLINS: No further questions, Your  
3 Honor.

4 THE COURT: Redirect, Solicitor?

5 MS. WALKER: No, Your Honor.

6 THE COURT: Thank you. Thank you very much.  
7 You may step down.

8 THE WITNESS: You're welcome.

9 (Witness leaves the witness stand.)

10 THE COURT: You may call your next witness.

11 MR. SHELLENBERG: The State calls Clarissa  
12 Mack.

13 CLARISSA MACK, being  
14 first duly sworn, testifies as follows:

15 CLERK: State your full name, please.

16 THE WITNESS: Clarissa Mack.

17 **DIRECT EXAMINATION**

18 BY MR. SHELLENBERG:

19 Q Ms. Mack, who do you work for?

20 A South Carolina Department of Motor Vehicles.

21 Q And what's your job title?

22 A Administrative specialist.

23 Q And what does that entail exactly?

24 A I'm the lead person over the research department,  
25 the title records.

1 MR. SHELLENBERG: Let me get this marked.

2 (Attorneys confer).

3 (State's Exhibit Number 1 is marked for  
4 identification).

5 BY MR. SHELLENBERG:

6 Q I show you what has been marked for identification  
7 at State's Exhibit 1. Do you recognize that?

8 A Yes, this is a complete title history.

9 Q And are those kept in the regular course of  
10 business?

11 A Yes.

12 MR. SHELLENBERG: Your Honor, at this time I  
13 move to admit State's 1 into evidence.

14 THE COURT: May I see it, please?

15 MR. SHELLENBERG: Yes, sir.

16 THE COURT: Any objection?

17 MR. NEWTON: She didn't testify what it is  
18 yet.

19 BY MR. SHELLENBERG:

20 Q Can you tell the Court what that is?

21 A This is a complete title history of a 1998 Buick  
22 LeSabre.

23 MR. NEWTON: No objection, Your Honor.

24 THE COURT: State's 1 is in evidence. Without  
25 objection, Mr. Newton?

1 MR. NEWTON: Yes, Your Honor.

2 (State's Exhibit Number 1 is received into  
3 evidence.)

4 BY MR. SHELLENBERG:

5 Q Look at that again. Can you tell me what make and  
6 model of car that is?

7 A This is a 1998 Buick. The model is a LeSabre  
8 Custom.

9 Q Can you tell me who that car is registered to?

10 A Larry Johnson.

11 Q Is there anybody else on that registration?

12 A No, sir.

13 MR. SHELLENBERG: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. SHELLENBERG:

16 Q Can you look at it. There is nobody else on that  
17 title?

18 A Larry Johnson. As the current owner?

19 Q Yes.

20 A Yes.

21 Q Who would have been the owner back in 2010?

22 A 2010, we have Larry Johnson. Before that it was  
23 registered to State Farm because it was marked  
24 salvage through the insurance company.

25 Q And who before that?

1 A Mia Johnson.

2 Q And you said it was involved in an accident?

3 A Yes.

4 Q Can you tell me what the date of that accident  
5 would have been?

6 A It was titled to the insurance holder on 7/22/2010.

7 MR. SHELLENBERG: Thank you, Your Honor. No  
8 further questions.

9 THE COURT: Thank you, Solicitor. Mr. Newton?

10 MR. NEWTON: Beg the Court's indulgence.

11 **CROSS EXAMINATION**

12 BY MR. NEWTON:

13 Q Ma'am, have you ever seen this car before?

14 A No, sir.

15 Q You have no idea what it looks like?

16 A No, sir.

17 Q You have no idea who drives it?

18 A Just the owner.

19 Q You have the owner's name, but you don't know who  
20 drives the car; right?

21 A Correct?

22 MR. NEWTON: No further questions.

23 THE COURT: Redirect?

24 MR. SHELLENBERG: No, Your Honor.

25 THE COURT: Thank you. Thank you very much

1 for being with us today, Ms. Mack.

2 THE WITNESS: Thank you.

3 THE COURT: You may step down and you may be  
4 excused.

5 (Witness leaves the witness stand.)

6 THE COURT: You may call your next witness,  
7 Solicitor.

8 MR. SHELLENBERG: The State calls Jerome  
9 Singleton.

10 JEROME SINGLETON, being  
11 first duly sworn, testifies as follows:

12 CLERK: State your full name for the record.

13 THE WITNESS: My name is Jerome Singleton.

14 DIRECT EXAMINATION

15 BY MR. SHELLENBERG:

16 Q Good afternoon, Jerome. Who do you work for?

17 A I work for Bailey Management Corporation. They are  
18 the owners of Gable Oaks Apartments.

19 Q Gable Oaks Apartments. What is your job title over  
20 there?

21 A I'm the property manager there.

22 Q What does that entail?

23 A I oversee the property.

24 Q Would that include video cameras?

25 A Yes, sir.

1 MR. SHELLENBERG: I will get this marked.

2 (State's Exhibit Number 2 is marked for  
3 identification).

4 BY MR. SHELLENBERG:

5 Q At this time I would like to show you what has been  
6 marked as State's 2 for identification. Do you  
7 recognize that?

8 A Yes, sir.

9 Q Have you had a chance to view that?

10 A Yes.

11 Q Is it in substantially the same shape as when you  
12 got to view it?

13 A Yes.

14 Q And what is it?

15 A It's the video for the incident that occurred a few  
16 years ago.

17 Q From the Gable Oaks cameras?

18 A Yes.

19 Q Is that kept in the ordinary course of business?

20 A Yes.

21 MR. SHELLENBERG: Your Honor, at this time I  
22 move to admit State's 2 into evidence.

23 MR. COLLINS: Your Honor, I would like to be  
24 able to observe what is actually on the video before I  
25 just allow it into evidence.

1 THE COURT: All right.

2 MR. SHELLENBERG: Your Honor, he has been  
3 given a copy of it.

4 THE COURT: He wants to see it before it goes  
5 into evidence to determine if that's the video.

6 MR. SHELLENBERG: All right, Your Honor.

7 THE COURT: How long is it, Solicitor?

8 MR. SHELLENBERG: I believe it's fairly  
9 lengthy.

10 THE COURT: That's a relevant term, Solicitor.

11 MR. SHELLENBERG: I understand it's a relevant  
12 term. I'm not sure the exact length. I would say it's  
13 over 30 minutes, conservatively.

14 THE COURT: Well, Mr. Foreman, ladies and  
15 gentlemen of the jury, please step to your jury room.  
16 Do not discuss the case during this brief recess or  
17 perhaps lengthy recess. I don't know. Do not discuss  
18 the case.

19 (The jury retires to the jury room.)

20 THE COURT: There is this video and another  
21 video?

22 MR. SHELLENBERG: I believe this is  
23 everything. Everything is on this one video.

24 THE COURT: Allow Mr. Collins and Mr. Newton  
25 to review it.

1 MR. COLLINS: Thank you, Your Honor. I'm just  
2 trying to be as cautious as possible.

3 THE COURT: I don't have any problem with  
4 that, Mr. Collins. Yes, Solicitor.

5 MS. CAMPBELL: Your Honor, I did receive a  
6 note from CrimeStoppers, a letter, indicating a query  
7 search was performed on July 25, 2012, for any  
8 Crimestoppers' tips submitted regarding Daqwan Johnson.  
9 Only one tip was found, and that information has already  
10 been forward in this case. I would hand that over. It  
11 is from Chris Cowan.

12 MR. COLLINS: Your Honor, that wasn't our  
13 request, Crimestoppers' tips regarding Daqwan Johnson.  
14 Our request for Crimestoppers' tips related to this  
15 incident. So this isn't going to work for us because it  
16 doesn't respond to our subpoena that we served on them  
17 May 21, 2012.

18 THE COURT: Have the custodian of the  
19 CrimeStoppers be present at 9:30 in the morning.

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Y'all let me know when you are  
22 ready to proceed. Thank you very much.

23 (Whereupon there is a recess.)

24 THE COURT: Where are we at now, Solicitor?

25 MR. SHELLENBERG: I'm sorry, Your Honor?



1 THE COURT: Where are we at now?

2 MR. SHELLENBERG: They have finished looking  
3 at the video, and I believe they are okay with it.

4 THE COURT: Would there be any objections?

5 MR. COLLINS: We are satisfied with what is on  
6 the disk, but we are not consenting to the video being  
7 offered into evidence at this point through this  
8 witness.

9 THE COURT: What is the basis of your  
10 objection?

11 MR. COLLINS: The only testimony I have heard  
12 so far from this witness is that he was the property  
13 manager of Gable Oaks. We know from discovery that this  
14 video equipment was operated by a security system called  
15 Virtual Guard Services.

16 I would think that unless he was actually  
17 observing these videos when it happened, we need  
18 somebody to authenticate these videos from the correct  
19 date and time. Some of the dates on the video range  
20 from 1905 to 2013.

21 In order to verify the video that came from  
22 the system, we would think they would have to  
23 authenticate it from somebody from the actual security  
24 company that was monitoring the videos at the time of  
25 this incident.

1           THE COURT: All right. Solicitor, do you want  
2 to see if you can lay -- I hear your argument -- if you  
3 think you have laid the foundation or you can see if he  
4 can --

5           MR. SHELLENBERG: Your Honor, he testified --  
6 excuse me. I'm sorry. He testified that it was in his  
7 job title to look over these records. He's familiar  
8 with them. I believe it's the same system that has been  
9 used, and he would understand what he is looking at, and  
10 they are kept in the normal course of business. He  
11 testified to that as well.

12          THE COURT: Let's look at the rule, Rule 901?  
13 Does anyone know, talking about authentication? What is  
14 your position again, Solicitor, as to Rule 901?

15          MR. SHELLENBERG: Your Honor, under 901(a) --  
16 or (b)(1) -- we would argue that the testimony of the  
17 witness with knowledge and testimony that the matter is  
18 what it claims to be.

19          Not only does he work with the videos, he is  
20 familiar with the system. He testified that what he saw  
21 on the videos were, in fact, taken from the day of the  
22 incident, and so he is a witness with knowledge.

23          THE COURT: Mr. Collins.

24          MR. COLLINS: Your Honor, it has been a  
25 while -- we have had a long break here -- but just

1 because he testifies he understands how the video  
2 equipment works doesn't give him the knowledge necessary  
3 to authenticate this video that was actually from the  
4 incident date and time.

5           These videos are not just stationary cameras.  
6 They were being moved and panned and zooming in on  
7 different things because they were being monitored by a  
8 security company who managed the cameras as things were  
9 going on. I believe that would be the proper person to  
10 authenticate this video, the people that were running  
11 the video equipment.

12           If a witness comes in and just says, There is  
13 a camera at this place of business, and this is the  
14 video from that camera and that automatically  
15 authenticated it, anybody in the courtroom could  
16 authenticate the video. It takes somebody with personal  
17 knowledge of when it was being record and what was being  
18 recorded at the time.

19           THE COURT: Well, he is not anybody coming  
20 into the courtroom. He is the property manager for  
21 Gable Oaks Apartments. I don't think that is a proper  
22 comparison to anyone coming into the courtroom.

23           What was the company you are referring to  
24 Mr. Collins, Security?

25           MR. COLLINS: Virtual Guard Services,

1 Incorporated. They are out of Georgia. Your Honor, I  
2 don't believe in the testimony so far they have really  
3 gotten into how the videos are recorded and what is  
4 saved and what is not saved, or if there is a computer  
5 system.

6 I don't believe we haven't gotten into any of  
7 that through this witness' testimony. He might be able  
8 to testify to that, but at this point all we know is  
9 that he was a property manager.

10 THE COURT: What about a witness from Virtual  
11 Guard Services, Solicitor?

12 MR. SHELLENBERG: Your Honor, I'm not aware of  
13 any witness that we can get from the guard services. I  
14 was under the impression that Mr. Singleton dealt with  
15 the video cameras and saw the video, knew enough about  
16 it to actually be able to testify to what it is, and had  
17 the adequate knowledge.

18 THE COURT: Let me hear his testimony. Let me  
19 hear it. Lay the foundation for authentication through  
20 Mr. Singleton.

21 IN CAMERA DIRECT EXAMINATION

22 BY MR. SHELLENBERG:

23 Q Did you pull this video?

24 A Excuse me?

25 Q Did you pull this video?

1 A Yes.

2 Q What do you do for a living, sir?

3 A I'm a property manager.

4 Q What does that entail?

5 A That entails overseeing the properties, apartment  
6 complex. I do compliance issues, collect rent,  
7 just apartment complex type of stuff.

8 Q Do you ever see the cameras as well?

9 A Yes.

10 Q And did the police come to you and ask you to pull  
11 some video?

12 A Yes.

13 Q And did you pull that video?

14 A Yes.

15 Q I will show what is marked as Exhibit 2, State's 2.  
16 Do you recognize that?

17 A Yes.

18 Q Can you tell the Court what it is?

19 A That's the video to the incident that happened a  
20 few years ago, the shooting incident.

21 Q That you turned over to the police?

22 A Yes.

23 Q And you keep -- it's kept in the regular course of  
24 business?

25 A Yes.

1 Q Thank you, sir.

2 MR. SHELLENBERG: No further questions.

3 THE COURT: Do you have any questions in that  
4 regard, Mr. Collins?

5 MR. COLLINS: Just a couple.

6 IN CAMERA CROSS EXAMINATION

7 BY MR. COLLINS:

8 Q He asked you if the video was kept in the regular  
9 course of business. Do you keep copies of every  
10 single day of videos from the Gable Oaks?

11 A Yes, it's a built-in D.V.D. computer that sits up  
12 in the office. I can go back 90 days to pull any  
13 file.

14 Q But what I'm asking is: Do you make D.V.D.s like  
15 that every day?

16 A Only when requested, yes.

17 Q When requested?

18 A Yes.

19 Q Were you actually watching the cameras at the time  
20 it was recording?

21 A You mean when the incident happened?

22 Q Yes, sir.

23 A No, I wasn't.

24 Q Is that farmed out to a security company?

25 A Well, the security company is the monitoring

1 service that we use from 5:00 P.M. in the afternoon  
2 to 7:59 A.M. They monitor the system, but I have  
3 capabilities to run the D.V.R. and make copies of  
4 any incidents that happen.

5 Q Do you have the capability to control the cameras?

6 A No.

7 Q Who has that capability?

8 A No one does.

9 Q How are the cameras controlled?

10 A The cameras we have -- I don't know exactly the  
11 amount -- but we do have P.T.Z. cameras that move  
12 on motion, and we do have stationary cameras.  
13 Virtual Guard do not have the capabilities to move  
14 the P.T.Z. The P.T.Z. moves on motion.

15 Q Virtual Guard, they have access to your computer  
16 system that monitors the cameras?

17 A They have access to view the cameras through the  
18 internet, yes.

19 Q And, in fact, in this case they did view the  
20 cameras from this incident; right?

21 A They were viewing the property, yes.

22 Q Did they give you the reports that they made of  
23 this?

24 A Yes, we get a report. Every night we get a report.

25 Q Every night you get a report?

1 A We might get two or three reports.

2 Q Would those reports, you consider those as regular  
3 business records as well?

4 A Yes.

5 Q And you keep that in your capability as manager?

6 A Yes.

7 MR. COLLINS: I don't have any further  
8 questions, Your Honor.

9 THE COURT: Do you have any objections to  
10 State's 2 being in evidence, Mr. Collins?

11 MR. COLLINS: For the record, Your Honor, we  
12 would object. Our position is that the person  
13 monitoring the videos at the time of the incident would  
14 be the proper people to lay the foundation for this  
15 video. He clearly said that was within Virtual Guard  
16 Services at the time of this incident.

17 THE COURT: I will overrule the objection. I  
18 believe based on the testimony of this particular  
19 witness, that he is the property manager; that as part  
20 of that duty and responsibility, he oversees the cameras  
21 that are at the property location -- although I  
22 paraphrase -- that he viewed this video; that this is a  
23 video of an incident that happened two years ago.

24 The documents are kept or the videos are kept  
25 in the regular course of their business. I don't see



1 where there is a requirement that a person who  
2 authenticates a video must be monitoring the video at  
3 the time of the incident.

4 That would lead to -- for example, an absurd  
5 example would be the clerk of a convenience store who  
6 was robbed and killed, then if no one was monitoring the  
7 camera, you couldn't pull that and authenticate it.

8 I don't think you have to have the person who  
9 is monitoring it to authenticate it. Be that as it may,  
10 State's 2 will be in evidence upon proper introduction  
11 in front of the jury.

12 Bring us our jury, please.

13 MR. SHELLENBERG: Your Honor, you want me to  
14 offer it in front of the jury?

15 THE COURT: Yes, I think you have to. I think  
16 evidence has to be offered in front of the jury. How  
17 long is it? How long is the video?

18 MR. SHELLENBERG: Your Honor, we are not going  
19 to be publishing it. I'm sorry.

20 THE COURT: You are not?

21 MR. SHELLENBERG: Not at this time.

22 (The jury returns to the courtroom.)

23 THE COURT: Welcome back, ladies and  
24 gentlemen, if you would please continue to give the  
25 parties your complete and undivided attention.

1                   Solicitor, you may proceed.

2                   MR. SHELLENBERG: Thank you, Your Honor.

3                   **DIRECT EXAMINATION**

4 BY MR. SHELLENBERG:

5 Q     Mr. Singleton, where do you work?

6 A     Gable Oaks Apartments.

7 Q     What is your job title?

8 A     I am the property manager at the property.

9 Q     And what does that entail?

10 A    That entails overseeing all daily operations of the  
11       property.

12 Q    Does that include video cameras?

13 A    Yes.

14 Q    Are you familiar with the video camera system?

15 A    Yes.

16 Q    You operate it daily?

17 A    Yes.

18 Q    Did the police come to you and ask you to pull some  
19       video?

20 A    Yes.

21 Q    And you have the ability to pull video?

22 A    Yes, I do have the availability to download any  
23       incident on a disk from the D.V.R.

24 Q    And I am going to show you what has been marked as  
25       State's Exhibit 2. Do you recognize that?

1 A Yes.

2 Q And can you tell me what it is?

3 A That disk contains the incident that happened a few  
4 years ago.

5 Q Is that the video that the police asked you for?

6 A Yes.

7 Q And is it in substantially the same shape as when  
8 you saw it?

9 A Yes.

10 Q Same condition?

11 A Yes, sir.

12 Q And it's kept in the ordinary course of business?

13 A Yes.

14 MR. SHELLENBERG: Thank you, Your Honor. No  
15 further questions -- I'm sorry, Your Honor. At this  
16 time I offer State's 2 into evidence.

17 THE COURT: Mr. Collins?

18 MR. COLLINS: Over our previously stated  
19 objections, Your Honor.

20 THE COURT: State's 2 is in evidence subject  
21 to previous objections.

22 (State's Exhibit Number 2 is received into  
23 evidence.)

24 THE COURT: Mr. Collins.

25 MR. COLLINS: Thank you, Your Honor.

## 1 CROSS EXAMINATION

2 BY MR. COLLINS:

3 Q I will try to keep this short, Mr. Singleton. You  
4 were in charge of keeping the video equipment up to  
5 date; right?

6 A Yes.

7 Q And the police came to you and asked, Hey, we need  
8 a video of this date and this time. You can go on  
9 the computer and pull that up; right?

10 A Yes.

11 Q And that's what you did in this case?

12 A Yes.

13 Q You pulled up everything that they told you to pull  
14 up; right?

15 A I pulled everything that was in the area of the  
16 incident. The cameras that were in that area,  
17 that's what I pulled.

18 Q So you pulled up basically information they gave  
19 you?

20 A Yes.

21 Q Now, there is also a security service that Gable  
22 Oaks used at the time to help monitor these videos  
23 at night; right?

24 A Yes.

25 Q And at the time of this incident, I believe it was

1 Virtual Guard Services, Incorporated, they were  
2 monitoring the videos the night of this incident;  
3 right?

4 A Yes.

5 Q And every night they send you reports about what  
6 they observed on these videos; right?

7 A Yes.

8 Q And they sent you a report about this night;  
9 right?

10 A Yes.

11 Q You read those reports; didn't you?

12 A Yes.

13 Q Do you remember in those reports they talked about  
14 observing the police arrest or put a suspect in  
15 handcuffs and put him in a patrol car at  
16 11:46 P.M.?

17 A No.

18 Q If I showed you a report, would that refresh your  
19 memory?

20 A Possibly, yes.

21 MR. COLLINS: May I approach the court  
22 reporter?

23 THE COURT: Yes, sir, certainly.

24 MR. COLLINS: If I could have this marked as  
25 Defense Exhibit 1 for I.D. purposes only.

1 (Defendant's Exhibit Number 1 is marked for  
2 identification).

3 BY MR. COLLINS:

4 Q Do you recognize this, Mr. Singleton?

5 A Yes, this is the type of reports that we get every  
6 night, yeah.

7 Q If you look towards the bottom of that, it talks  
8 about the police detaining somebody at 11:46 P.M.;  
9 doesn't it?

10 A Yes.

11 Q And the shooting happened roughly around 11:15 P.M.  
12 on that same date; right?

13 A I would assume so. I can't remember.

14 MR. COLLINS: I have no further questions,  
15 Your Honor.

16 THE COURT: Thank you. Redirect, Solicitor?

17 MR. SHELLENBERG: Yes, Your Honor.

18 **REDIRECT EXAMINATION**

19 BY MR. SHELLENBERG:

20 Q Does the video depict what happened that night?

21 A Excuse me?

22 Q Does the video depict what happened that evening?

23 A Yes.

24 Q Thank you. No further questions.

25 THE COURT: Recross?

1 MR. COLLINS: No, Your Honor.

2 THE COURT: Thank you. Thank you very much.

3 You may step down.

4 (Witness leaves the witness stand.)

5 THE COURT: You may call your next witness.

6 MS. WALKER: Your Honor, the State calls  
7 Lamettress Stevens.

8 LAMETTRESS STEVENSON, being  
9 first duly sworn, testifies as follows:

10 CLERK: State your full name, please.

11 THE WITNESS: Lamettress Stevenson.

12 COURT REPORTER: You better spell both,  
13 please.

14 THE WITNESS: The first name is  
15 L-A-M-E-T-T-R-E-S-S. The last name is  
16 S-T-E-V-E-N-S-O-N.

17 DIRECT EXAMINATION

18 BY MS. WALKER:

19 Q Good afternoon.

20 A Hello.

21 Q Where do you live?

22 A Now?

23 Q Yes, now. Do you live in Columbia now?

24 A I do.

25 Q Where do you work?

- 1 A Palmetto Health Richland.
- 2 Q Back in 2010 where did you live?
- 3 A Gable Oaks.
- 4 Q That's located here in Columbia?
- 5 A Yes, ma'am.
- 6 Q Were you at home that day?
- 7 A I was.
- 8 Q And were you at home that night?
- 9 A Yes, I was.
- 10 Q I want to talk to you about that night first. At
- 11 any point that night, did you hear gunshots?
- 12 A Yes.
- 13 Q I want you to speak up. I want to make sure
- 14 everybody on the jury can hear you.
- 15 A Okay.
- 16 Q What did you say?
- 17 A Yes.
- 18 Q Do you remember what time that was?
- 19 A I will say about 11:30, almost 12 midnight.
- 20 Q What were you doing when you heard the gunshots?
- 21 A I was actually going back inside my apartment.
- 22 Q What apartment did you live in?
- 23 A [REDACTED].
- 24 Q And where had you been before you started walking
- 25 back inside the apartment?



1 A Standing outside. I was outside.

2 Q Who were you with?

3 A Brittany, which is the girl that lived next door,  
4 and just a group of other people were standing  
5 outside.

6 Q You said y'all were talking?

7 A Yeah, we was talking. They were getting ready to  
8 do their thing, and I was going back in my  
9 apartment.

10 Q Describe what you were doing exactly when you first  
11 started hearing the gunshots. You were heading --

12 A I was actually going back in the apartment when I  
13 heard the gunshots. Then I went in, slammed the  
14 door, telling the kids to get down, and just heard  
15 gunshots, gunshots, gunshots, got on the phone and  
16 called 9-1-1.

17 Q The kids that you were telling to get down, were  
18 these your kids?

19 A My kids, neighbor kids. I had a good little bit  
20 of kids in my house that night.

21 Q And were you actually injured that night?

22 A Yes, ma'am.

23 Q Can you describe that to the jury, please?

24 A At the time it didn't really bother me because I  
25 was trying to get the kids under control. But

1 after everything kind of died down, I noticed my  
2 arm was burning, stinging, you know, didn't really  
3 pay much attention to it until one of the officers  
4 came and I told him my shoulder was hurting a  
5 little bit. They looked at it and said a bullet  
6 had grazed it.

7 Q So it was grazed. Did you have to seek medical  
8 treatment for that?

9 A I didn't. They looked at it but I didn't go to the  
10 E.R. or anything, no.

11 Q Do you remember roughly how many gunshots you heard  
12 that night?

13 A It was a lot. It was a lot. Then from the glass  
14 and people screaming and trying to get on the  
15 phone, it was a lot. When I say a lot, I mean it  
16 was a lot.

17 Q How long did the shooting last?

18 A It seemed like all night but it was maybe a few  
19 seconds.

20 Q Now, earlier that day were you at home?

21 A I was.

22 Q Did you hear shooting then?

23 A I did.

24 Q How many shots did you hear then?

25 A Maybe a few, two or three maybe.

1 Q At any point, either when you were shot that night  
2 or when you heard the shooting that day, could you  
3 tell where the shooting was coming from?

4 A No.

5 Q Did you see any of the shooters?

6 A No, ma'am.

7 Q Was your car damaged during that shooting?

8 A My car, yeah. Somebody that was visiting me, their  
9 car.

10 Q And that was during the night shooting or the day  
11 shooting?

12 A The night.

13 Q The night shooting. Where did the bullet hit you?

14 A My shoulder.

15 Q On your shoulder.

16 A Yes.

17 Q Where were you standing when you were shot?

18 A I was going inside, like going inside of the  
19 apartment. All I remember is hearing the gunshots  
20 and just rushing into my apartment to, you know,  
21 get out the way or whatever. I didn't really know  
22 what was going on with my shoulder until after  
23 everything had done died down some.

24 MS. WALKER: No further questions, Your Honor.

25 THE COURT: Thank you, Solicitor. Mr. Newton.

## 1 CROSS EXAMINATION

2 BY MR. NEWTON:

3 Q Ms. Stevenson, you said there was a lot of people  
4 outside?5 A It was a lot of people out. I mean, it was the  
6 weekend. So there was people out. Kids were out,  
7 yeah.

8 Q Do you have any idea about how many people?

9 A Not really how many people, but it was more than  
10 normal, like during the weekday or whatever.

11 Q Okay. No further questions.

12 THE COURT: Redirect, Solicitor?

13 MS. WALKER: No, Your Honor.

14 THE COURT: Thank you. Thank you very much,  
15 Ms. Stevenson.

16 THE WITNESS: You are welcome.

17 THE COURT: You may step down.

18 (Witness leaves the witness stand.)

19 THE COURT: Solicitor, you may call your next  
20 witness.21 MS. CAMPBELL: The State would call Buddy  
22 Rose. Your Honor, may we approach about a scheduling  
23 matter?

24 THE COURT: Yes, ma'am.

25 (Whereupon there was a bench conference off

1 the record in the presence of the jury but out of the  
2 hearing of the jury.)

3 THE COURT: I'm not going to swear him in.  
4 Given the hour, ladies and gentlemen, I think this  
5 witness may take, after conferring with the solicitor  
6 and the defense lawyer, I believe we will take our  
7 evening recess.

8 During this recess I must remind you, do not  
9 discuss this case with anyone. That includes your  
10 fellow jurors, family, friends or anyone else. Do not  
11 watch, listen to, or read any news accounts of the case,  
12 should there be any.

13 Please remember my instructions. You are not  
14 to use your computer, cellular phone, or any other  
15 electronic device or any other method to obtain or  
16 disclose information about the case.

17 Information that is prohibited but not limited  
18 to the following: Information about a party, a witness,  
19 an attorney, or a Court officer, news accounts of the  
20 case, information collected through juror research on  
21 any topic raised or testimony offered by any witness, or  
22 information collected through juror research on any  
23 other topic that you might think would be helpful in  
24 deciding the case.

25 You must decide the case based on the evidence

1 and testimony you hear from the witnesses testifying  
2 under oath before you in this courtroom and any other  
3 items offered into evidence.

4 Ladies and gentlemen, your time is very  
5 valuable to me. I will try to do a better job of  
6 managing it tomorrow. I have one matter in another case  
7 to take up at 9:30. So I would ask to please be back  
8 promptly at 10:00 o'clock in the morning. Please be  
9 back promptly at 10:00 o'clock in the morning. Also  
10 recall my instructions: Don't linger out in the public  
11 areas. If you would just come on back to your jury room  
12 upon your arrival. With that being said, any questions?

13 (There is no response.)

14 THE COURT: Thank you very much. You are now  
15 excused. You may go with your bailiff. I hope you have  
16 a pleasant evening.

17 (The jury is excused for day at 5:00 P.M.)

18 THE COURT: I would like to address the  
19 following before we break for the day. There are  
20 guidelines for the safe handling of firearms as evidence  
21 in the courtroom. Of course, firearms should only be  
22 handled by the barrel. They should be safe, clear,  
23 cleared, trigger locks on them, or either the straps  
24 through the barrel.

25 I would have an officer -- if it comes up with

1 Officer Rose -- to testify in front of the Court before  
2 he takes the witness stand that he -- if he is the one  
3 that will handle any firearms -- to check any weapon,  
4 that they are all safe and unloaded.

5 At no time would the jury get both the firearm  
6 and the ammunition at the same time. Further, the  
7 weapons are not to be pointed at any individual,  
8 specifically a juror, attorney, any other court officer.

9 If there is a request for a demonstration,  
10 please advise the Court first. You can certainly get  
11 copies of the guidelines for the safe handling of  
12 weapons off the Supreme Court website. The weapons are  
13 not to be displayed until they are offered into  
14 evidence.

15 Mr. Collins, I normally advise the jury  
16 concerning the handling of weapons in the courtroom. Do  
17 you have any objections to that?

18 MR. COLLINS: No, sir.

19 THE COURT: Anything further from the State  
20 before we take our evening recess, Solicitor?

21 MS. CAMPBELL: Your Honor, I did make contact  
22 with Chris Cowan, who indicates that it was actually a  
23 S.L.E.D. agent, Bobbi Schlatterer, who actually ran the  
24 information requested. Mr. Cowan has a closing in the  
25 morning and would request that Ms. Schlatterer be able

1 to be here at 9:30.

2 THE COURT: If she can answer the questions, I  
3 don't have any objections.

4 MS. CAMPBELL: I am just getting the message  
5 conveyed. I am assuming she can answer the question.  
6 If not, we will address it later.

7 THE COURT: If not, we will circle back to  
8 Mr. Cowan.

9 MR. COLLINS: Just so we are clear for the  
10 record, the letter that we have got today from  
11 Ms. Margaret Schlatterer says that they ran -- a query  
12 search was performed on July 25, 2012, for CrimeStopper  
13 tips that been submitted regarding Daqwan Johnson,  
14 spelled D-E-Q-W-A-N, which is actually incorrect.

15 That was not our response. The subpoena that  
16 we served on them was for any and all reports concerning  
17 the case of the Richland County Sheriff's Department  
18 1007-010901, Richland County Sheriff's Department  
19 1006-205020. Case Number 1006-950929 and C.P.D. case  
20 Number 10-17068. That was our specific request, not  
21 tips just regarding to Daqwan Johnson.

22 THE COURT: I assume Ms. Schlatterer would  
23 have the subpoena, a copy of the subpoena. That's fine  
24 with me if Officer Cowen is not here. If  
25 Ms. Schlatterer can't answer the question, we will



1 circle back.

2 MS. CAMPBELL: I am hopeful.

3 THE COURT: Anything further?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: Mr. Collins?

6 MR. COLLINS: Nothing further, Your Honor.

7 THE COURT: Court will be in recess as far as  
8 this case is concerned until 10:00 o'clock in the  
9 morning. The solicitor, you say I have a bond hearing  
10 at 9:30 in another matter.

11 MS. CAMPBELL: It's my understanding it is a  
12 bond hearing at 9:30.

13 THE COURT: Make sure they are prompt. Thank  
14 you.

15 MS. CAMPBELL: Yes, sir.

16 (whereupon the proceedings are concluded for  
17 July 31, 2012.)

18 (The following proceedings reported on  
19 August 1, 2012.)

20 THE COURT: Solicitor, will the next witness  
21 be introducing any firearms?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Yesterday we generally reviewed  
24 the guidelines for the safe handling of firearms as  
25 evidence in the courtroom, and further the procedures

1 for the safe handling of firearms in the courtroom. Is  
2 the officer familiar with those?

3 MS. CAMPBELL: Your Honor, I have talked to  
4 Mr. Rose this morning. He did put gun locks -- if the  
5 Court wants to look at them or if the defense wants to  
6 ensure it -- on the weapons that we are introducing with  
7 the next witness to ensure that. They are also in a  
8 box, and he has also checked them to make sure there is  
9 no ammunition in the actual guns themselves.

10 THE COURT: Why don't you have the officer  
11 placed under oath and ask him those questions about the  
12 condition of the firearms at this time.

13 MS. CAMPBELL: Yes, sir. The State calls  
14 Buddy Rose.

15 WALTER ROSE, being  
16 first duly sworn, testifies as follows:

17 CLERK: State your full name.

18 THE WITNESS: Walter Rose.

19 IN CAMERA DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Sir, where are you employed?

22 A The City of Columbia.

23 Q What do you do there?

24 A I am the crime scene supervisor.

25 Q Crime scene supervisor?

1 A At this time, yes, ma'am.

2 Q At my request yesterday or this morning actually,  
3 did you check the three weapons that you collected,  
4 three of the four weapons you collected, in this  
5 case?

6 A Yes, ma'am.

7 Q At my request do you also put gun locks on those  
8 weapons?

9 A I did.

10 Q Did you also check the weapons to see if there was  
11 any ammunition or any capability of being fired?

12 A I did. There is no ammunition.

13 Q So all three of the weapons that we are intending  
14 to introduce today have been cleared by you and  
15 have gun locks on them?

16 A Yes, ma'am.

17 THE COURT: Any other questions, Your Honor?

18 MS. CAMPBELL: No. Thank you very much.

19 THE COURT: Thank you, Officer. You may step  
20 down.

21 (Witness leaves the witness stand.).

22 THE COURT: Mr. Collins, the guidelines  
23 indicate the information regarding the condition of the  
24 firearms as being unloaded and safe, should be offered  
25 into evidence and how the firearms would be handled

1 while in court should be instructed to the jury. Do you  
2 request that I do that when the jury comes out this  
3 morning?

4 MR. COLLINS: Your Honor, at whatever time you  
5 please.

6 THE COURT: Some lawyers have different  
7 opinions about it, whether or not you do it right at the  
8 time the firearm is displayed or do it upfront. Quite  
9 frankly, I think doing it upfront, that there may be  
10 firearms and they will also be safe -- this, that, and  
11 the other.

12 MR. COLLINS: That's fine with us.

13 THE COURT: If that suits you. Thank you.  
14 Thank you very much. Anything further before we bring  
15 in our jury, Solicitor?

16 MS. CAMPBELL: Nothing from the State, Your  
17 Honor.

18 THE COURT: Mr. Collins, anything further?

19 MR. COLLINS: No, Your Honor.

20 THE COURT: The only other thing I would place  
21 on the record is I understand that the defense was given  
22 some parameters to CrimeStoppers to attempt to locate  
23 any other reports that may be related to the incident of  
24 19 June of 2010. That is being researched now; is that  
25 correct, Solicitor?

1 MS. CAMPBELL: Yes, Your Honor. An agent from  
2 S.L.E.D. came this morning. We met with defense counsel  
3 with her as far as how she would actually run the  
4 information he is seeking.

5 He provided us with parameters, starting with  
6 a start date of June 19th of 2010, through July -- I'm  
7 sorry -- the 29th of 2010. She is running any  
8 information she got on the Gable Oaks shooting or Studio  
9 54. Is that correct?

10 MR. COLLINS: That's correct, Your Honor.

11 THE COURT: Thank you. Thank you very much.  
12 Is our jury present?

13 BAILIFF: They are, Your Honor.

14 THE COURT: If you would bring our jury,  
15 please.

16 (The jury returns to the courtroom at  
17 10:07 A.M.)

18 THE COURT: Thank you. Thank you very much.  
19 Has any member of the jury panel heard or read anything  
20 about this case from any source whatsoever?

21 (There is no response.)

22 THE COURT: Has any person attempted to talk  
23 to any member of the jury panel about this case? If so,  
24 please stand.

25 (There is no response.)

1           THE COURT: Ladies and gentlemen, before we  
2 continue with the trial of this case, I would advise you  
3 that there may be firearms introduced into evidence in  
4 this case. All firearms are in an unloaded and safe  
5 condition when they are offered into evidence. They  
6 have either gun locks or cables throughout the barrels  
7 of the weapon.

8           Further, they are not to be pointed at any  
9 individual in the handling of the firearms in the  
10 courtroom. They will be handled by the barrel or  
11 pointed towards the floor or towards the ceiling. At no  
12 time will the firearm and/or any ammunition be in the  
13 possession of any witness at the same time.

14          If I allow firearms and ammunition into  
15 evidence, it will always be maintained separately, even  
16 as far as deliberations of the jury. The firearms can  
17 be in the jury room; however, they may not be in the  
18 jury room at the same time any ammunition is in the jury  
19 room.

20          If the jury requests to see the ammunition,  
21 the firearms would then come out. They are always  
22 separated. They are also safe. They are always in an  
23 unloaded position.

24          With that being said, we are continuing the  
25 trial of the case by the presentation of evidence and

1 testimony by the State in its case in chief.

2 Solicitor, you may call your next witness.

3 MS. CAMPBELL: May it please the Court. The  
4 State calls Buddy Rose.

5 THE COURT: If you would come around and be  
6 sworn, please.

7 WALTER ROSE, being  
8 first duly sworn, testifies as follows:

9 CLERK: State your name for the record.

10 THE WITNESS: Walter Rose.

11 **DIRECT EXAMINATION**

12 BY MS. CAMPBELL:

13 Q Sergeant Rose, where are you employed?

14 A The City of Columbia.

15 Q What do you do there, sir?

16 A I work for the police department as a crime scene  
17 supervisor.

18 Q And as a crime scene supervisor, tell this jury  
19 what your duties include?

20 A I manage the crime scene unit, and what we do is  
21 document, collect, preserve, and analyze evidence.

22 Q Do you have any specialized training or education  
23 as far as maintaining your job?

24 A Yes, ma'am.

25 Q Can you tell the jury a little bit about your

1 education or training in crime scene investigation?

2 A In '90 we started with the police academy and  
3 several schools throughout the State for crime  
4 scene. All the way until now we still go to  
5 training.

6 Q In schools you say, as far as your training, what  
7 areas are you actually trained in and you have  
8 received training in?

9 A Evidence collection, marijuana analysis,  
10 photography, all aspects of crime scene.

11 Q And have you ever been qualified before as an  
12 expert in crime scene investigation?

13 A Yes, ma'am.

14 Q And approximately how many times have you been  
15 qualified in the area of crime scene investigation,  
16 as far as the collection and documenting of  
17 evidence at a crime scene?

18 A Twice.

19 MS. CAMPBELL: Your Honor, at this time we  
20 offer him as an expert in crime scene investigation.

21 THE COURT: Mr. Collins?

22 MR. COLLINS: Your Honor, it's our position  
23 that crime scene investigation is too broad of an area  
24 to an area of expertise.

25 THE COURT: Do you want to have a hearing



1 under State versus Tapp in that regard?

2 MR. COLLINS: Yes, Your Honor.

3 THE COURT: Mr. Foreman, ladies and gentlemen  
4 of the jury, if you would step out, please. Do not  
5 discuss this case during this brief recess.

6 (The jury retires to the jury room.)

7 THE COURT: Solicitor, my understanding of  
8 State versus Tapp, which was a case that was actually  
9 reported in the advance sheets just above State versus  
10 Liverman II, involved the offer of testimony of an Agent  
11 Prodan of the State Law Enforcement Division.

12 It also outlined the requirements of the  
13 gatekeeper for certain judges' determination as to  
14 expert testimony, citing State versus White, which I  
15 believe is a Richland County case on dog handling if I'm  
16 not mistaken. I didn't reread White.

17 The specific language I was referring to is --  
18 give me just a moment -- of course, Tapp involved crime  
19 scene analysis, not crime scene investigation. I take  
20 it that Mr. Collins' objection is it's too broad an  
21 area. I think if you would question the officer in  
22 regard to the area of crime scene investigation for me  
23 to determine the various factors I need to look at.

24 MS. CAMPBELL: I would be glad to follow up  
25 with some questions, Your Honor. May it please the

1 Court.

2 THE COURT: Yes, ma'am.

3 IN CAMERA DIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Sergeant Rose, specifically what kind of training  
6 have you had as far as the collection and  
7 documentation of evidence at a crime scene?

8 A Formal training from outside the department.

9 Q Including where?

10 A It was S.C.L.E.O.A. had a school, and I cannot  
11 remember the name of the instructor.

12 Q You have to speak into the microphone.

13 A Her name is McCleary (phonetic), the instructor  
14 that taught the class, and it was once a week.

15 Q What kind of information were you taught as far as  
16 how to properly process a crime scene?

17 A Everything from collecting it, finding it,  
18 documenting it, collecting it, preserving it.

19 Q Including photographing?

20 A Yes, ma'am.

21 Q And collection?

22 A Yes.

23 Q Of evidence that may be tested at a later time?

24 A Yes.

25 Q And in processing crime scenes, is that information

1           you do typically when you go to crime scenes?

2    A     Yes.

3    Q     In this crime scene, did you follow the proper  
4           procedures that you had been taught over time in  
5           evidence documentation, including photographing, as  
6           well as diagramming, and other information, as well  
7           as collecting evidence?

8    A     Yes, ma'am.

9    Q     And in this case you went to multiple crime scenes,  
10           including the crime scene where the shooting  
11           actually occurred?

12   A     I did.

13   Q     As well as I believe you participated in the search  
14           warrant on the car?

15   A     Yes, ma'am.

16   Q     As well as going to multiple residences, as well as  
17           collecting evidence there?

18   A     Yes.

19   Q     And how many crime scenes approximately can you say  
20           you have been to or can you even estimate?

21   A     I couldn't estimate.

22   Q     How long have you been doing this?

23   A     Six years in crime scenes.

24   Q     And would you put it in the tens, hundreds, over a  
25           thousand?

1 A Over a thousand.

2 Q In doing that did you use the expertise that you  
3 had garnered from your training in collecting and  
4 documenting evidence?

5 A Yes, ma'am.

6 Q Just as you did in this case?

7 A I did.

8 Q And you have been qualified before as an expert in  
9 the crime scene investigation?

10 A Yes, ma'am.

11 Q And in the courts of South Carolina?

12 A Yes, ma'am.

13 Q In this courthouse?

14 A This courtroom.

15 Q Actually in criminal cases?

16 A Yes, ma'am.

17 MS. CAMPBELL: Your Honor, would you request  
18 any further follow up?

19 THE COURT: No, ma'am. Mr. Collins, do you  
20 have any questions?

21 MR. COLLINS: Just a couple, Your Honor.

22 IN CAMERA CROSS EXAMINATION

23 BY MR. COLLINS:

24 Q Did you do any type of analysis in this case?

25 A I did not.

1 Q All you did was collect the evidence and document  
2 it?

3 A Yes, sir.

4 Q Is there any way that you submit that for any type  
5 of peer review?

6 A No.

7 Q Anybody else in the department overlook you and  
8 observe your methods to make sure they were in  
9 accordance with what you learned?

10 A No.

11 Q Have you ever seen any empirical studies for the  
12 methods you employ?

13 A I have not.

14 Q And you said you have only been qualified twice as  
15 an expert?

16 A Yes.

17 Q That's in the past six years?

18 A Yes.

19 Q And almost a thousand cases is what you testified  
20 to?

21 A Yes.

22 MR. COLLINS: I don't have any other  
23 questions.

24 THE COURT: Anything further, Solicitor?

25 MS. CAMPBELL: No, sir.

1           THE COURT: I would be glad to hear your  
2 objection, Mr. Collins, if you still have one.

3           MR. COLLINS: Yes, Your Honor. A field of  
4 expertise, there is no need to have him as an expert.  
5 There is nothing he can give an expert opinion about.  
6 He just testified that he collected evidence and  
7 documented it. That's not a scientific field. That's  
8 not a field that the jury needs help in explaining to  
9 them how to collect and document evidence.

10           He can't even remember where he went to school  
11 for these methods that are not peer reviewed and cannot  
12 be tested for reliability or repeatability. I don't  
13 think it meets the standard under State v. White or  
14 State v Tapp. I don't think it meets the standards,  
15 first of all, for an area of expertise to be qualified  
16 in or that he be qualified as an expert.

17           THE COURT: I can't cite you the exact cases,  
18 but there have been numerous cases in South Carolina  
19 where crime scene investigation has been recognized as  
20 an area of expertise.

21           Your questioning -- first of all, your  
22 questioning went to crime scene analysis, and that's not  
23 what he is being offered for. As I understand it, he is  
24 being offered as an expert in the field of crime scene  
25 investigation.

1           Since that is and has been in the past a  
2 recognized area of expertise in South Carolina, I'm not  
3 going to overrule those precedents that recognize that.  
4 As far as where he went to school or his instructor's  
5 name and such like that, you can ask those questions.  
6 That can go to his credibility or believability with the  
7 jury in that regard.

8           But I think looking at the specific language,  
9 I think in Tapp that the expertise and reliability and  
10 the ability of the testimony to assist the triers of  
11 fact are all threshold determinations to be made prior  
12 to the admission of expert testimony.

13           Generally a witness' expert status will be  
14 determined prior to determining the reliability of his  
15 testimony. I would find that crime scene investigation  
16 would be an area of expertise that would assist the jury  
17 in that regard. So in that regard I overrule your  
18 objection.

19           MS. CAMPBELL: Your Honor, if I may while the  
20 jury is out just real quickly, Ms. Schlatterer ran the  
21 parameters asked for on the CrimeStoppers tips. The  
22 only additional thing she found was from Studio 54,  
23 which I would hand up, Your Honor.

24           I don't see any identifying factors as to the  
25 actual tipster in that case, and we would have no

1 problem turning that over with the Court's order. The  
2 only other tip that came up was the one that has already  
3 been provided. Ms. Schlatterer is here if anybody has  
4 any questions.

5 THE COURT: I would order that this be turned  
6 over.

7 MS. CAMPBELL: Thank you. I believe he  
8 indicated he wanted to ask some questions.

9 THE COURT: Did you want to question  
10 Ms. Schlatterer, Mr. Collins? Anything further at this  
11 time?

12 MR. COLLINS: No, Your Honor.

13 THE COURT: Anything further before we bring  
14 the jury?

15 MS. CAMPBELL: We would just ask that  
16 Ms. Schlatterer be allowed to leave, Your Honor.

17 THE COURT: May she be excused?

18 MR. COLLINS: Yes, Your Honor.

19 THE COURT: Thank you for being here with us.  
20 Ms. Schlatterer.

21 MS. CAMPBELL: Thank you.

22 THE COURT: If you would bring us our jury  
23 back, please.

24 (The jury returns to the courtroom.)

25 THE COURT: Solicitor.



1 MS. CAMPBELL: Thank you, Your Honor. Your  
2 Honor, at this time I offer him as an expert in crime  
3 scene investigation, including collection and  
4 documentation of evidence.

5 MR. COLLINS: It's over our previous  
6 objection, Your Honor.

7 THE COURT: Mr. Foreman, ladies and gentlemen  
8 of the jury, normally a person cannot give opinion  
9 testimony. Normally when a person testifies, they must  
10 testify as to what they either saw, heard, or sensed by  
11 smell or something of that nature.

12 However, there is an exception when someone is  
13 qualified because of education or experience or  
14 training. They are permitted to give their opinion in  
15 certain areas if the Court qualifies them that way.

16 This witness, Sergeant Rose, will be qualified  
17 in the area of crime scene investigation and collection  
18 and documentation of evidence to give opinion testimony  
19 in that area. That does not mean you must accept the  
20 opinion, but it is evidence for you the jury to use in  
21 any way you see fit.

22 Thank you, Solicitor. You may continue.

23 MS. CAMPBELL: May it please the Court.

24 THE COURT: Thank you, Mr. Collins.

25 ---

**DIRECT EXAMINATION**

BY MS. CAMPBELL:

Q And you have been in crime scene investigation for how long?

A Six years.

Q Six years?

A Yes, ma'am.

Q During that time period, how many crime scenes have you actually gone to and investigated?

A A thousand or so.

Q Can you tell jury a little bit about when you go to a crime scene, such as a shooting or a murder crime scene, typically what are you doing?

A I will walk the scene, photograph, document everything in place, and then we will start collecting the evidence that is left at the scene of the actual crime.

Q And are you actually the first person at a scene?

A No.

Q Who actually calls you in to process the crime scene?

A A line officer that gets dispatched.

Q I want to turn your attention back to June 19, 2010. Did you respond to a call at Gable Oaks Apartments?

- 1 A Yes, ma'am.
- 2 Q What kind of call were you responding to?
- 3 A It was a homicide call.
- 4 Q And approximately what time was it when you
- 5 actually got to the crime scene that day?
- 6 A I got the call at 12:30 A.M. and arrived there at
- 7 1:00 o'clock in the morning.
- 8 Q When you got there, were there any other crime
- 9 scene investigators already there?
- 10 A Yes, ma'am.
- 11 Q And who was that, sir?
- 12 A Officer Gilland.
- 13 Q Is he also a part of your unit?
- 14 A He was at that time.
- 15 Q And specifically why were two officers called in,
- 16 crime scene investigators, called in in this case?
- 17 A Because it was so large.
- 18 Q When you got there, tell the jury what you observed
- 19 when you initially got there that day.
- 20 A A large part of the apartment complex was cordoned
- 21 off by the police officers with crime scene tape.
- 22 I walked the scene with Officer Gilland. It ended
- 23 up being several different smaller scenes. There
- 24 was five different areas that we had to document.
- 25 Q Specifically what evidence did you observe in those

1 five areas that made it necessary for you to  
2 document?

3 A Shell casings.

4 Q And when you are walking this area -- and describe  
5 this area, this apartment complex, to the jury.

6 A There are several apartment buildings. It has got  
7 a green area, grassy area, in between them,  
8 probably a couple of hundred feet between each  
9 building. There was shell casings all in through  
10 the grassy areas.

11 Then across the roadway, a parking lot area in  
12 front of another apartment complex, there was more  
13 shell casings. There was cones laid out everywhere  
14 to show us where all the casings were that the  
15 officers found when they first arrived.

16 Q Let me back up a minute. You mentioned earlier  
17 that there was crime scene tape up. What is the  
18 purpose in doing that? That had been done when you  
19 got there?

20 A Yes, ma'am, it's to secure the area so no one else  
21 can get inside.

22 Q When you got there, was the crime scene itself  
23 secured properly?

24 A Yes.

25 Q And basically when you say securing, are people --

1           you try to keep people out of that area?

2    A     Yes, ma'am.

3    Q     What is the purpose in that?

4    A     So that all the evidence -- nothing is disturbed or  
5           moved.

6    Q     You also mentioned that there were certain cones in  
7           place documenting certain evidence. Explain to the  
8           jury who would have done that and why that was  
9           done.

10   A     The line officers. Whenever they are trying to  
11          secure the area, if they find shell casings or  
12          anything, any other pieces of evidence, they will  
13          mark it.

14                 They have traffic cones in their cars. They  
15                 are two-foot, three-foot traffic cones. They will  
16                 mark where they find evidence as they try to find  
17                 out how large the scene really is.

18   Q     In this case were the line officers, would they be  
19          trained to collect evidence or would they just mark  
20          it?

21   A     They would just mark it.

22   Q     So they wouldn't move it or put it together or  
23          anything like that? That would be up to you?

24   A     Yes, ma'am.

25   Q     And in this case where the cones were and the areas

1           that were documented with the shell casings, were  
2           those some of the areas you found shell casings?

3    A    Yes, ma'am.

4    Q    When you talk about a shell casing, tell the jury  
5           what that is.

6    A    It's a fired cartridge, a bullet from a gun. Once  
7           you fire it, the shell casing, the brass cartridge,  
8           it's the spent round that comes out of a gun after  
9           you shoot it.

10   Q    It's actually expelled from the front of the gun or  
11          the side of it if it's a semiautomatic?

12   A    From the side of the gun.

13   Q    The projectile is a different part of the bullet  
14          itself?

15   A    Yes.

16   Q    I use these terms because I am not familiar with  
17          them. What is the significance of shell casings  
18          being found in certain areas or what can that show  
19          you generally?

20   A    It can show what guns were shot by the calibers.

21   Q    Prior to collecting any evidence, you mentioned  
22          earlier that you did a walk-through with  
23          Investigator Gilland?

24   A    Yes, ma'am.

25   Q    And in that walk-through, did you observe certain

1 pieces of evidence in areas that were marked by the  
2 cones?

3 A Yes.

4 Q Did you also observe additional evidence that you  
5 eventually marked yourself and collected?

6 A Yes, ma'am.

7 Q When you went to this crime scene, tell the jury  
8 initially what you did and how y'all split up and  
9 what y'all observed. Did you observe the entire  
10 crime scene?

11 A I did.

12 Q Were you also there assisting Investigator Gilland  
13 in the collection of this evidence and the  
14 documentation of this evidence?

15 A Yes, ma'am.

16 Q And prior to collecting any evidence, what did  
17 y'all do?

18 A We walked together through the crime scene,  
19 photographed the crime scene. One of us would  
20 collect while the other one would photograph.

21 Q Ultimately once all the evidence was collected, who  
22 ultimately took responsibility for the evidence?

23 A I did.

24 Q And then it became -- all the evidence was turned  
25 over to you that night?

1 A Yes, ma'am, to me.

2 Q That was collected at that crime scene. Typically  
3 in a case such as this where you have a multitude  
4 of shell casings, do you make any effort to mark  
5 them prior to photographing them?

6 A Yes, ma'am.

7 Q And how do you do that, sir?

8 A I have little placards, little plastic yellow  
9 placards with numbers on them.

10 Q For your entire testimony in this case, did you  
11 ever move any evidence that had been photographed  
12 or anything with markers or anything like that?

13 A No, ma'am.

14 Q So this is how it would have appeared? You just  
15 added the markers in?

16 A Yes.

17 Q You mentioned that there were a number of areas and  
18 a number of different buildings around which you  
19 collected evidence?

20 A Yes.

21 Q And did you actually generate a diagram of sorts in  
22 this case?

23 A Yes, ma'am.

24 Q I want to show you what has not been marked. Are  
25 these blow-ups of certain diagrams? Are you



1 familiar with these?

2 A I am.

3 Q What does this first one show?

4 A The apartment complex, an aerial view.

5 Q The second one that I am showing you, what does  
6 that show?

7 A An aerial view of the apartment complex where we  
8 found the evidence.

9 Q And was this actually created by you?

10 A Yes.

11 MS. CAMPBELL: Your Honor, at this time we  
12 offer them into evidence.

13 MR. COLLINS: No objection, Your Honor.

14 THE COURT: That would be State's 3 and 4?

15 COURT REPORTER: Yes, sir.

16 (State's Exhibits Number 3-4 are received into  
17 evidence.)

18 BY MS. CAMPBELL:

19 Q I will get you to step down in just a minute. Does  
20 this fairly and accurately show the apartment  
21 complex we are referring to as Gable Oaks?

22 A Yes, ma'am.

23 Q And the buildings, are they shown on here?

24 A They are.

25 Q And this area here (indicating) that is shown in

1 kind of like a white -- not square -- what is the  
2 other term?

3 A Rectangle.

4 Q Thank you, rectangle. What is that area?

5 A That is a playground area.

6 Q And specifically can you show from there the jury  
7 the general areas where you found evidence.

8 A In this area (indicating). It's going to be here  
9 (indicating) and here (indicating) and some over  
10 here (indicating) too.

11 Q I show you now State's Exhibit Number 4. Does this  
12 show the general area, the same area where you  
13 documented where you found evidence?

14 A Yes, ma'am.

15 Q Is this something that will aid you in showing the  
16 jury the general areas where you found all the  
17 evidence we are getting ready to show them?

18 A Yes, ma'am.

19 Q When you got there, was the attention -- well, let  
20 me back up.

21 MS. CAMPBELL: With the Court's permission, we  
22 would go ahead and number these to expedite things.  
23 Further we can get someone to number them, other than  
24 the court reporter, to expedite things even more.

25 THE COURT: Yes, ma'am.

1 BY MS. CAMPBELL:

2 Q I am going to show you what is marked as State's  
3 Exhibit Number 5. Do you recognize that?

4 A I do.

5 Q What does that show, sir?

6 A The placard where we marked a bunch of shell  
7 casings.

8 Q Is this photograph taken after you actually marked  
9 where the shell casings were in that area?

10 A It is.

11 MS. CAMPBELL: Your Honor, at this time we  
12 offer State's Exhibit 5 into evidence.

13 THE COURT: Any objection?

14 MR. COLLINS: If I could see it.

15 (Pause.)

16 MR. COLLINS: No objection.

17 THE COURT: State's 5 in evidence without  
18 objection.

19 (State's Exhibit Number 5 is received into  
20 evidence.)

21 BY MS. CAMPBELL:

22 Q And just so I can talk to the jury. What are those  
23 numbered markers? Who put those there?

24 A Those were placed there by Officer Gilland.

25 Q And did you observe him or actually see him doing

1           that?

2    A     Yes, ma'am.

3    Q     And what was he marking in this photograph?

4    A     Those were 20 spent shell casings, 7.62 shell  
5           casings.

6    Q     This is a general overview of the first area where  
7           y'all started marking evidence?

8    A     Yes, ma'am.

9    Q     I will show you State's Exhibit Number 6. I will  
10          get the rest of them in a minute. Do you recognize  
11          that?

12   A     Yes, ma'am.

13   Q     And what does that show?

14   A     Those were some more shell casings.

15   Q     Is that a closer up of part of the area that was  
16          shown in State's Exhibit Number 5?

17   A     Yes, ma'am.

18                 MS. CAMPBELL: Your Honor, at this time we  
19          offer State's Exhibit Number 6 into evidence.

20                 THE COURT: Any objection?

21                 MR. COLLINS: No objection, Your Honor.

22                 THE COURT: State's 6 in evidence without  
23          objection.

24                 (State's Exhibit Number 6 is received into  
25          evidence.)

1 MS. CAMPBELL: Your Honor, I am handing over  
2 to the defense State's Exhibits 7 through 49 for him to  
3 look through quickly so we can expedite things.

4 THE COURT: Yes, ma'am.

5 (Pause.)

6 BY MS. CAMPBELL:

7 Q Sergeant Rose, have you had an opportunity to look  
8 at these pictures earlier?

9 A Yes, ma'am.

10 Q State's Exhibit 7 through 49, do those fairly and  
11 accurately depict the crime scene as you marked it  
12 and photographed it that night?

13 A Yes, ma'am.

14 Q Those pictures do fairly and accurately depict what  
15 you observed in your investigation that night?

16 A Yes, ma'am, they are the same ones.

17 MS. CAMPBELL: Your Honor, at this time we  
18 offer 7 through 49 into evidence.

19 THE COURT: Say the numbers.

20 MS. CAMPBELL: It's 7 through 49.

21 THE COURT: That's 7 through 49?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Any objections?

24 MR. COLLINS: No objections, Your Honor.

25 THE COURT: State's 7 through 49 is in

1 evidence without objection.

2 MS. CAMPBELL: Thank you, Your Honor.

3 (State's Exhibits Number 7-49 are received  
4 into evidence.)

5 MS. CAMPBELL: Your Honor, may the witness  
6 step down.

7 THE COURT: Yes, sir, you may step down,  
8 Sergeant. Please keep your voice up for the Court, the  
9 court reporter, and for the attorneys.

10 (Witness leaves the witness stand.)

11 BY MS. CAMPBELL:

12 Q If you can come over on this side and try to speak  
13 loudly for the court reporter. It helps. I am  
14 showing you State's Exhibit Number 4 when we are  
15 going through these photographs. If you can orient  
16 the jury in the general area where these were  
17 found.

18 I am going to show you State's Exhibit  
19 Number 7, which shows a close-up of markers 3 and  
20 4, as well as State's Exhibit 8. Where is that  
21 located on the diagram and where in relation to the  
22 buildings that are shown there?

23 A This (indicating) is Building 24. That's right  
24 here in this area here (indicating).

25 Q Right there in that area there?

1 A Yes, ma'am.

2 Q Is that Building 24 right next to it?

3 A This (indicating) is, yes.

4 Q And as shown in State's Exhibits 9 through 12, is  
5 that the same general area?

6 A Yes, ma'am.

7 Q How is that marked on there?

8 A It's marked here by a block of evidence, 1 through  
9 21.

10 Q The numbering system, is that reflected in these  
11 photographs?

12 A It is.

13 Q So the corresponding marker number reflects the  
14 general area where the evidence is found as  
15 documented on State's Exhibit 4?

16 A Yes, ma'am.

17 Q What kind of evidence was it you were collecting  
18 that night there?

19 A In this area here were shell casings.

20 Q I am going to show you what has been marked as  
21 State's Exhibit Number 13. Does that show two  
22 markers?

23 A It does.

24 Q What area is that on?

25 A Right here (indicating) on the sidewalk.

1 Q On the sidewalk right there where you are  
2 pointing --

3 A Yes, ma'am.

4 Q -- on State's Exhibit Number 4. In State's  
5 Exhibits Number 14 and 15, is that a closeup of the  
6 actual evidence you collected later that night?

7 A It is.

8 Q Does that fairly and accurately show how it was  
9 when you got to that crime scene that day?

10 A Yes, ma'am.

11 Q Marker Number 3 and 4 are also on what?

12 A Also on the sidewalk.

13 Q And would that be shown in these earlier pictures  
14 that we have already shown the jury in relation to  
15 each other?

16 A Yes, ma'am.

17 Q What kind of evidence was that that you collected  
18 in 3 and 4?

19 A Shell casings.

20 Q Again, that's how it was when you got there that  
21 night?

22 A It was.

23 Q State's Exhibit Number 18 and 19, which show  
24 markers 5 and 6, what kind of evidence is shown in  
25 this?



1 A Shell casings.

2 Q What area of the apartment complex was that found  
3 in?

4 A In this area here (indicating), the grassy area in  
5 front of Building 24.

6 Q Your job at this point, when you were marking and  
7 photographing and ultimately collecting, did you  
8 collect them so that they could be tested and taken  
9 to ballistics later?

10 A Yes.

11 Q State's Exhibit Number 20 and 21, where is that?

12 A It's in the same area here (indicating).

13 Q Again, what kind of evidence is this you are  
14 showing?

15 A Shell casings.

16 Q Going through State's Exhibit 22, 23, 24, 25, 26,  
17 and 27, markers 9 through 15, again, what kind of  
18 evidence are you collecting?

19 A Those were shell casings in the same area here  
20 (indicating).

21 Q And in State's Exhibit 11 that shows the relation,  
22 the overall relation, of all these shell casings to  
23 each other?

24 A Yes, ma'am.

25 Q And then it's the individual photographs we have

1           been going through --

2    A     Yes, ma'am.

3    Q     -- showing the actual evidence. State's Exhibit  
4           Number 28, 29, 30, and 31 showing markers 16  
5           through 20?

6    A     Yes, ma'am.

7    Q     Again, what kind of evidence is this?

8    A     It's the shell casings.

9    Q     Again, the relation in several of the photographs,  
10          including State's Exhibit Number 11, in that area?

11   A     Yes, ma'am.

12   Q     Was another area documented where evidence was  
13          found --

14   A     Yes, ma'am.

15   Q     -- on here. Can we just go chronologically.

16   A     This area here (indicating). This is evidence 23  
17          through 26 that was in this area.

18   Q     I show you what has been marked in evidence as  
19          State's Exhibit 31. Where is this in relation to  
20          the apartment building itself? Again, what number  
21          is that?

22   A     This is Building 24.

23   Q     Twenty-four. Thank you.

24   A     That's right there in that walkway or right there  
25          in front of a doorway of the apartment.

1 Q And, again, what kind of evidence is noted in 22  
2 through 24 markers?

3 A Shell casings.

4 Q And a closeup of actually item 21 is here in  
5 State's Exhibit 32?

6 A It is.

7 Q State's Exhibit 33, is there an area on there that  
8 indicates where you found evidence 27 and 28?

9 A Yes, ma'am, right here (indicating).

10 Q There is an arrow that actually goes to that  
11 showing the general area you are talking about?

12 A Yes, ma'am.

13 Q And State's Exhibit Number 33, does that show that  
14 area?

15 A It does.

16 Q And what type of evidence did you collect there?

17 A Those were actually cartridges.

18 Q Cartridges. What is the difference between a  
19 cartridge and a shell casing?

20 A It's a complete bullet. It's an unfired bullet.

21 Q State's Exhibit Number 34 shows, I believe, markers  
22 29 through 36?

23 A Yes, ma'am, that's 29 through 36. That's right  
24 here (indicating).

25 Q Again, what kind of evidence did you collect at

1       that point?

2   A     Those were shell casings.

3   Q     And State's Exhibit Number 35, were there a number  
4       of automobiles that were out there that night?

5   A     Yes.

6   Q     And were some of those significant as far as being  
7       damaged?

8   A     Yes, ma'am.

9   Q     I show you State's Exhibit 35. What does that  
10       show?

11   A     It's a blue car that had been shot.

12   Q     And what is that on the hood of the car? Can you  
13       tell?

14   A     It's food from a fast food restaurant.

15   Q     State's Exhibit Number 36, is that another shot?

16   A     Yes, ma'am.

17   Q     Did you recall how many cars were actually damaged  
18       that night with bullets?

19   A     Two or three.

20   Q     State's Exhibit Number 37 is another angle with  
21       some cones in it. Are those the cones you were  
22       referring to earlier?

23   A     Yes, ma'am.

24   Q     Is that a photograph you actually took before you  
25       actually made the exhibit markers yourself?

1 A Yes, ma'am.

2 Q That would have bee done prior to you getting  
3 there?

4 A Yes.

5 Q When you remove the cones and replace them with  
6 your markers, do you disturb the evidence in any  
7 way?

8 A I do not.

9 Q State's Exhibit 38, again, what does that show?

10 A Damage to one of the vehicles in the parking lot.

11 Q What is that in the windshield?

12 A It's the damage.

13 Q State's Exhibit Number 39, does that show another  
14 set of markers where you found evidence?

15 A Yes, ma'am.

16 Q And what numbers are those?

17 A Thirty-seven through 42.

18 Q And where is that found on State's Exhibit 4?

19 A It's right here (indicating) in the grassy area.

20 Q Again, what kind of evidence did you collect that  
21 day?

22 A Those are shell casings.

23 Q Again, State's Exhibit 40 and 41 are different  
24 angles on the same evidence?

25 A Yes, ma'am.

1 Q And then 42 and 44 through 48, are those closeups  
2 of the evidence you just mentioned?

3 A Yes, ma'am.

4 Q Finally, I am showing you State's Exhibit  
5 Number 49. That shows what area again?

6 A It shows this area here (indicating). It's just a  
7 different angle.

8 Q Those were markers through 42?

9 A Yes, ma'am.

10 Q Did you also find evidence that is marked on here  
11 as evidence 46?

12 A We did.

13 Q What was that evidence?

14 A I would have to refer back to my notes there.

15 Q Sure.

16 A Forty-six was a bullet fragment.

17 Q Where was that found, sir?

18 A It was found right here (indicating) in front of  
19 the apartment.

20 Q I will get back to that. Evidence 45?

21 A Forty-five was right over here (indicating) in a  
22 different apartment. This is Apartment 20-H and  
23 there was a bullet there.

24 Q And where was it found in that apartment?

25 A The projectile was found in the bathroom.

1 Q Inside the apartment?

2 A Yes, ma'am.

3 Q You can have a seat.

4 A (Witness resumes the witness stand.)

5 Q I show you what has been marked as State's Exhibit  
6 Number 123. I first ask, are you familiar with  
7 that evidence?

8 A I am.

9 Q And what is in that evidence?

10 A These are the shell casings collected marked  
11 numbers 1 through 21.

12 Q And what marker numbers does that evidence relate  
13 to?

14 A One through 21.

15 Q When you collected those items after photographing  
16 and marking it, how did you go about collecting it  
17 to make sure of its integrity?

18 A On these we did each individual round in an  
19 envelope.

20 Q And that could be forwarded to ballistics or for  
21 D.N.A. testing at a later time?

22 A Yes.

23 Q So it was collected properly in this case is my  
24 question?

25 A Yes, ma'am.

1 MS. CAMPBELL: Your Honor, at this time we  
2 offer State's Exhibit Number 123.

3 MR. COLLINS: No objection, Your Honor.

4 THE COURT: State's 123 is in evidence without  
5 objection.

6 (State's Exhibit Number 123 is received into  
7 evidence.)

8 BY MS. CAMPBELL:

9 Q Again, those marker numbers were 1 through 22 on  
10 State's Exhibit Number 123?

11 A One through 21.

12 Q One through 21. I'm sorry. Thank you. I am going  
13 to show you what is going to be marked as 124. I  
14 first ask if you are familiar with that?

15 A Yes, ma'am.

16 Q Were those also some of the evidence you testified  
17 earlier that was collected that night?

18 A Yes, ma'am.

19 Q And specifically what marker numbers are in State's  
20 124?

21 A Twenty-two through 36.

22 Q So in the photographs that have already been  
23 admitted into evidence, that would be the evidence  
24 that had the markers 22 through?

25 A Thirty-six.



1 Q And did you collect those properly that night?

2 A Yes, ma'am.

3 Q And individually package them?

4 A Yes.

5 MS. CAMPBELL: Your Honor, at this time we  
6 offer State's Exhibit 124.

7 THE COURT: What are those items?

8 THE WITNESS: Shell casings.

9 THE COURT: Thank you. Mr. Collins?

10 (Attorneys confer.)

11 MR. COLLINS: Your Honor, may we take up  
12 something outside the presence of the jury?

13 THE COURT: Certainly. Ladies and gentlemen,  
14 please step to your jury room momentarily. Please do  
15 not discuss the case during this brief recess.

16 (The jury retires to the jury room.)

17 THE COURT: Yes, sir.

18 MR. COLLINS: Your Honor, the only issue I  
19 have if they are trying to introduce this under exhibit  
20 number, there are two completely different types of  
21 evidence contained in this bag. There are shell casings  
22 for a .40 caliber. There is also live rounds from a  
23 .223.

24 We would just ask that if they are going to be  
25 introduced, to be introduced because it's two different

1 types of evidence found in two completely different  
2 place at the crime scene.

3 MS. CAMPBELL: No problem.

4 MR. COLLINS: I was just a little confused  
5 about the numbering.

6 MS. CAMPBELL: That's fine. Also, he had an  
7 opportunity to do this yesterday, Your Honor, but if he  
8 wants to look at it again so we don't have a problem.  
9 This is what we are getting ready to introduce, if he  
10 wants to see this.

11 THE COURT: Does the diagram and shell casings  
12 contained in State's 124, are they in the photographs  
13 with markers 22 through 36?

14 MS. CAMPBELL: Yes, sir.

15 MR. COLLINS: They are contained within  
16 separate envelopes inside of a larger envelope.

17 THE COURT: I understand what you are saying.  
18 Then it doesn't track correctly when you get another  
19 number. You still have 22 through 36, but however y'all  
20 want to do it because y'all are trying your case.

21 MR. COLLINS: Your Honor, I think it would be  
22 much clearer.

23 THE COURT: Fine.

24 MR. COLLINS: It would be easier for me to  
25 keep up with.

1 THE COURT: I will just have to change my math  
2 up here. That's no problem.

3 (Pause.)

4 MS. CAMPBELL: Also marker 126.

5 THE COURT: So 125 becomes the live rounds  
6 removed from 124?

7 MS. CAMPBELL: Yes, sir.

8 MR. COLLINS: Yes, sir.

9 THE COURT: What caliber are those, the live  
10 rounds?

11 MS. CAMPBELL: I would have to ask him.

12 THE WITNESS: They are the .223s.

13 THE COURT: Say again.

14 THE WITNESS: They are .223-caliber.

15 MS. CAMPBELL: Okay, Your Honor.

16 THE COURT: Have you gotten the others  
17 tracked?

18 MS. CAMPBELL: Do you have any other problems  
19 with the others?

20 MR. COLLINS: I think we are on track with the  
21 others.

22 THE COURT: Bring the jury.

23 (The jury returns to the courtroom.)

24 THE COURT: You may continue, Solicitor.

25 MS. CAMPBELL: Your Honor, at this time we

1 offer State's Exhibit 124, I believe without objection.

2 MR. COLLINS: That's correct, Your Honor.

3 THE COURT: State's 124 is in evidence without  
4 objection.

5 (State's Exhibit Number 124 is received into  
6 evidence.)

7 BY MS. CAMPBELL:

8 Q I am going to show you State's Exhibit 125. You  
9 testified earlier that there were two live rounds  
10 or actual whole bullets that you found?

11 A Yes, ma'am.

12 Q What markers were those, sir?

13 A Twenty-seven and 28.

14 Q Twenty-seven and 28?

15 A Yes, ma'am.

16 Q Which are reflected here (indicating)?

17 A Yes, ma'am.

18 Q Coming from that area. Were you able to determine  
19 the caliber of those rounds?

20 A Yes, ma'am.

21 Q What was the caliber?

22 A Point 223.

23 Q A .223 bullet?

24 A Yes, ma'am.

25 Q Are these the two that you collected from that

1 area?

2 A Yes, ma'am.

3 MS. CAMPBELL: Your Honor, at this time we  
4 offer State's Exhibit 125.

5 MR. COLLINS: No objection, Your Honor.

6 THE COURT: State's 125 is in evidence without  
7 objection.

8 (State's Exhibit Number 125 is received into  
9 evidence.)

10 BY MS. CAMPBELL:

11 Q The markers that are on there and in the  
12 photographs of the evidence that you collected from  
13 markers Number 37 through 41, I show you State's  
14 Exhibit 126. Is that the evidence you collected?

15 A Yes, ma'am.

16 Q When you collected that evidence, did you collect  
17 it properly for further testing?

18 A Yes.

19 MS. CAMPBELL: At this time we offer State's  
20 Exhibit 126, I believe, into evidence.

21 MR. COLLINS: What are those items?

22 MS. CAMPBELL: Markers 37 through 41.

23 MR. COLLINS: No objection, Your Honor.

24 THE COURT: That's the items, markers?

25 MS. CAMPBELL: The items reflected in markers

1 37 through 41. They are actual shell casings.

2 (State's Exhibit Number 126 is received into  
3 evidence.)

4 BY MS. CAMPBELL:

5 Q As indicated on your markers 43, 44, 45, and 47, I  
6 show you what has been marked as State's Exhibit  
7 127. Do you recognize that?

8 A Yes, ma'am.

9 Q Are those the additional evidence that you  
10 collected at that crime scene?

11 A Yes, ma'am.

12 Q What type of evidence is that?

13 A It was a bullet fragment, another shell casing, a  
14 projectile, a second bullet fragment.

15 Q And were those collected properly by you that  
16 night?

17 A Yes, ma'am.

18 Q And individually packaged for further testing?

19 A Yes, ma'am.

20 MS. CAMPBELL: Your Honor, at this time we  
21 offer State's Exhibit 127.

22 MR. COLLINS: No objection, Your Honor.

23 THE COURT: Number 127 is in evidence without  
24 objection.

25 (State's Exhibit Number 127 is received into

1 evidence.)

2 MS. CAMPBELL: I will go ahead and mark 128  
3 for I.D. only.

4 (State's Exhibit Number 128 is marked for  
5 identification).

6 BY MS. CAMPBELL:

7 Q I will show you what is marked as State's Exhibit  
8 128. Do you recognize that?

9 A This is from Arthur Thomas.

10 Q This is from Arthur Thomas?

11 A Yes, ma'am.

12 Q I want to refer back to the shell casings. Can  
13 you, just for the jury's edification, in State's  
14 Exhibit 124, can you pull out one of the shell  
15 casings and show them what you are talking about,  
16 as far as the shell casing and as far as an  
17 actual -- what do you call it, a bullet?

18 A Yes, ma'am, cartridge.

19 Q Or live round?

20 MR. COLLINS: Your Honor, can we have gloves  
21 provided if we are going to be handling evidence?

22 THE COURT: I will not provide them.

23 MR. COLLINS: I would ask that gloves --

24 THE COURT: Someone can handle evidence  
25 however they want to.

1 MR. COLLINS: The defense would ask that  
2 gloves be used.

3 THE COURT: Why?

4 MR. COLLINS: Because some of these casings  
5 may or may not have been swabbed for D.N.A. testing at  
6 this point. There could be a future investigation if  
7 this trial ends in a certain way.

8 THE COURT: Step out for me, please, ladies  
9 and gentlemen.

10 (The jury retires to the jury room.)

11 THE COURT: Is there any evidence you wanted  
12 tested for D.N.A.? I thought we visited this issue  
13 months ago.

14 MR. COLLINS: Your Honor, what we found out  
15 months ago is that they had four to five swabs. What we  
16 have learned since --

17 THE COURT: My question was: Is there any  
18 evidence you want tested for D.N.A.?

19 MR. COLLINS: We have recently been informed  
20 that there was --

21 THE COURT: That is not my question, what you  
22 have recently been informed. My question is: Is there  
23 any evidence you want tested for D.N.A.? End of  
24 question. What is your answer?

25 MR. COLLINS: We would like every specific



1 shell casing and bullet swabbed independently and  
2 tested.

3 THE COURT: Why haven't you done that? You  
4 have been assigned to the case for two years?

5 MR. COLLINS: We learned as early as this  
6 morning that the swabs they had in evidence, we had no  
7 idea of how many swabs. It referenced a number of shell  
8 casings.

9 We have learned that that swab or one swab was  
10 swabbed on each or all of the shell casings, and those  
11 swabs have been destroyed. We were never able to  
12 observe those swabs, didn't know about them until May.

13 When it listed the number of shell casings, we  
14 thought they swabbed each shell casing. Apparently they  
15 did one swab on each shell casing. There is a  
16 difference.

17 THE COURT: I am not directing an officer on  
18 how to handle evidence. I am not directing any witness  
19 on how to handle evidence, except for the guidelines  
20 from the Supreme Court on how to handle firearms. If  
21 you want to provide this officer with gloves, you can  
22 provide that officer with gloves. If he wants to wear  
23 gloves, he can wear gloves.

24 I really don't understand why I am in the  
25 midst of this trial in front of the jury talking about

1 whether or not a witness is going to wear gloves during  
2 the presentation of testimony quite frankly. I don't  
3 understand that. I will give you ten minutes to get him  
4 a pair of gloves. Court will be in recess ten minutes.  
5 Thank you very much.

6 (Whereupon there is a recess.).

7 THE COURT: Anything before we bring in the  
8 jury, Solicitor?

9 MS. CAMPBELL: The only other concern I have,  
10 Your Honor, is during the course of the colloquy at the  
11 end of Mr. Collins, he blurted out before the jury that  
12 basically in case they were to acquit, there would be a  
13 continuing investigation. I don't know that that is  
14 proper to be in front of the jury. I don't know the  
15 exact words he used.

16 THE COURT: What are you asking me to do,  
17 Solicitor?

18 MS. CAMPBELL: At this point I would ask you  
19 to caution Mr. Collins not to make assertions like that  
20 in front of the jury, which are not allowed.

21 THE COURT: Well, Mr. Collins is an  
22 experienced trial attorney and he knows the rule. Do  
23 you care to respond?

24 MR. COLLINS: No, Your Honor.

25 THE COURT: My only concern was part of the

1 jury -- part of what a jury can take into consideration  
2 is the demeanor of the witness on the witness stand. I  
3 very rarely get involved -- except as to the demeanor of  
4 the witness on the stand -- I very rarely get involved  
5 in dealing with witnesses on the witness stand because  
6 -- except I try to get them to speak up -- because the  
7 jury can take that fact into consideration in their  
8 determination of the credibility and the believability  
9 of the testimony.

10 I think if any party wants evidence handled in  
11 a particular way or a witness dressed in a particular  
12 manner, they can take that up pretrial. I assume that's  
13 why -- I assume Mr. Johnson is in the custody of the  
14 Sheriff's Office. I assume that is why he is in  
15 civilian clothes.

16 Unless a witness is being disrespectful to the  
17 Court or to a party, I kind of let them go on that  
18 because I don't want to interfere with the province of  
19 the jury in that regard.

20 It could be jurors over there saying, Gosh, I  
21 can't believe that an experienced crime scene  
22 investigator is handling evidence without gloves. You  
23 never know. So that may cut both ways. I did not know  
24 that D.N.A. was still an issue. Be that as it may, have  
25 you got gloves?

1 THE WITNESS: I do, sir.

2 THE COURT: You can wear gloves. As far as  
3 the Court is concerned, every witness that gets up here  
4 can wear gloves. I don't have a preference one way or  
5 the other. If you have a particular witness, bring it  
6 up before the witness -- before they take the stand.

7 Bring us our jury, please.

8 (The jury returns to the courtroom.)

9 THE COURT: Welcome back, ladies and  
10 gentlemen. If you would please continue to give the  
11 parties your complete and undivided attention.

12 Thank you, Solicitor.

13 Thank you, Mr. Collins.

14 **DIRECT EXAMINATION**

15 BY MS. CAMPBELL:

16 Q Sergeant Rose, there has been testing done in this  
17 case. It was not done by you; correct?

18 A Yes, ma'am.

19 Q And typically in handling evidence once we got to  
20 trial, do you handle it with or without gloves at  
21 trial?

22 A Without gloves.

23 Q In this case the defense has requested you wear  
24 gloves, and you have no objection to that?

25 A I don't.

1 Q The shell casing you were talking about earlier in  
2 State's Exhibit Number 124, can you show the  
3 jury --

4 MS. CAMPBELL: Does he want me to wear gloves?

5 THE COURT: I didn't hear you.

6 MS. CAMPBELL: Does he want me to wear gloves?

7 MR. COLLINS: If she is going to be handling  
8 shell casings, that's what we are asking for.

9 MS. CAMPBELL: Your Honor, may the witness  
10 step down?

11 THE COURT: Certainly.

12 (Witness leaves the witness stand.)

13 BY MS. CAMPBELL:

14 Q Because the defense has requested, we will wear  
15 gloves. What is a shell casing? Show that to the  
16 jury.

17 A (Indicating).

18 Q And what part of the gun is that typically expended  
19 from? And what type of weapon typically would  
20 leave that at a crime scene?

21 A This was from a pistol --

22 THE COURT: Speak up a little bit for me.

23 A This is from a pistol. It was expelled from the  
24 top right side of the pistol typically.

25 Q And is that actually the actual projectile or

1 bullet that would actually hit someone?

2 A No, ma'am.

3 Q What part of the bullet is that?

4 A That's the projectile, the part that is in the top  
5 of the cartridge.

6 Q I show you State's Exhibit Number 125. You  
7 mentioned that these are actually live rounds.  
8 What caliber are those?

9 A These are .223-caliber.

10 Q And what is the difference between the shell casing  
11 you have in one hand and the actual .223 you have  
12 in the other?

13 A The size right now. This (indicating) is a  
14 complete bullet.

15 Q And those wouldn't be the same caliber for the  
16 record?

17 A They are not.

18 Q But is that what was called a live round?

19 A A live round.

20 Q What part of that bullet is the actual shell casing  
21 on that bullet as regards to the other one?

22 A The brass section here (indicating) and the top  
23 part is the projectile.

24 Q You can return that back to State's Exhibit  
25 Number 124.

1 A (Witness complies.)

2 Q You can have a seat.

3 A (Witness resumes the witness stand.)

4 Q Approximately how long were you at the crime scene  
5 that day, you and Investigator Gilland, processing  
6 and collecting evidence?

7 A It was a couple of hours. I'm not sure.

8 Q Once all the evidence had been collected, was it  
9 then turned over to you?

10 A Yes, ma'am.

11 Q What did you do with any evidence you collected at  
12 that scene or at any scene in this case?

13 A Went to our crime scene work area lab for proper  
14 packaging, and then the decision is to be made  
15 where it goes for the analysis.

16 Q And during the time period that you had this  
17 evidence on your person or in your presence, did  
18 anyone alter or tamper with it in any way?

19 A Did not.

20 Q Did anyone have access to it to do anything to it?

21 A No, ma'am.

22 Q Did you eventually put that into the evidence room?

23 A Yes, ma'am.

24 Q When did you turn it into the evidence room? Do  
25 you know?

1 A It's stamped on one of the envelopes. I don't have  
2 the exact time.

3 Q Not the exact time. What day was it?

4 A Should be that same day.

5 Q That same day. Then eventually did you also  
6 transport it to the Richland County Sheriff's  
7 Department?

8 A Yes, ma'am.

9 Q And for what purpose did you eventually take it to  
10 the Richland County Sheriff's Department?

11 A It was taken for ballistics.

12 Q I am going to move on to the next day. Actually  
13 you arrived at this crime scene on the 20th; is  
14 that correct?

15 A Right.

16 Q Slightly after midnight?

17 A Yes, ma'am.

18 Q After 1:00 A.M.?

19 A Yes.

20 Q That day next, June the 21st, did you go back to  
21 the apartment complex?

22 A Yes, I did.

23 Q What was the purpose in you going back?

24 A I was sent there to Apartment 23-H. They found  
25 some more damage.



1 Q And once you got there, were you able to recover  
2 any evidence there?

3 A Just photographs.

4 Q And what were you photographing at that point?

5 A I photographed the damaged apartment but we  
6 weren't able to find any bullet fragments. There  
7 was a photograph of the vehicle that had a bullet  
8 hole, but we could not find the bullet in the  
9 vehicle.

10 Q Let me back up. While you were there that night,  
11 did you also become aware that someone had been  
12 shot?

13 A Yes.

14 Q And ultimately died?

15 A Yes, ma'am.

16 Q And I want to show you State's Exhibits 50 through  
17 60. I will just ask you first, do you recognize  
18 those?

19 A Yes, ma'am.

20 Q What do those show?

21 A The first one is an overall picture where the shell  
22 casings were in the apartment complex, and then the  
23 next one is Building 23.

24 Q Specifically which apartment in Building 23 did you  
25 go into to take those photographs?

1 A Apartment █

2 Q Apartment █ and █

3 A Yes, ma'am.

4 Q What were you photographing when you went into  
5 there?

6 A Myself and Officer Gilland, we did these at the  
7 same time. We walked through both apartments. He  
8 took █ In █ there was a blood trail. He  
9 documented and photographed all the areas where  
10 they found the victim. I was in Apartment █ doing  
11 the pictures of the damage of the bullet that went  
12 through the other apartment.

13 Q Those are reflected in those photographs we just  
14 mentioned?

15 A Yes, ma'am. This is Apartment █

16 Q Apartment █

17 A Specifically █ You can see the entrance to H.

18 MS. CAMPBELL: Your Honor at this time, we  
19 offer them into evidence, State's Exhibits 50 through  
20 60?

21 MR. COLLINS: No objection.

22 THE COURT: Without objection 50 through 60  
23 are in evidence.

24 (State's Exhibits Number 50-60 are received  
25 into evidence.)

1 BY MS. CAMPBELL:

2 Q State's Exhibit Number 50 is an overview of the  
3 apartment complex?

4 A Yes, ma'am.

5 Q And did you take that when you first got there or  
6 when was it taken?

7 A Yes, ma'am, that was taken when we first got there.

8 Q In this picture it actually reflects some of the  
9 cones you refer to that the officers would have put  
10 there before you got there?

11 A Yes, ma'am.

12 Q Building 23 is where the victim ran into after  
13 being hit?

14 A Yes.

15 Q I show you State's Exhibit Number 51. What does  
16 that show?

17 A That is the entrance to E.

18 Q Specifically in State's Exhibit Number 52?

19 A That's the apartment entrance for ■ and ■

20 Q Which one is which?

21 A E. would be on the right -- looking at it -- the  
22 right. I'm sorry. Let me see the picture again.  
23 I think it's the left door. The left door is ■  
24 and the right door is ■

25 Q I note in State's Exhibit Number 53 there appears

1 to be some red marks?

2 A There is.

3 Q What does that appear to be?

4 A Appeared to be blood.

5 Q State's Exhibit 55 and 56?

6 A They are inside the apartment.

7 Q Again, that's where the victim went?

8 A Yes, ma'am.

9 Q It appears to be reddish marks throughout the  
10 pictures I am showing the jury now. What does that  
11 appear to?

12 A It appeared to be blood.

13 Q Did you collect or swab that in any way?

14 A We did not.

15 Q Was there any dispute over whose blood it was?

16 A There wasn't. That's where E.M.S. worked on him.

17 Q And specifically in State's Exhibit 58?

18 A Yes, ma'am.

19 Q Fifty-nine, again, the interior of the same  
20 apartment?

21 A Yes, ma'am.

22 Q Again, the stains on the floor and on the wall  
23 appear to be?

24 A Blood.

25 Q Again, there is no dispute as to whose blood that

1 was?

2 A No, ma'am.

3 Q State's Exhibit 60, what is that on the floor?

4 A That's the kitchen with the bloodstains.

5 Q I want to show you what has been marked at State's

6 Exhibit Number 61 from the same complex -- 61

7 through 64 actually -- and first ask if you

8 recognize those?

9 A Yes, ma'am.

10 Q And what do those show?

11 A This is another building. This is Building 24  
12 where there was a bullet hole in the glass in one  
13 of the front windows.

14 Q Does that fairly and accurately reflect that?

15 A Yes, ma'am.

16 MS. CAMPBELL: Your Honor, at this time we  
17 offer State's Exhibit 61, 62, 63, and 64.

18 MR. COLLINS: No objection.

19 THE COURT: State's 61 through 64 are in  
20 evidence without objection.

21 (State's Exhibit Number 61-64 are received  
22 into evidence.)

23 ---

24 BY MS. CAMPBELL:

25 Q And I note here in State's Exhibit Number 62 and

1           63, is one a closeup of the other? I may have them  
2           upside-down?

3    A    Yes, ma'am, they are.

4    Q    And in your expert opinion, what does that appear  
5           to be?

6    A    Bullet holes.

7    Q    Was building was this in?

8    A    Twenty-four.

9    Q    Is that the same building the victim died in or was  
10           that a different one?

11   A    That was the building across the roadway -- the  
12           parking lot -- where we collected all the other  
13           shell casings.

14   Q    You mentioned there was a number of automobiles in  
15           the parking lot that day?

16   A    Yes, ma'am.

17   Q    I show you State's Exhibit 65 through 75 and first  
18           ask if you recognize those?

19   A    I do.

20   Q    What do those show?

21   A    It shows the vehicles in the parking lot. The  
22           first view shows the pictures in the parking lot as  
23           we had seen them that night. Then the other ones  
24           were where they were towed to the police  
25           department.

1 Q When they were towed to the police department?

2 A And photographed.

3 Q And you actually photographed those at a separate  
4 time?

5 A Yes, ma'am.

6 Q And what type of damage is shown on those vehicles?

7 A Bullet holes.

8 MS. CAMPBELL: Your Honor, at this time we  
9 offer them into evidence, 65 through 73. I apologize,  
10 Your Honor. I misspoke through 75.

11 MR. COLLINS: No objection.

12 THE COURT: Sixty-five through 75 are in  
13 evidence without objection.

14 (State's Exhibits Number 65-75 are received  
15 into evidence.)

16 BY MS. CAMPBELL:

17 Q I show you State's Exhibit Number 65. What kind of  
18 automobile is that?

19 A It's a Caravan.

20 Q Is there any damage that is noted in this  
21 photograph?

22 A A bullet hole.

23 Q Was that located in the parking lot area where you  
24 found the shell casings?

25 A Yes.

1 Q And in State's Exhibit Number 66, what does that  
2 show?

3 A Another car with gunshot.

4 Q State's Exhibit 67, what does that show?

5 A That's the same car you just saw with another  
6 bullet hole in the tire.

7 Q What is that on the hood of that car?

8 A It's food from a fast food restaurant.

9 Q Was that significant in your investigation?

10 A Yes.

11 Q Why?

12 A It just shows somebody was out there in front of  
13 the car when all this happened.

14 Q Specifically 68 through 75, those were taken after  
15 it was towed?

16 A Yes, ma'am.

17 Q That was that same car we just referenced?

18 A It was. We were trying to locate the bullet.

19 Q Did you also go inside an apartment there to find  
20 evidence -- several apartments actually?

21 A We did.

22 Q I show you what has been marked -- what are the  
23 numbers on those?

24 A Seventy-six through 85.

25 Q Seventy-six through 85. Do those fairly and



1 accurately depict what you found?

2 A Yes, ma'am.

3 Q And what type of damage is noted on the interior of  
4 the apartments?

5 A Bullet holes again.

6 Q Do you remember specifically which apartment that  
7 was in?

8 A Yes, ma'am, this is Apartment 23-█

9 Q Where is Building 23? You mentioned several  
10 buildings in this. Where did the victim actually  
11 go into?

12 A That was Building 23. He was in Apartment █ This  
13 is next door, Apartment █

14 Q Thank you. So this was next door?

15 A Yes, ma'am.

16 Q And there was actual damage?

17 A There is.

18 MS. CAMPBELL: Your Honor, at this time we  
19 offer State's Exhibits 76 through 85.

20 THE COURT: Any objection?

21 MR. COLLINS: No objection.

22 THE COURT: Seventy-six through 85 are in  
23 evidence without objection.

24 (State's Exhibits Number 76-85 are received  
25 into evidence.)

1 BY MS. CAMPBELL:

2 Q And I note in State's Exhibit Number 76, what type  
3 of damage did you photograph there?

4 A The bullet hole on the wall.

5 Q And is that right below where I am pointing?

6 A Yes, ma'am.

7 Q That was actually on the inside of the apartment?

8 A It is.

9 Q And do you know whether or not there were people in  
10 that apartment when this happened?

11 A There was. I'm not sure where they were located.

12 Q State's Exhibit Number 77, what type of damage is  
13 that?

14 A A bullet hole.

15 Q State's Exhibit 78?

16 A The same thing, bullet hole.

17 Q State's Exhibit 80 shows what?

18 A That's looking into the apartment.

19 Q Which then State's 81 shows what?

20 A A bullet hole, damage.

21 Q State's Exhibit Number 82, what type of evidence is  
22 that?

23 A A bullet fragment.

24 Q Was that collected?

25 A It was.

1 Q And where was that found?

2 A On the floor in that apartment.

3 Q Finally, State's 83 and 84 and 85, bullet holes?

4 A Yes, ma'am.

5 Q Did you also go into a bathroom in a different  
6 building?

7 A I did.

8 Q What building was that?

9 A Building 20.

10 Q And I believe that's on your diagram, item  
11 number -- your marker Number 45?

12 A Forty-five.

13 Q Which would be on State's Exhibit 4 over here  
14 (indicating)?

15 A Yes, ma'am.

16 Q And the majority -- where are the buildings we have  
17 been talking about?

18 A This is Building 24 (indicating), 23 (indicating),  
19 and this is Building 20 (indicating). That  
20 (indicating) is specifically H.

21 Q And did you actually end up going over to that  
22 building at some point?

23 A Yes, ma'am.

24 Q When did you go there?

25 A That night.

1 Q And what type of evidence were you asked to look  
2 for or were you shown?

3 A That bullet. It was a projectile on the floor in  
4 the bathroom.

5 Q I show you State's Exhibit 86 through 88. Do you  
6 recognize those?

7 A Yes, ma'am.

8 Q And does that show the bullet fragment that you  
9 collected?

10 A Yes.

11 Q As noted on State's Exhibit Number 4?

12 A It does.

13 MS. CAMPBELL: Your Honor, at this time we  
14 offer into evidence these photographs?

15 MR. COLLINS: No objection.

16 THE COURT: Eighty-six to 88 are in evidence  
17 without objection.

18 (State's Exhibits Number 86-88 are received  
19 into evidence.)

20 BY MS. CAMPBELL:

21 Q I show the jury 87 and 88.

22 A Yes, ma'am.

23 Q Does that show what we are talking about?

24 A It does, the projectile on the bathroom floor.

25 Q Is that different from the shell casing we were

1 referring to?

2 A It is.

3 Q What part of the bullet is that?

4 A It's not part of your full cartridge. That's what  
5 comes out of the gun.

6 Q You mentioned that the day after you finished your  
7 processing of the crime scene that day, you went  
8 back to Apartment 23-H, I believe?

9 A Yes, ma'am.

10 Q And who did you meet with that day?

11 A I don't recall their name.

12 Q Can you refer to your notes dated 6/21/2010.

13 A Oh, yeah, Stevenson.

14 Q Ms. Stevenson?

15 A Yes.

16 Q Lamettress Stevenson?

17 A Lamettress Stevenson.

18 Q Did she give you consent to search a certain item  
19 of hers?

20 A Yeah, her van.

21 Q The van, the Caravan?

22 A Yes, ma'am.

23 Q Again, the bullet hole was noted, but what were you  
24 looking for in the Caravan when you searched that?

25 A Bullet fragments, which I found none.

1 Q You found none. Is that unusual when there is an  
2 obvious bullet hole for there to be no bullet  
3 fragments?

4 A No, ma'am.

5 Q Why is that?

6 A It disintegrates sometimes.

7 Q On the next day, on June 22nd, did you make contact  
8 with a Michael Samuels?

9 A Yes, I did.

10 Q Which automobile did he own out there that night?

11 A It was, I believe, an Oldsmobile.

12 Q Yes, sir, the Oldsmobile?

13 A Yes, an Oldsmobile.

14 Q That we showed pictures of earlier?

15 A We did.

16 Q Did he give you consent to search his vehicle?

17 A He did.

18 Q Did you photograph that one, that are already in  
19 evidence?

20 A Yes.

21 Q And what all damage did you notice depicted in the  
22 photographs?

23 A It looked like the bullet had passed through  
24 vehicle and hit one -- hit his tire.

25 Q On June 24th, two days later, were you again asked

1 to assist in this investigation?

2 A Yes.

3 Q And specifically what were you asked to do on June  
4 the 24th?

5 A Assist Investigator Menendez with a search warrant  
6 on a 1998 LeBaron, to photograph and collect  
7 evidence.

8 Q You said LeBaron. Would you refer to your notes?

9 A I'm sorry, LeSabre.

10 Q LeSabre?

11 A That was my fault. Yes, a 1998 Buick LeSabre. I  
12 didn't read it correctly.

13 Q I will show you what has been marked as State's 89  
14 through 107 and first ask if you recognize those?

15 A I do.

16 Q Are those photographs you took in processing that  
17 car?

18 A Yes, ma'am.

19 Q And do those fairly and accurately depict how --  
20 where did you go to actually process that car that  
21 day?

22 A This was done at headquarters at 1 Justice Square.

23 Q So someone else had this car towed there?

24 A Yes.

25 Q When you got there, your job was to just document

1 the damage to the vehicle?

2 A It was.

3 Q Did you do that?

4 A I did.

5 Q It that fairly and accurately depicted in 89  
6 through 107?

7 A Yes, ma'am.

8 MS. CAMPBELL: Your Honor, at this time we  
9 offer them into evidence.

10 MR. COLLINS: No objection.

11 THE COURT: State's 89 through 107 are in  
12 evidence without objection.

13 (State's Exhibit Number 89-107 are received  
14 into evidence.)

15 BY MS. CAMPBELL:

16 Q I am going to show you State's Exhibit Number 89.

17 Does that accurately show the rear of that vehicle?

18 A Yes.

19 Q And State's Exhibit Number 90, does that show  
20 damage to that vehicle?

21 A It does.

22 Q What damage was it to the Buick LeSabre?

23 A It's bullet holes in the door.

24 Q And that's how it was when you processed it on June  
25 the 24th?



1 A Yes, ma'am.

2 Q I want to show you State's Exhibit Number 91. Do  
3 you recognize that?

4 A Yes, sir.

5 Q What damage does that show?

6 A A bullet hole on the top of the car.

7 Q When you were called in as part of this  
8 investigation, do you even know who the car belongs  
9 to?

10 A No, ma'am.

11 Q You just document it and collect it?

12 A Yes.

13 Q State's Exhibit Number 92?

14 A Just a different angle, same damage on the driver's  
15 side.

16 Q Ninety-three?

17 A Different angle, same side, driver's side.

18 Q State's Exhibit Number 94?

19 A That's a different angle. Again, on the top,  
20 damage to the roof.

21 Q And what type of damage to the roof is noted in  
22 this picture?

23 A Bullet holes.

24 Q And State's Exhibit Number 95, which is an  
25 overview?

1 A Yes, ma'am.

2 Q Specifically did you go through and document up  
3 close with the scale certain bullet holes?

4 A Yes, we did.

5 Q State's Exhibit 96?

6 A That's the bullet hole with a scale.

7 Q Ninety-seven?

8 A Same thing.

9 Q Ninety-eight?

10 A Bullet hole with a scale.

11 Q Ninety-nine?

12 A Bullet hole with a scale.

13 Q And State's 100 through 107 is just more  
14 documentation of the same?

15 A Yes, ma'am.

16 Q As part of your protocol, did go ahead and swab the  
17 door handles?

18 A We did.

19 Q For what?

20 A We swabbed the door handles to collect any D.N.A.  
21 on the door handle on the inside of the car.

22 Q When you were processing at that point, you don't  
23 know what role it played in this?

24 A No, not at all.

25 Q That same day on the 24th, did you get a call to go

1 to [REDACTED] [REDACTED]?

2 A Yes, ma'am.

3 Q Whose house was that? Do you know?

4 A I don't know. We had a search warrant for that  
5 house.

6 Q The search warrants and other stuff, you assist in  
7 processing and collecting evidence, but you don't  
8 like get the search warrants?

9 A Not, not at all, just assist.

10 Q But there was a valid search warrant in this case?

11 A Yes, ma'am.

12 Q When you went to [REDACTED] [REDACTED] did you  
13 participate in a search of the house?

14 A No.

15 Q Were you called in after the search was down to  
16 document evidence that had been observed?

17 A Yes, I was.

18 Q I want to show you State's Exhibit 108 through 117  
19 and first ask if you recognize those?

20 A I do.

21 Q What do those show?

22 A It shows the outside of that address on [REDACTED]  
23 [REDACTED] the house, and then the interior. It shows  
24 the bedroom and a weapon sticking out from  
25 underneath the bed.

1 Q And your role in the search warrant would be to  
2 document and then collect any evidence?

3 A Yes.

4 Q Is that what you did in this case?

5 A I did.

6 MS. CAMPBELL: Your Honor, at this time we  
7 offer State's Exhibit 108 through 117 in evidence.

8 MR. COLLINS: No objection.

9 THE COURT: Number 108 through 117 in evidence  
10 without objection.

11 (State's Exhibits Number 108-117 are received  
12 into evidence.)

13 BY MS. CAMPBELL:

14 Q I show you State's Exhibit Number 108. What does  
15 that just generally show?

16 A That's the front side of the house at that address.

17 Q This is the [REDACTED] address?

18 A [REDACTED].

19 Q You mentioned earlier about that you observed what  
20 under the bed?

21 A A weapon, a rifle.

22 Q Was it -- how was it positioned under the bed when  
23 you got there?

24 A Pointing out from underneath it about midway, I  
25 guess, of the bed sticking out.

1 Q I will show you State's Exhibit 109. Can you  
2 actually observe that there?

3 A Yes, you can see it right here (indicating).

4 Q If I put my finger right there, is that where it's  
5 sticking out?

6 A Yes, ma'am.

7 Q What part of the gun is actually sticking out?  
8 It's hard to see.

9 A The barrel, the front of the barrel.

10 Q The barrel of the gun?

11 A Yes, ma'am.

12 Q What type of gun did you find at [REDACTED]  
13 that day?

14 A That was an A.K. rifle chambered with .223.

15 Q State's Exhibit 110, 111, 112 just document the  
16 general area?

17 A Yes.

18 Q But then State's Exhibit Number 113, is that a  
19 better picture of what you were talking about?

20 A Yes, ma'am.

21 Q State's Exhibit Number 114 and 115, what do those  
22 show?

23 A The same rifle, just from a floor angle.

24 Q From a floor angle?

25 A Yes, ma'am.

1 Q State's Exhibit Number 117, when was this taken?

2 A After I removed the weapon from underneath the bed  
3 to clear it and make sure it was unloaded and safe.

4 Q And was there any ammunition in that weapon that  
5 day --

6 A There was.

7 Q -- at [REDACTED]?

8 A Yes, ma'am. The magazine was loaded, and there was  
9 also one in the chamber ready to fire.

10 Q Again, what caliber weapon is this?

11 A It's a .223-caliber.

12 Q A .223-caliber. Did you actually collect that  
13 evidence?

14 A Yes, ma'am.

15 MS. CAMPBELL: Beg the Court's indulgence.

16 (Pause.)

17 BY MS. CAMPBELL:

18 Q I show you what has been marked as State's Exhibit  
19 129. You have got to handle this carefully by the  
20 guidelines.

21 A Yes, ma'am. (Pause.)

22 Q Is that the .223?

23 A It is.

24 Q Is that the one you collected that day at [REDACTED]

25 [REDACTED]?

1 A Yes, ma'am.

2 Q I show you State's Exhibit Number 130 and 131. Do  
3 you recognize those?

4 A Yes, this is the ammunition I bagged.

5 Q And was that the ammunition that you got from that  
6 rifle once you removed it from under the bed?

7 A Yes, ma'am.

8 Q Why is the one round separate from the others?

9 A This is the round that was in the chamber.

10 Q In the chamber?

11 A And these were the rounds that were in the  
12 magazine.

13 MS. CAMPBELL: Your Honor, at this time we  
14 offer Exhibits 129 through 131 into evidence.

15 MR. COLLINS: Without objection.

16 THE COURT: One-thirty-one is going to be --  
17 which one is 131?

18 MS. CAMPBELL: Number 131 is the single bullet  
19 in the chamber.

20 THE COURT: In evidence without objection.

21 (State's Exhibits Number 129-131 are received  
22 into evidence.)

23 ---

24 BY MS. CAMPBELL:

25 Q Just for clarification, in 117 that's the gun and

1           those are the bullets?

2   A     Yes, ma'am.

3   Q     The next day on the 25th of June, did you respond  
4           to an address at [REDACTED], Apartment [REDACTED]

5   A     I did.

6   Q     Again, why were you called in?

7   A     The investigators were following up on the case,  
8           and they called me to the scene. They had found  
9           more evidence.

10   Q     I am going to show you what is marked as State's  
11           Exhibit 118 through 122, which is upside-down. Do  
12           you recognize those?

13   A     I do.

14   Q     What do those depict, sir?

15   A     This is the apartment at [REDACTED]. It's  
16           Apartment [REDACTED]

17   Q     Does it depict actual evidence that you collected  
18           there at the scene?

19   A     It does.

20   Q     Did you find it or did somebody else find it and  
21           then call you?

22   A     Somebody else found it, and they called me just to  
23           collect it.

24                 MS. CAMPBELL: Your Honor, at this time we  
25           offer State's Exhibits 118 through 122.



1 MR. COLLINS: No objection.

2 THE COURT: One-eighteen through 122 is in  
3 evidence without objection.

4 (State's Exhibits Number 118-122 are received  
5 into evidence.)

6 BY MS. CAMPBELL:

7 Q I show you State's Exhibit Number 122. What does  
8 that show?

9 A The front door of the apartment there on Medical  
10 Drive.

11 Q When you got there, in State's Exhibit Number 118,  
12 were there two weapons on the bed?

13 A Yes, ma'am.

14 Q Did you photograph those prior to collecting them?

15 A I did.

16 Q And what type of weapons did you find at Medical  
17 Drive?

18 A One is an A.K.47. The other one is an S.K.S.

19 Q The .223 and A.K.47 and S.K.S., what type of  
20 weapons are those?

21 A They are all assault rifles.

22 Q Again, closeups in 119 and 120?

23 A Yes, ma'am.

24 Q And in this case did you collect any ammunition in  
25 State's Exhibit 121?

1 A Yes.

2 Q What type of ammunition -- where did you find that  
3 ammunition?

4 A That ammunition was in the kitchen drawer, and  
5 there was just several types.

6 Q During that search were those guns actually loaded,  
7 as the S.K.S. was?

8 A They were unloaded.

9 Q I show you what has been marked as State's Exhibit  
10 Number 132, 133, and 134. Again, be careful  
11 handling it.

12 A This is the S.K.S.

13 Q Is this depicted in State's Exhibit Number 118?

14 A Yes, ma'am, on the bed.

15 Q Which one is that?

16 A It's this one, the rifle.

17 Q The rifle. I show you State's Exhibit Number 132.

18 A This is the A.K. That is also depicted there.

19 Q Here (indicating)?

20 A Yes, ma'am.

21 Q Finally, you mentioned the ammunition?

22 A Yes, ma'am, this is the bullets.

23 MS. CAMPBELL: Your Honor, at this time I  
24 would offer into evidence 132, 133, and 134.

25 THE COURT: Tell me again, 132 is what item,

1 Sergeant?

2 THE WITNESS: This one is the A.K.47.

3 THE COURT: That's 133; isn't it?

4 THE WITNESS: One-thirty-two.

5 THE COURT: All right, 132.

6 THE WITNESS: And 133, sir, is the S.K.S.

7 THE COURT: Any objections, Mr. Collins?

8 MR. COLLINS: No, Your Honor.

9 THE COURT: One-thirty-two and 133 are in  
10 evidence without objection.

11 MS. CAMPBELL: And 134.

12 THE COURT: What is 134?

13 MS. CAMPBELL: It's the ammunition.

14 THE COURT: What ammunition is that?

15 THE WITNESS: The ammunition that was in

16 Apartment [REDACTED] on [REDACTED]

17 THE COURT: Any objections, Mr. Collins?

18 MR. COLLINS: No, Your Honor.

19 THE COURT: Number 134 is in evidence without  
20 objection.

21 (State's Exhibits Number 132-134 are received  
22 into evidence.)

23 ---

24 BY MS. CAMPBELL:

25 Q Finally, when you were participating in the search

1 of the Buick that had been shot up, did you find  
2 any paperwork in that?

3 A Yes.

4 Q I will show you what is marked as 135. Is that  
5 some of the paperwork you found in that car?

6 A Investigator Menendez retrieved this from the glove  
7 box. This is just the miscellaneous papers with  
8 the defendant's name on it.

9 MS. CAMPBELL: Your Honor, at this time I  
10 offer 135 into evidence.

11 THE COURT: Any objection, Mr. Collins?

12 MR. COLLINS: If I could look, Your Honor.

13 (Pause.)

14 MR. COLLINS: No objection.

15 THE COURT: One-thirty-five is in evidence.

16 What are those items?

17 THE WITNESS: Just miscellaneous papers that  
18 was in the glove box.

19 (State's Exhibit Number 135 is received into  
20 evidence.)

21 BY MS. CAMPBELL:

22 Q State's Exhibit Number 135, whose name is on the  
23 papers that were taken from this car?

24 A Daqwan Johnson.

25 Q Daqwan Johnson?

1 A Yes, ma'am.

2 Q Once you had collected all the evidence in this  
3 case, did anyone ever alter or tamper with it in  
4 any way while it was in your possession?

5 A No, ma'am.

6 Q And was it submitted properly to your evidence  
7 room?

8 A It was.

9 Q And later on June 29, 2010, were you asked to take  
10 evidence to the Richland County Sheriff's  
11 Department?

12 A Yes, ma'am.

13 Q And what evidence did you actually transport to the  
14 Richland County Sheriff's Department?

15 A I took items 1 through 47, 49 through 51. Those  
16 were taken to the Richland County Sheriff's  
17 Department.

18 Q During the time period you had that evidence in  
19 your possession, did anyone alter or tamper with it  
20 in any way?

21 A No, ma'am.

22 Q Did you submit it to the Richland County Sheriff's  
23 Department evidence room?

24 A Yes.

25 Q During the course of this, did you prepare a

1 listing of the evidence that you collected, the  
2 location it was collected, and the date and time  
3 you collected it?

4 A Yes.

5 Q And is that reflected in -- let me mark these. Is  
6 this a blowup of the actual evidence you collected  
7 in the case and your listing?

8 A Yes, ma'am.

9 MS. CAMPBELL: Your Honor, at this time we  
10 offer State's Exhibits 136 through 38.

11 MR. COLLINS: Let me see those.

12 MS. CAMPBELL: Sure.

13 MR. COLLINS: No objection, Your Honor.

14 THE COURT: State's 136, 137, 138 are in  
15 evidence without objection.

16 (State's Exhibit Number 136-138 are received  
17 into evidence.)

18 BY MS. CAMPBELL:

19 Q For example, State's Exhibit Number 136, is this  
20 some of the evidence that you collected at the  
21 crime scene that day?

22 A It is.

23 Q The initial crime scene. State's Exhibit 137  
24 continues that and where it was collected?

25 A Yes.

1 Q And the time?

2 A It does.

3 Q And then down here (indicating), I believe item 47  
4 starts with what was found at [REDACTED]?

5 A Yes, ma'am.

6 Q And so all the items up to that point were found  
7 at the original crime scene at Gable Oaks  
8 Apartments?

9 A Yes.

10 Q Then when you go to State's Exhibit 49, that was  
11 found at Medical Drive?

12 A Yes.

13 Q And that lists what was found?

14 A Yes, ma'am.

15 Q Again, any testing done on the items, that would be  
16 done by a different expert?

17 A Yes.

18 Q Thank you.

19 MS. CAMPBELL: I don't have anything further,  
20 Your Honor.

21 THE COURT: Thank you. Thank you very much,  
22 Solicitor. Mr. Collins.

23 CROSS EXAMINATION

24 BY MR. COLLINS:

25 Q Good morning. Well, I guess it's barely good

1           afternoon now. I noticed you had a tough time  
2           remembering some of the questions that Ms. Campbell  
3           was asking you; right? Some of the details, you  
4           had a tough time recalling without your report;  
5           right?

6   A     Yes.

7   Q     That's because you take a good report whenever you  
8           do a crime scene investigation that you are  
9           working; right?

10  A     I do take one.

11  Q     Sometimes it takes a couple of years for it to make  
12          it to trial?

13  A     Yes.

14  Q     And it's hard to remember certain details about  
15          what you did a couple of years ago; right?

16  A     That's the purpose of the notes.

17  Q     And you take detailed notes?

18  A     I take the report that I have in front of me, yes,  
19          sir.

20  Q     Accurate notes?

21  A     Yes.

22  Q     And you make sure it's thorough?

23  A     Yes, we document what we do, sir.

24  Q     And you can go back and supplement the report if  
25          you need to; right?



1 A Yes.

2 Q I want to take you back a little bit, back to  
3 June 19, 2010, why everybody is here today. I  
4 believe you testified that you got there and made  
5 sure the scene was secured; right?

6 A Yes.

7 Q That's because you don't want any contamination of  
8 any evidence that is out there; right?

9 A That's right.

10 Q I believe your words, your job to is to document,  
11 collect, preserve, and analyze; right?

12 A Yes.

13 Q In this case you didn't actually analyze anything  
14 in this case?

15 A No.

16 Q You didn't; right?

17 A No.

18 Q But you documented everything, and that was just  
19 putting the numbers and organizing everything that  
20 you were going to collect; right?

21 A That is part of the investigation.

22 Q You documented where it was found and what was  
23 found so that the jury would be able to see it  
24 today?

25 A Yes.

1 Q By collecting it, it's not just picking it up and  
2 throwing it in the bag. You are doing that pretty  
3 carefully; right?

4 A Yes.

5 Q Again, you don't want to contaminate. Because  
6 things can be tested for fingerprints; right?

7 A Yes, sir.

8 Q And it can be tested for D.N.A.; right?

9 A Depending on the evidence, yes, sir.

10 Q And the technology with D.N.A. testing has gotten  
11 sophisticated enough that there is a thing called  
12 touch D.N.A.; right? Are you aware of that?

13 A I am.

14 Q That means if somebody just touches something, it's  
15 possible to develop a D.N.A. profile from that;  
16 correct?

17 A I'm not a D.N.A. expert, sir. I just collect the  
18 evidence and we send it off for analysis.

19 Q You preserve it so that the analyst can possibly  
20 recover a D.N.A. profile; right?

21 A Yes.

22 Q And that's why you wear gloves when you handle  
23 evidence; right?

24 A At the scene, absolutely.

25 Q At the scene. Okay. And all of this stuff that

1       you have analyzed and you collected and you put in  
2       the evidence room, you didn't taken any swabs from  
3       any of the shell casings; did you?

4   A   No, sir.

5   Q   You found out that somebody else did at some point;  
6       right?

7   A   In this case the evidence, once it was collected,  
8       was going to be tested through another agency. At  
9       that point we don't swab. We don't do any other  
10      analysis on that piece of evidence.

11           It was going to go to Richland County or it  
12      was going to go to S.L.E.D. or whatever other  
13      agency. When that happens we do not analyze it.  
14      We don't swab it. They do.

15   Q   But you just kept it preserved so that they could  
16       analyze it; right?

17   A   Yes, sir.

18   Q   And it wasn't contaminated in any way when you sent  
19       it to the Richland County Sheriff's Department?

20   A   No.

21   Q   And they have their own lab there; right?

22   A   Yes, sir.

23   Q   Now, I want to take you to what Ms. Campbell just  
24       went through with these three boards here. She  
25       went through the things that you listed that you

1           took into evidence. In these three boards what she  
2           left out was that you took the D.N.A. swabs from  
3           the Buick LeSabre; right?

4   A    Yes.

5   Q    So you do have the ability to take D.N.A. swabs?

6   A    To collect possible D.N.A., yes.

7   Q    And you took swabs from each door handle on the  
8           inside of the car; right?

9   A    Yes, sir.

10   Q   To possibly tell who may have touched that door  
11          handle; right?

12   A    Or who was sitting where, yes, sir.

13   Q    Exactly. You also took into evidence a bunch of  
14          cigarette butts?

15   A    Yes, sir.

16   Q    And when people smoke cigarettes, they put them in  
17          their mouth and take them out and hold them; right?

18   A    Yes.

19   Q    Typically. So usually you can develop a D.N.A.  
20          profile from a cigarette butt?

21   A    Well, you can turn it in to be analyzed, yes, sir.

22   Q    To your knowledge was it ever analyzed?

23   A    Not to my knowledge.

24   Q    Was anything tested at all from that car?

25   A    That I don't know.

1 Q That car that was riddled with bullet holes?

2 A For D.N.A. I don't know.

3 Q Now, you testified about the .223 gun that you  
4 recovered on [REDACTED]

5 A Yes, sir.

6 Q I believe you called it an A.K., but it's not  
7 actually an A.K.; is it?

8 A It's an A.K. action assault rifle chambered in  
9 .223s. They are chambered in several different  
10 calibers.

11 Q And the ammunition that you found at the scene that  
12 you called .223, it's actually a different caliber  
13 that can be fired from a .223?

14 A It's the same caliber. It's just measured  
15 differently. There were two sets, two different  
16 types of ammunition mixed in that magazine.

17 Q And the gun that you recovered and the things you  
18 recovered from [REDACTED], I believe you said  
19 that was on June 24th; right?

20 A June 24th, yes, sir, around -- I don't have the  
21 time. It should be on the search warrant.

22 Q That's about four or five days after the shooting  
23 at Gable Oaks?

24 A Yes, sir.

25 Q And let's go back again to Gable Oaks. I apologize

1           for bouncing all over the place. Back to the scene  
2           the night you were there, I believe you testified  
3           you found 20 shell casings that were 7.62?

4   A    Yes, sir, 7.62 by 39.

5   Q    And that ammunition cannot be fired by a .223 gun?

6   A    No, sir.

7   Q    It can only be fired by an A.K.47?

8   A    Well, it can be fired through an A.K.47 chamber.

9           It's .30-caliber, 7.26 by 39.

10   Q   And it can be fired by an S.K.S.?

11   A    It can.

12   Q   And those were the two guns found at Medical Park  
13           Drive; correct?

14   A    Yes, sir.

15   Q   And they were unloaded and stored away?

16   A    They were on the bed when I got there. I don't  
17           know where they were in the apartment.

18   Q   All right.

19           MR. COLLINS: Beg the Court's indulgence.

20           THE COURT: Yes, sir.

21           (Pause.)

22   BY MR. COLLINS:

23   Q    And you were qualified as a crime scene  
24           investigation expert?

25   A    Yes, sir.

1 Q In your expert opinion, everything that you sent  
2 off was properly preserved and ready for testing;  
3 right?

4 A Yes, sir.

5 Q That includes the swabs from the car; right?

6 A We didn't send that off for testing.

7 Q It's still preserved for testing; correct?

8 A Yes.

9 Q The shell casings, you had those preserved so they  
10 could be swabbed for D.N.A.; correct?

11 A They were packaged properly, which is for any  
12 analysis that can be done to them.

13 Q In your expert opinion, when you sent them to  
14 Richland County, they could have properly been  
15 swabbed for D.N.A.; correct?

16 A No, we asked for ballistics to be done on them. We  
17 didn't request D.N.A. on the shell casings.

18 Q Who was the supervising investigator that you were  
19 familiar with?

20 A The investigator in charge, Arthur Thomas, I  
21 believe is the --

22 Q What about Sergeant Babin?

23 A Sergeant Babin was in charge of the unit itself.

24 MR. COLLINS: Beg the Court's indulgence.

25 THE COURT: Yes, sir.

1 (Pause.)

2 MR. COLLINS: If I may approach the court  
3 reporter?

4 THE COURT: Yes, sir.

5 MR. COLLINS: If I can have this marked for  
6 I.D. purposes only, please.

7 (Defendant's Exhibit Number 2 is marked for  
8 identification).

9 BY MR. COLLINS:

10 Q Do you recognize this sheet of paper?

11 A This is a supervisor's form to get payment when you  
12 send something for forensic analysis. This was  
13 Sergeant Babin's side of what needs to be done.

14 Q Can you explain --

15 A To take it and have the test done. I was directed  
16 to take it for ballistics, and he would take care  
17 of the paperwork.

18 Q And what box is checked, the two boxes that are  
19 checked for the types of investigation to go  
20 forward on?

21 A Serology, D.N.A. analysis, and firearms and tool  
22 mark analysis.

23 Q What's the date on that piece of paper?

24 A The 25th is when it was signed. I don't know when  
25 it was done.



1 Q The 25th of what year?

2 A 6/25/2010.

3 Q 2010. It's a request for D.N.A. testing and  
4 ballistics; correct?

5 A From Sergeant Babin, yes.

6 Q Thank you.

7 MR. COLLINS: I have no further questions,  
8 Your Honor.

9 THE COURT: Redirect?

10 MS. CAMPBELL: Just a couple, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MS. CAMPBELL:

13 Q He asked you about shell casings that you found at  
14 the scene and Gable Oaks?

15 A Yes, ma'am.

16 Q He mentioned specifically what type of shell  
17 casing?

18 A The 7.62 by the 39.

19 Q What kind of live rounds did you find at that crime  
20 scene that day?

21 A There were .223 rounds.

22 Q And what kind of gun did you find under the bed at  
23 [REDACTED]?

24 A It was an A.K.47 that was chambered in .223.

25 Q In .223?

1 A Yes, ma'am.

2 Q The same type of live rounds you found at the  
3 scene?

4 A Yes, ma'am.

5 Q He didn't ask you about that?

6 A He did not.

7 Q Also, he asked you about whether or not you took  
8 D.N.A. from a car?

9 A He did.

10 Q A Buick LeSabre specifically. And can D.N.A. just  
11 tell you who might or might not have been in that  
12 car?

13 A Yes, ma'am.

14 Q Whose paperwork did you find in that car?

15 A Daqwan Johnson's.

16 Q And if a person owns a car and drives a car, would  
17 you expect to find their D.N.A.?

18 A Oh, absolutely.

19 Q Regardless of whether or not they committed a crime  
20 or not?

21 A Yes.

22 Q Thank you.

23 THE COURT: Recross, Mr. Collins?

24 MR. COLLINS: Yes, Your Honor, very briefly.

25 THE COURT: Yes, sir.

### RECROSS EXAMINATION

BY MR. COLLINS:

Q How many spent shell casings from a .223 did you find at the scene?

A I only found two live rounds.

**Q** How many spent shell casings?

A No spent shell casings of .223-caliber.

**Q** None?

A No .223 spent casings, only live rounds.

Q If that gun is fired -- it's not a revolver  
rifle -- it shoots out shell casings; correct?

**A     Yes, sir.**

Q Now, she bought up the paperwork from the car, and I may have some trouble finding it. Do you remember what is on that paperwork besides Mr. Johnson's name?

A I just looked at it. I don't know what's on it.

Q Is it still up there? If you could look at the dates on that paperwork for me, please.

A Do you want me to put gloves on with this too?

Q We don't have to put gloves on pieces of paper.

**A     It's a leave and earning statement.**

**Q** Are there any dates on there?

**A The date of the check was 12/10/2009.**

Q Let's go to the next one.

1 A It's a loan agreement. I don't know who it's from  
2 but it's to Daqwan Johnson.

3 Q What is the date on that?

4 A 1/7/2010.

5 Q Okay.

6 A And a Wachovia bank paper for a checking account,  
7 Daqwan Johnson, and this statement is good through  
8 12/16/2009.

9 Q Okay.

10 A That's it.

11 Q This shooting happened June 15, 2010 -- or June 19,  
12 2010?

13 A Yes, sir.

14 MR. COLLINS: No further questions.

15 THE COURT: Thank you. Thank you very much,  
16 Sergeant. You may step down.

17 (Witness leaves the witness stand.)

18 THE COURT: You may call your next witness.

19 MR. SHELLENBERG: Yes, sir, the State calls  
20 Sue Johnson.

21 SUSAN JOHNSON, being  
22 first duly sworn, testifies as follows:

23 CLERK: State your name for the record,  
24 please.

25 THE WITNESS: Susan Johnson.

**DIRECT EXAMINATION**

BY MR. SHELLENBERG:

Q Ms. Johnson, where do you work?

A T-Mobile.

Q What is your job title?

A I'm the custodian of records.

Q What does that entail?

A We respond to subpoenas from various law enforcement agencies across the United States.

Q So you come and testify in court?

A Yes.

Q At this time I am going to show you what is marked as State's 139 and State's 140. Take a look at those. Do you recognize those?

A Yes, I do.

Q What are they?

A Subscriber information, as well as call records.

Q What are the date of those phone records?

A June 17, 2010, through June 22, 2010.

Q Are those records kept in the normal course of business?

A Yes, they are.

MR. SHELLENBERG: Your Honor, at this time we offer State's Exhibit 139 and 140 into evidence.

MR. NEWTON: I need to see what it is, Your

1 Honor. Beg the Court's indulgence.

2 THE COURT: Yes, sir.

3 MR. NEWTON: Your Honor, at this time I don't  
4 believe the State has laid a proper foundation as to  
5 what these phone records are and the relevance to this  
6 trial, Your Honor, who the person is, what they mean,  
7 what this has to do with anything.

8 THE COURT: All right. I would agree. I  
9 don't know whose records those are. So as far as her  
10 being the custodian under 803(6), she meets those  
11 qualifications; but as far as the relevancy of the items  
12 at this point, I don't know what it is. I would sustain  
13 the objection at this time based on the testimony I have  
14 heard at this time. They will be for I.D. only at this  
15 time.

16 (State's Exhibits Number 139-140 are marked  
17 for identification).

18 BY MR. SHELLENBERG:

19 Q Can you please tell me whose names appear on those  
20 records?

21 A The name as far as the subscriber?

22 Q Yes, ma'am.

23 A Mia Johnson, and the other account is prepaid.

24 THE COURT: What was the first name you said?

25 THE WITNESS: Mia Johnson, M-I-A.

1 THE COURT: Mia Johnson?

2 THE WITNESS: Correct.

3 THE COURT: Go right ahead, Solicitor. I  
4 didn't mean to interrupt you.

5 MR. SHELLENBERG: Beg the Court's indulgence.

6 (Pause.)

7 MR. SHELLENBERG: Your Honor, the prepaid one,  
8 we will mark for I.D. only, but we moved to admit 139  
9 into evidence.

10 MR. NEWTON: Your Honor, again, I would state  
11 they haven't even established what phone numbers they  
12 want to introduce, what that has to do with anything in  
13 this case whatsoever, who Mia Johnson is, how this is  
14 connected whatsoever. We have not spoken about a phone  
15 number. At this time it's not proper for it to be  
16 introduced.

17 THE COURT: Do you have Ms. Johnson here?  
18 Call her and ask her who she is, what her connection is,  
19 and have this witness brought back up here. You know,  
20 you can't prove everything on a pencil point.

21 I can allow them to go forward. If they fail  
22 to tie it up, I will strike it from the record; but  
23 everything cannot be proven on a pencil point with a  
24 witness from alpha to omega so to speak.

25 This witness is the custodian of those

1 records. If they don't tie in who Ms. Johnson is, I  
2 will certainly strike those from the record. But if he  
3 wants that foundation first to show relevancy, I don't  
4 have objections to that either.

5 MR. SHELLENBERG: All right, Your Honor. May  
6 I ask the witness to step down?

7 THE COURT: Yes, ma'am, if you could step  
8 aside. You will be subject to recall, continued direct,  
9 and possible cross examination.

10 (Witness leaves the witness stand.)

11 THE COURT: Call your next witness, Solicitor.  
12 States 139 and 140 are still marked for identification.

13 MR. SHELLENBERG: The State calls Karen  
14 Milbrodt. Your Honor, Verizon sent down a different  
15 person than we originally had, a different custodian of  
16 records then they usually use.

17 THE COURT: What is this person's name?

18 MR. SHELLENBERG: Karen Milbrodt,  
19 M-I-L-B-R-O-D-D. (verbatim).

20 KAREN MILBRODT, being  
21 first duly sworn, testifies as follows:

22 CLERK: State your name for the record.

23 THE WITNESS: Karen Milbrodt.

24 THE COURT: Solicitor, this young lady's name  
25 was not on the witness list?



1 MR. SHELLENBERG: No, Your Honor.

2 THE COURT: Is any member of the jury panel  
3 related by blood or marriage or close personal friends  
4 or have any business, social, or professional  
5 relationship with -- I will mispronounce your name  
6 again. I apologize.

7 THE WITNESS: Milbrodt. The last letter is  
8 T., not D.

9 COURT REPORTER: Spell it for me, please.

10 THE WITNESS: M-I-L-B-R-O-D-T.

11 THE COURT: If any member of the jury fits in  
12 that category, please stand.

13 (There is no response.)

14 THE COURT: Thank you very much.

15 **DIRECT EXAMINATION**

16 BY MR. SHELLENBERG:

17 Q Ms. Milbrodt, who do you work for?

18 A Verizon Wireless.

19 Q And what do you do for them?

20 A My title is I'm an analyst in the executive  
21 relations office. One of those responsibilities is  
22 to be a records custodian for our business records.

23 Q I will show you what is marked for identification  
24 as State's Exhibit 141. Do you recognize that?

25 A Yes, I do.

1 Q What are those?

2 A These are our business records for a specific  
3 subscriber, a customer of ours. The records are  
4 ledgers that explain how to read our business  
5 records, and then they are text message and phone  
6 calls, activity records.

7 Q Are they kept in the normal course of business?

8 A Yes, they are.

9 MR. SHELLENBERG: At this time we would just  
10 like to mark them for identification purposes.

11 THE COURT: This will be 141 for I.D. only.

12 (State's Exhibit Number 141 is marked for  
13 identification).

14 MR. COLLINS: Your Honor, may we be allowed to  
15 view those?

16 THE COURT: Sure.

17 (Pause.)

18 MR. COLLINS: Your Honor, may we approach very  
19 briefly?

20 THE COURT: Sure.

21 (Whereupon there was a bench conference off  
22 the record in the presence of the jury but out of the  
23 hearing of the jury.)

24 BY MR. SHELLENBERG:

25 Q I will show this to you just briefly.

1 A Yes, sir.

2 Q Can you tell me the dates of those phone records,  
3 those phone calls?

4 A Yes, sir, the phone call dates are from June 17,  
5 2010, through June 23, 2010.

6 Q And what is the phone number associated with those  
7 records?

8 A Our customer's telephone number is [REDACTED].

9 Q Thank you very much.

10 MR. SHELLENBERG: No further questions, Your  
11 Honor.

12 THE COURT: Mr. Collins?

13 MR. COLLINS: No questions.

14 THE COURT: Thank you. Thank you very much.  
15 You may step down.

16 (Witness leaves the witness stand.)

17 THE COURT: Solicitor, you may call your next  
18 witness.

19 MS. WALKER: Your Honor, may we approach?

20 THE COURT: Yes, ma'am.

21 (Whereupon there was a bench conference off  
22 the record in the presence of the jury but out of the  
23 hearing of the jury.)

24 THE COURT: Step to your jury room for about  
25 ten minutes, ladies and gentlemen. Do not discuss the

1 case during this brief recess.

2 (The jury retires to the jury room.)

3 THE COURT: They are bringing the next witness  
4 up?

5 MS. WALKER: Yes, sir. I just requested that  
6 a deputy bring him up.

7 THE COURT: What is the issue on his record?  
8 Is that resolved?

9 MR. NEWTON: Your Honor, there is a C.D.V. of  
10 a high and aggravated nature conviction that carries  
11 over a year. There are some manufacturing of drugs that  
12 carry over a year. I feel like those would be at this  
13 point relevant. I don't think I will object to those.

14 THE COURT: Solicitor?

15 MS. WALKER: Beg the Court's indulgence, Your  
16 Honor.

17 MR. NEWTON: I believe he is serving time on a  
18 C.D.V. third, which is not the same as a C.D.V. of a  
19 high and aggravated nature, which I believe carries a  
20 year, over a year.

21 MR. COLLINS: Your Honor, I don't know if we  
22 have addressed it yet, but if we are getting into the  
23 witnesses that are incarcerated and possible  
24 codefendants, we are still going to have to go back and  
25 address the Neil v. Biggers hearing.

1 I don't know if this next witness, Whitney  
2 Wilson, if they are going to attempt to do any type of  
3 identification, but he was shown a photo lineup when he  
4 was questioned by the police.

5 He did circle a number of pictures; but,  
6 again, we are requesting hearings outside the presence  
7 of the jury on any witness that they intend to identify  
8 Mr. Johnson in any way whatsoever.

9 THE COURT: Solicitor.

10 MS. WALKER: Your Honor, we would be happy to  
11 have a Biggers hearing.

12 THE COURT: Say that again.

13 MS. WALKER: We are happy to go forward with a  
14 Biggers hearing if that's what they are requesting, Your  
15 Honor.

16 THE COURT: What is his last name?

17 MS. WALKER: Wilson, W-I-L-S-O-N.

18 THE COURT: Is he going to identify -- do you  
19 intend for him to identify the defendant in court?

20 MS. WALKER: To offer the photo lineup in  
21 court or to actually --

22 THE COURT: Is he going to identify  
23 Mr. Johnson in court as one of the individuals that was  
24 the perpetrator or was present aiding and abetting the  
25 perpetrators of the crime?

1 MS. WALKER: No, Your Honor.

2 THE COURT: If there is no in-court  
3 identification, it's not relevant whether or not there  
4 was an out-of-court identification whether it was  
5 suggestive or not; correct?

6 MS. WALKER: Your Honor, they do show a photo  
7 lineup of the shooting incident that happened earlier  
8 that day when he was shot at. If Your Honor wants me to  
9 approach and show you the lineup.

10 (Hands to Court.)

11 THE COURT: All right.

12 MS. WALKER: He then narrows the perpetrator  
13 of that afternoon shooting down to three people, one of  
14 whom, Your Honor, is Daqwan Johnson.

15 THE COURT: This was the daytime shooting?

16 MS. WALKER: Yes, Your Honor.

17 THE COURT: I am trying to think it through.  
18 You have an out-of-court 50/50 identification, three out  
19 of six. That is three chances to be maybe be right and  
20 three chances to be wrong.

21 Why is there a necessity for a Neil versus  
22 Biggers hearing if he's not going to do an in-court  
23 identification? That's what I'm not tracking. The  
24 purpose of -- of course, I will probably sit here and  
25 talk about it longer than it would take to have a

1 hearing.

2 But at the same time, the purpose of the  
3 in-camera hearing is to determine whether or not the  
4 in-court identification was of an independent origin or  
5 was the product of circumstances surrounding the prior  
6 out-of-court identification. If there is no in court --

7 MR. COLLINS: I agree 100 percent, Your Honor.  
8 We were inquiring and will be objecting to that being  
9 submitted into evidence as being much more prejudicial  
10 than it is probative of anything.

11 It's six mugshots, one with our client  
12 included, and he only circled half of the lineup.  
13 That's not very probative of much, and it's highly  
14 prejudicial to our client. We would be objecting to  
15 that.

16 THE COURT: That's a separate and distinct  
17 motion in limine so to speak on the prejudicial effect  
18 of the photo lineup.

19 MR. COLLINS: Yes, Your Honor. We agree 100  
20 percent with the Court. If there is no in-court  
21 identification, Neil v. Biggers doesn't come up.

22 THE COURT: Solicitor, are you going to offer  
23 this into evidence?

24 MS. WALKER: Yes, Your Honor.

25 THE COURT: He says it's prejudicial. He also

1 says it might not be very probative if it's 50/50.

2 MS. WALKER: Your Honor, that's something for  
3 the jury to consider. My position is that -- and I  
4 think Mr. Newton conceded this in opening statement --  
5 this was a series of events that happened over the  
6 course of the day.

7 Your Honor, the first shooting, our position  
8 is that the defendant was driving the Buick LeSabre that  
9 we have been talking about, and fired at Whitney Wilson.  
10 There was a retaliation shooting for that later in the  
11 day, and that culminated, Your Honor, in the murder of  
12 Gary Reese.

13 At that point Mr. Wilson is asked questions  
14 about that earlier shooting that kind of starts off this  
15 event that ends with this murder. The witness in this  
16 case identifies the car as that gray Buick LeSabre.

17 He was also able, at that point in time, when  
18 shown a photo lineup, he does select three individuals,  
19 one of whom is Daqwan Johnson. That can go to the  
20 weight of the evidence, Your Honor, but I don't think  
21 its admissibility.

22 THE COURT: How do I know these are mugshots,  
23 Mr. Collins?

24 MR. COLLINS: We can easily elicit that from  
25 the investigator of where he pulled these pictures, but



1 I know from my personal experience these are mugshots.  
2 They certainly look like mugshots to me. My fear would  
3 be that the jurors would assume the same thing.

4 THE COURT: Some jurors might not even know  
5 what a mugshot is.

6 MR. COLLINS: They might not but they might.  
7 I think when you do the balancing test of prejudicial  
8 nature versus probative, the probative side of this is  
9 barely even off the floor.

10 THE COURT: He can testify to it. He can  
11 testify to being shown a photo lineup. He circled three  
12 he thought were -- you can mark that for identification  
13 purposes only. It cannot be shown to the jury at this  
14 time.

15 MS. WALKER: Thank you, Your Honor.

16 MR. COLLINS: Also, Your Honor, we request a  
17 copy of Mr. Wilson's rap sheet. We have gotten some,  
18 but I don't see Mr. Wilson's.

19 THE COURT: I thought he just addressed that.

20 MR. COLLINS: He had spoken to Ms. Walker  
21 about it and knew some of the convictions, but I don't  
22 think we have a copy of the actual rap sheet.

23 MR. NEWTON: To help you track a little bit,  
24 Mr. Collins, I just ran over to Ms. Campbell, and she is  
25 going to make us a copy. We are straight. I didn't get

1 a chance to tell him that.

2 MS. CAMPBELL: They said they lost theirs, and  
3 we are getting them another one.

4 THE COURT: Is the record straight?

5 MR. NEWTON: We are going to get a copy.

6 THE COURT: Is the record straight under 609  
7 and what you are going to impeach him on?

8 MR. NEWTON: Your Honor, I do believe that  
9 Solicitor Campbell is double-checking a disposition out  
10 of Lexington to decide whether it's a manufacturing or a  
11 distribution charge; is that right? We were waiting on  
12 that.

13 THE COURT: Is Mr. Wilson upstairs?

14 DEPUTY: Yes, sir.

15 THE COURT: Are you ready to proceed,  
16 Solicitor?

17 MS. WALKER: Yes, sir.

18 MS. CAMPBELL: Your Honor, they are planning  
19 on getting into the drug conviction and the two C.D.V.  
20 convictions is my understanding; is that correct?

21 MR. COLLINS: Yes.

22 THE COURT: Bring the jury.

23 (The jury returns to the courtroom.)

24 THE COURT: You may call your next witness,  
25 Solicitor.

1 MS. WALKER: Your Honor, the State calls  
2 Whitney Wilson.

3 THE COURT: Mr. Wilson, if you would come  
4 around and be sworn for us, please.

5 WHITNEY WILSON, being  
6 first duly sworn, testifies as follows:

7 CLERK: State your name for record.

8 THE WITNESS: Whitney Wilson.

9 **DIRECT EXAMINATION**

10 BY MS. WALKER:

11 Q Mr. Wilson, are you currently at the Department of  
12 Corrections?

13 A Yes, ma'am.

14 Q Back in 2010 where did you live?

15 A Ashley Apartments, known as Gable Oaks Apartments.

16 Q That's here in Columbia?

17 A Yes, ma'am.

18 Q I want to take you back to June 19, 2010. Start  
19 that afternoon. Was there a period of time in  
20 which you heard and saw gunfire?

21 A Twice that day.

22 Q I'm sorry? Can you speak up.

23 A Yes, ma'am, twice that day.

24 Q Let's start with the first time. Can you tell me  
25 where you were when you heard it the first time?

1 A The first time I was taking out the trash, and I  
2 was right there by the 25 building when I seen a  
3 gray or silver Buick pull up, the passenger side  
4 window rolled down, a gun came out, and shot at me.

5 Q Could you see the people in the car?

6 A I seen the driver.

7 Q Did you know him?

8 A No, I ain't know him.

9 Q About what time was that?

10 A It was around 12:00 o'clock that afternoon.

11 Q What kind of car was it?

12 A Silver Buick with tinted windows.

13 Q Do you remember the model of the car?

14 A '97, '98 model.

15 Q When you were shot at that afternoon, what did you  
16 do?

17 A I went in the house and ain't come out no more  
18 until later on that night, later on that night  
19 about 12:00 o'clock.

20 Q Between that afternoon shooting and when you talked  
21 about later on that night, where were you?

22 A I was in the house.

23 Q Did you stay in the house the whole time?

24 A Yeah.

25 Q That night when you first heard shots, do you

1           remember where you were?

2    A       Yeah, I was on the sidewalk right by the park.

3    Q       There is a children's playground in the middle of  
4           this apartment complex?

5    A       Yes, ma'am.

6    Q       And you were standing by the playground when you  
7           first heard shots?

8    A       Yes, ma'am.

9    Q       Do you remember how many shots you heard?

10   A       No, it was rapid fire.

11   Q       Do you remember how long it lasted?

12   A       Probably about a good minute and a half time span.

13   Q       Could you see where the shots were coming from?

14   A       Yes, ma'am. We have like a field across from the  
15           park. Gunshots were coming from there and from the  
16           little alleyway by the 25 building where I stayed  
17           at.

18   Q       So there is an alleyway there?

19   A       Yes, ma'am, like a cut between the apartments.

20   Q       Could you make out who was doing the shooting?

21   A       No, I couldn't see the faces. I just saw the  
22           gunfire from the flame from the muzzles.

23   Q       Could you tell what type of guns they had?

24   A       Yeah.

25   Q       What kind of guns did you see that night?

- 1 A Assault rifles.
- 2 Q So those are long guns?
- 3 A Yeah.
- 4 Q Once you realized that or heard the shooting for  
5 the second time, what did you do?
- 6 A At first I ducked behind the car. Then we all just  
7 got up and started running.
- 8 Q Where did you run to?
- 9 A I ran between the 23 and 22 building.
- 10 Q Did the shooting eventually stop that night?
- 11 A It stopped.
- 12 Q At some point did you see police officers and  
13 ambulances and stuff like that respond to the  
14 scene?
- 15 A Yeah, it took a while for them to get there, but  
16 they finally did get there.
- 17 Q Now, at some point in connection with all this, you  
18 gave a statement to the police; didn't you?
- 19 A Ma'am?
- 20 Q You gave a statement to the police about this?
- 21 A Yes, ma'am.
- 22 Q And did they ask you about both shootings?
- 23 A Yes, ma'am.
- 24 Q And did they show you pictures regarding that first  
25 shooting?

1 A Yes, ma'am.

2 (State's Exhibit Number 142 is marked for  
3 identification).

4 MS. WALKER: Your Honor, I would like to show  
5 the witness what has been marked as State's Exhibit  
6 Number 142.

7 THE COURT: Yes, ma'am, you may show it to the  
8 witness.

9 BY MS. WALKER:

10 Q Do you recognize that?

11 A Yes, ma'am.

12 Q Are these the pictures that were shown to you?

13 A Yes, ma'am.

14 Q And you circled a number of pictures here; correct?

15 A Yes, ma'am.

16 Q How many picture did you circle?

17 A I circled three.

18 Q When you were circling these three pictures, why  
19 did you circle these pictures?

20 A Those were the faces I saw in the car that shot at  
21 me.

22 Q This was in the afternoon?

23 A Yes.

24 Q Could you narrow it down to just one person or  
25 these three? You circled these three?

1 A Those are the pictures.

2 Q Now, you stated when you first got on the stand,  
3 you are at the Department of Corrections; right?

4 A Yes, ma'am.

5 Q Do you have a number of convictions on your record?

6 A Yes, ma'am.

7 Q Do you have a criminal domestic violence third?

8 A Yes, ma'am.

9 Q Criminal domestic violence, 2005?

10 A Yes, ma'am.

11 Q In 2003 there was a possession with intent to  
12 distribute crack?

13 A Yes, ma'am.

14 Q That afternoon when you were at Gable Oaks, you  
15 were taking trash out?

16 A Yes, ma'am.

17 Q And what kind of car were the people that shot you  
18 in?

19 A A silver Buick.

20 MS. WALKER: No further questions, Your Honor.

21 THE COURT: Thank you. Mr. Collins.

22 MR. COLLINS: Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY MR. COLLINS:

25 Q Good afternoon. Do you go by any nicknames?



1 A No, sir.

2 Q Anyone ever called you Weeny?

3 A No, sir.

4 Q No one has ever called you Weeny?

5 A No, sir.

6 Q Do you know anybody named Weeny?

7 A Yeah.

8 Q What's his name?

9 A Edward Miller.

10 THE COURT: Say that again for me.

11 THE WITNESS: Edward Miller.

12 THE COURT: Edward Miller?

13 THE WITNESS: Uh-huh.

14 THE COURT: Thank you.

15 BY MR. COLLINS:

16 Q Did you ever hang out with Edward Miller?

17 A Yeah, that's my nephew.

18 Q He lived over in Gable Oaks community too at that  
19 time back in 2010?

20 A Yes, sir.

21 Q And do you know a person by the name of Titus  
22 Bowman?

23 A I know of him.

24 Q Know of him. How do you know of him?

25 A Being around in the neighborhood.

1 Q How about Antwon Brisbane?

2 A No, I don't know him.

3 Q Have you ever heard of Terrance Patterson?

4 A Yeah.

5 Q Did you know about Weeny shooting at Terrance  
6 Patterson?

7 A No.

8 Q Did you know about Terrance Patterson shooting at  
9 Edward Miller?

10 A No, sir.

11 Q Did you ever shoot at Terrance Patterson?

12 A No, sir.

13 Q Did he ever shoot at you?

14 A (Witness shakes head.) (Indicating negative  
15 response.)

16 THE COURT: Is that a no? I couldn't quite  
17 hear.

18 THE WITNESS: No, sir.

19 THE COURT: Thank you.

20 BY MR. COLLINS:

21 Q Have you ever owned a gun?

22 A No, sir.

23 Q Never held one?

24 A No, sir.

25 Q Do you know Christine Toatley?

1 A Who?

2 Q Christine Toatley?

3 A No.

4 Q Never heard of Christine Toatley?

5 A No, sir.

6 Q Do you know if Weeny -- Edward Miller -- knows  
7 Christine Toatley?

8 A Don't know.

9 Q So you don't ever remember telling Christine  
10 Toatley that the person in that Buick worked at  
11 Bojangle's?

12 A Sir?

13 Q You don't ever remember telling Christine Toatley  
14 that the person in that Buick that shot at you that  
15 afternoon worked at Bojangle's?

16 A No, sir.

17 MR. COLLINS: No further questions.

18 THE COURT: Redirect, Solicitor?

19 REDIRECT EXAMINATION

20 BY MS. WALKER:

21 Q He asked you about Titus Bowman. You said you know  
22 him?

23 A I know of him.

24 Q Would you recognize him if you saw him?

25 A Yeah, probably.

1 MS. WALKER: No further questions.

2 THE COURT: Recross, Mr. Collins?

3 **RECROSS EXAMINATION**

4 BY MR. COLLINS:

5 Q I almost forgot. Speaking of Titus Bowman, is your  
6 testimony here today that you had nothing to do  
7 with the shooting at Studio 54 the night of this  
8 incident?

9 A No, sir.

10 Q You had nothing to do with going to that club and  
11 unloading 20 to 30 rounds?

12 A No, sir.

13 Q Thank you.

14 THE COURT: Thank you. Thank you very much,  
15 Mr. Wilson. You may step down. Thank you for being  
16 with us today.

17 (Witness leaves the witness stand.)

18 THE COURT: Perhaps now would be a good time  
19 to take our luncheon recess, ladies and gentlemen.  
20 Please remember my instructions. Do not discuss this  
21 case with anyone during this recess. That includes your  
22 fellow jurors, lunch mates, family, friends, anyone  
23 else.

24 If anyone tries to talk with you about the  
25 case, please let me know immediately. Please remember

1 my instructions to you. Do not use your computer, your  
2 cellular phone to do any research in the matter on any  
3 information that is excluded, which includes but is not  
4 limited to, information on a party, an attorney, a Court  
5 officer, a witness, any prior news reports about the  
6 case, or any information that you think would be helpful  
7 in deciding the case through your jury research.

8 Remember, you must determine and decide the  
9 case based on the evidence you hear from the witnesses  
10 testifying under oath from the witness stand and any  
11 other physical evidence introduced.

12 With that being said, you are now released for  
13 your luncheon recess. I would ask you to please be back  
14 promptly at 2:30 please. Be back promptly at 230.  
15 Don't hang around when you come back. Come right on  
16 back and back to your new temporary home, your jury  
17 room. I hope you have a pleasant lunch. Thank you very  
18 much.

19 (The jury is excused for lunch at 1:00 P.M.)

20 THE COURT: Anything further from the defense?

21 MR. COLLINS: Your Honor, regarding the last  
22 pack of phone records that was marked for identification  
23 purposes only, if we could approach the bench. I want  
24 to put on the record I have a problem with that packet.

25 I realize it's not in evidence yet, but I just

1 wanted to bring to the Court's attention the fact that  
2 when they do seek to introduce it, we were provided the  
3 spread sheets of those phone records; however, we were  
4 never provided with the first two pages, which is the  
5 actual key to how to read those records.

6 It also notifies that those records are from  
7 Verizon Wireless. The remedy we would seek is those  
8 first two pages be suppressed if they seek to introduce  
9 them and if they lay the foundation for that phone  
10 record at the appropriate time.

11 THE COURT: Solicitor.

12 MS. CAMPBELL: Your Honor, we are checking  
13 what we actually turned over as far as those first two  
14 pages. However, as far as the key to actually using the  
15 things, we have turned over those keys on multiple  
16 occasions to the Public Defender's office. I am not  
17 saying specifically to this person, but if we could look  
18 over the lunch hour, we will look and then we will make  
19 an offer.

20 THE COURT: Anything further, Mr. Collins?

21 MR. COLLINS: No, Your Honor.

22 THE COURT: Solicitor, anything from the State  
23 before we take our recess?

24 MS. CAMPBELL: No, sir.

25 THE COURT: Thank you very much. Court will

1 be in recess until 2:30.

2 (Whereupon there is a luncheon recess.)

3 MS. CAMPBELL: May it please the Court.

4 THE COURT: Yes, ma'am.

5 MS. CAMPBELL: We want to go ahead this  
6 afternoon and put up some of the codefendants to get  
7 that testimony done if we could. There are a few  
8 matters that we need to address. We have two out of the  
9 three lawyers here of the defendants.

10 I believe at one point that you wanted to do a  
11 colloquy with them about their rights or something to  
12 that effect. I don't know if you wanted the defendants  
13 present in the courtroom when they did that.

14 Your Honor, we do plan on publishing parts of  
15 the video during their testimony. I have conferred with  
16 defense counsel, and I think we have settled all their  
17 records.

18 THE COURT: I was just referring to pretrial  
19 motion number nine. The defense made a motion to have  
20 each witness with pending charges advised of his or her  
21 right to remain silent by the presiding judge and to  
22 have any potential plea deals disclosed to the defense  
23 in this case. This includes any offers or deals whether  
24 written or not.

25 I didn't intend to advise them of their

1 rights. If they want to be advised of their rights,  
2 they can bring them out here in the presence of their  
3 lawyer and ask their lawyer if they want to advise them  
4 of their rights. I didn't intend to do it.

5 MS. CAMPBELL: And maybe I misheard, Your  
6 Honor. I just wanted to make sure we complied with any  
7 rulings you had made and make sure we didn't do anything  
8 without...

9 THE COURT: Who is your first codefendant?

10 MS. CAMPBELL: Your Honor, I can do Marquez  
11 Prophet. Mr. Shurling is here. Mr. Johnson is here for  
12 Mr. Walker, and it's my understanding that Deon O'Neil,  
13 we have requested him to come over -- he is here.

14 THE COURT: You can bring all three of them if  
15 you want at one time. I don't know about security.

16 (Pause.)

17 THE COURT: Have them and their lawyers come  
18 around to the microphone.

19 MR. JOHNSON: Good afternoon, Your Honor.

20 THE COURT: Good afternoon, Mr. Johnson. How  
21 are you? Tell me your client's name.

22 MR. JOHNSON: Detrick Walker, Your Honor.

23 THE COURT: Walker?

24 MR. JOHNSON: That's correct, Your Honor.

25 THE COURT: And tell me your client's name.



1 MR. O'NEIL: Terrance Patterson.

2 THE COURT: Madame Clerk, would you place the  
3 two defendants under oath for me, please.

4 DETRICK WALKER AND TERRENCE  
5 PATTERSON are first duly sworn.

6 THE COURT: Mr. Johnson, tell me your client's  
7 full name.

8 MR. JOHNSON: Detrick Walker.

9 THE COURT: The defense had filed a motion  
10 concerning each witness with any pending charges being  
11 advised of his or her right to remain silent by the  
12 presiding judge and to have any potential plea deals  
13 disclosed to the defense in this case.

14 I did not intend to advise them of their  
15 rights since they were represented by counsel. I  
16 assumed counsel would be here. Have you advised him of  
17 his rights, Mr. Johnson?

18 MR. JOHNSON: Yes, I have, Your Honor.

19 THE COURT: Does he appear to understand those  
20 rights?

21 MR. JOHNSON: It appears to me that he does,  
22 Your Honor.

23 THE COURT: Does he intend to testify today?

24 MR. JOHNSON: My belief of my conversation  
25 with him is he intends to testify, Your Honor.

1           THE COURT: He is not taking the witness stand  
2 solely for the purposes of exercising his Fifth  
3 Amendment right?

4           MR. JOHNSON: That's correct, Your Honor.

5           THE COURT: Mr. Walker, you have heard what  
6 your attorney, Mr. Johnson, has said. Is all that  
7 correct?

8           MR. WALKER: Yes, sir.

9           THE COURT: He talked with you about your  
10 right to testify or not to testify in this trial?

11          MR. WALKER: Yes, sir.

12          THE COURT: You have a right to remain silent?

13          MR. WALKER: Yes, sir.

14          THE COURT: Speak up for me just a little bit.  
15 My court reporter has to get everything down.

16          MR. WALKER: I said yes, sir.

17          THE COURT: Do you intend to testify in this  
18 trial?

19          MR. WALKER: Yes, sir.

20          THE COURT: You do not intend to exercise your  
21 Fifth Amendment right to remain silent; is that correct?

22          MR. WALKER: Yes, sir.

23          THE COURT: Plea deals?

24          MR. JOHNSON: No plea deals have been offered  
25 to me yet, Your Honor.

1 THE COURT: Is that correct, Madame Solicitor?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: Which of the three witnesses now  
4 before me -- I haven't identified Ms. Shurling's client  
5 yet -- which individual is going to testify first?

6 MS. CAMPBELL: I was planning on going with  
7 Mr. Prophet, Your Honor. In addition, he was shown some  
8 individual photographs, but he does know the defendant  
9 by name and sight and all that, but if we need to have a  
10 hearing on that as well.

11 THE COURT: All right. Anything else you  
12 would like to put on the record, Mr. Johnson, as far as  
13 your client?

14 MR. JOHNSON: I have nothing, Your Honor.

15 THE COURT: Mr. Collins, are there any other  
16 questions you would like the Court to ask of Mr. Johnson  
17 or his client?

18 MR. COLLINS: No, Your Honor. We think the  
19 request was handled.

20 THE COURT: Thank you. Thank you very much.  
21 He can be returned to wherever y'all return them to.

22 State your name for the record and for the  
23 court reporter.

24 MR. O'NEIL: My name is Deon O'Neil, and I  
25 represent Terrance Patterson.

1 THE COURT: Thank you. Thank you very much,  
2 Mr. O'Neil. Have you discussed with him his right to  
3 testify or not to testify?

4 MR. O'NEIL: Yes, Your Honor.

5 THE COURT: And you have explained to him that  
6 he has a right to remain silent?

7 MR. O'NEIL: Yes, Your Honor.

8 THE COURT: Does he intend to testify in this  
9 trial today?

10 MR. O'NEIL: My last discussion with  
11 Mr Patterson on this past Monday was that he intended to  
12 testify. We have not fully discussed that matter today.

13 THE COURT: That was your last conversation  
14 you had with him, he intended to testify?

15 MR. O'NEIL: Yes, sir.

16 THE COURT: He understands his right to remain  
17 silent?

18 MR. O'NEIL: Yes, Your Honor.

19 THE COURT: Have there been any plea offers or  
20 plea deals made?

21 MR. O'NEIL: No, Your Honor.

22 THE COURT: Sir, you heard what your attorney,  
23 Mr. O'Neil, just said; is that correct?

24 MR. PATTERSON: Yes, sir.

25 THE COURT: Step over here by the microphone

1 for me. You heard what your attorney said?

2 MR. PATTERSON: Yes, sir.

3 THE COURT: Is that correct?

4 MR. PATTERSON: Yes, sir.

5 THE COURT: Do you intend to testify in the  
6 trial?

7 MR. PATTERSON: No, sir.

8 THE COURT: You do not intend to testify in  
9 this trial?

10 MR. PATTERSON: No, sir.

11 THE COURT: So if you were called as a  
12 witness, you would exercise your right to remain silent?

13 MR. PATTERSON: Yes, sir.

14 THE COURT: And exercise your Fifth Amendment  
15 right?

16 MR. PATTERSON: Yes, sir.

17 THE COURT: So your position has changed since  
18 Monday?

19 MR. PATTERSON: Yes, sir.

20 THE COURT: Do you need anymore time to talk  
21 with your lawyer?

22 MR. PATTERSON: No, sir.

23 THE COURT: Do you want anymore time to talk  
24 with your lawyer?

25 MR. PATTERSON: No, sir.

1 THE COURT: Any other questions you would like  
2 the Court to consider asking, Solicitor?

3 MS. CAMPBELL: No, sir.

4 THE COURT: Mr. Collins?

5 MR. COLLINS: No, sir.

6 THE COURT: Should that change -- and I should  
7 have told Mr. Johnson this also -- should that change --  
8 Sheriff, I don't allow people in the courtroom in shorts  
9 unless it's part of a Boy Scout's uniform -- should that  
10 change if you would notify the solicitor, Mr. O'Neil.

11 MR. O'NEIL: Yes, Your Honor.

12 THE COURT: Thank you. Thank you very much  
13 for being here today.

14 Ms. Shurling, what is your client's name?

15 MS. SHURLING: Marquez Prophet, Your Honor.

16 THE COURT: Prophet?

17 MS. SHURLING: Prophet.

18 THE COURT: Spell that for me.

19 MS. SHURLING: P-R-O-P-H-E-T.

20 THE COURT: Have you explained to him his  
21 right to testify or not to testify?

22 MS. SHURLING: At great length, Your Honor.

23 THE COURT: Does he understand he has a right  
24 to remain silent?

25 MS. SHURLING: Yes, he does.

1 THE COURT: Does he intend to testify in this  
2 trial?

3 MS. SHURLING: He does, Your Honor.

4 THE COURT: If he is called to the witness  
5 stand, he is going to testify and not exercise his right  
6 to remain silent?

7 MS. SHURLING: It is my understanding, and he  
8 has consistently taken that position for some time now.

9 THE COURT: Have there been any plea deals or  
10 plea offers made between the State and Mr. Prophet?

11 MS. SHURLING: Your Honor, there not only have  
12 not been any deals extended, there have actually been no  
13 negotiations beyond making it very clear that there  
14 would be no negotiations at this time.

15 THE COURT: Thank you. Do you object to me  
16 asking your client some questions, Ms. Shurling?

17 MS. SHURLING: Not at all, Your Honor.

18 THE COURT: Madame Clerk, would you place  
19 Mr. Prophet under oath.

20 MARQUEZ QUAYSHAWN PROPHET is  
21 first duly sworn.

22 THE COURT: Tell me your full name.

23 MR. PROPHET: Marquez Quayshawn Prophet.

24 THE COURT: You heard what your attorney told  
25 me, what she said, Ms. Shurling. Do you intend to

1 testify in this trial?

2 MR. PROPHET: Yes, sir.

3 THE COURT: So if you are called to the  
4 witness stand, you are going to testify and answer the  
5 questions that are asked?

6 MR. PROPHET: Yes, sir.

7 THE COURT: You are not going to exercise your  
8 right to remain silent?

9 MR. PROPHET: No, sir.

10 THE COURT: There have been no plea offers or  
11 plea deals?

12 MR. PROPHET: No, sir.

13 THE COURT: Any other questions, Solicitor,  
14 you would like me to consider?

15 MS. CAMPBELL: No, sir.

16 THE COURT: Mr. Collins?

17 MR. COLLINS: No, sir.

18 THE COURT: Thank you. Thank you for being  
19 here, Ms. Shurling.

20 As to Mr. Prophet, is there a Neil v. Biggers  
21 issue?

22 MS. CAMPBELL: No, Your Honor. He knows  
23 everyone by name and sight. However, based on what you  
24 said pretrial, if we want to have a hearing on that, he  
25 was shown some photographs, even though he knows the



1 people, just to confirm their identities.

2           There was a photo lineup. In other words,  
3 normally under McCloud and with the Liverman case, I  
4 think we need to have a hearing just to establish that  
5 he knows them and that type of thing.

6           THE COURT: I agree. Are you going to do that  
7 now?

8           MS. CAMPBELL: It would be a good time to do  
9 it, Judge.

10          THE COURT: You are still under oath.

11                   **IN CAMERA DIRECT EXAMINATION**

12 BY MS. CAMPBELL:

13 Q     Mr. Prophet, how old are you?

14 A     Twenty.

15 Q     And you lived here in the Columbia area?

16 A     Yes, ma'am.

17 Q     How long have you been living in Columbia?

18 A     All my life.

19 Q     Do you remember what happened back on June 19,  
20 2010, when this happened?

21 A     Yes, ma'am.

22 Q     And who were you that night? Do you remember?

23 A     Yes, ma'am.

24 Q     Can you tell the judge who you were with?

25 A     Me, G-man, T., Detrick, and Brian.

1 THE COURT: Repeat that for me. I didn't  
2 quite understand.

3 THE WITNESS: Me, T., Detrick, G-man, and  
4 Brian.

5 BY MS. CAMPBELL:

6 Q And T., do you know his real name?

7 A Terrance.

8 Q Terrance Patterson?

9 A Yes, ma'am.

10 Q And G-man, do you know his real name?

11 A Daqwan Johnson.

12 Q And who is the other person you said?

13 A Detrick.

14 Q Detrick?

15 A Yes, ma'am.

16 Q And then the final person you said was whom?

17 A Brian.

18 Q How long specifically have you known G-man?

19 A For a couple of years.

20 Q A couple of years?

21 A Yes, ma'am.

22 Q What kind of relationship did you have with G-man?

23 A Friends, home boys.

24 Q Home boys?

25 A Yes, ma'am.

1 Q So y'all would see each other on a daily basis, a  
2 weekly basis, or it just depends?

3 A I'd say about a weekly, weekly basis.

4 Q That night the person that you got up with, one of  
5 the people you got up with, was G-man?

6 A Yes, ma'am.

7 Q That was the person you had known for a couple of  
8 years?

9 A Yes, ma'am.

10 Q What about T.? How long had you known him?

11 A I ain't know him that long.

12 Q You didn't know him as long as you've known G-man?

13 A No, ma'am.

14 Q Were you closer to G-man than you were to T.?

15 A Yes, ma'am.

16 Q Were you able though to recognize T. whenever you  
17 would see him?

18 A Yes, ma'am.

19 Q So you had seen him before on multiple occasions?

20 A Not multiple but I had seen him before.

21 Q You knew him by the nickname of T.?

22 A Yes, ma'am.

23 Q Brian, how do you know him?

24 A From being with G-man.

25 Q And how long had you been knowing him?

- 1 A Not that long.
- 2 Q Not as long as you had known G-man?
- 3 A No, ma'am.
- 4 Q And then the last person you said that was with
- 5 y'all that night was who?
- 6 A Detrick.
- 7 Q Detrick. How long have you known Detrick?
- 8 A Since middle school.
- 9 Q Since middle school. And how old are you now?
- 10 A Twenty.
- 11 Q So you knew him as well as you knew G-man?
- 12 A Yes, ma'am.
- 13 Q Do you remember when the police were getting your
- 14 statement from you?
- 15 A Yes, ma'am.
- 16 Q And they showed you some photographs?
- 17 A Yes, ma'am.
- 18 Q And when they showed you some of those photographs,
- 19 you identified certain people we have talked about
- 20 here in the courtroom?
- 21 A Yes, ma'am.
- 22 Q Including T.?
- 23 A Yes, ma'am.
- 24 Q G-man?
- 25 A Yes, ma'am.

1 Q Detrick?

2 A Yes, ma'am.

3 Q When you identified them, did they make you pick  
4 anybody or identify anybody?

5 A No, ma'am.

6 Q Why did you recognize those people?

7 A I knew them.

8 Q Do you remember when he showed you -- I haven't  
9 marked this yet, Your Honor -- this photograph or  
10 do you remember if that's the photograph?

11 A I don't remember.

12 Q But he showed you a photograph of G-man?

13 A Yes, ma'am.

14 Q And did you recognize it because you knew him?

15 A Yes, ma'am.

16 Q Do you remember him showing you these other  
17 photographs?

18 A Yes, ma'am.

19 Q And you identified some people in these photographs  
20 as people you knew?

21 A Yes, ma'am.

22 Q And some of them as being who was with you that  
23 night?

24 A Yes, ma'am.

25 Q Who did you identify as being with you that night?

- 1 A Detrick Walker and Terrance Patterson.
- 2 Q That was two of the four people on this photograph?
- 3 A Yes, ma'am.
- 4 Q Did they force you to identify anybody?
- 5 A No, ma'am.
- 6 Q Did they influence you in any way?
- 7 A No, ma'am.
- 8 Q And all these people you have known at least some
- 9 period of time?
- 10 A Yes, ma'am.
- 11 Q Do you know them by name?
- 12 A Yes.
- 13 Q Or nickname?
- 14 A Yes, ma'am.
- 15 Q And by sight?
- 16 A Yes, ma'am.
- 17 Q You had no difficulties recognizing them?
- 18 A No, ma'am.
- 19 Q Do you know who you were with that night when the
- 20 shooting went down?
- 21 A Yes, ma'am.
- 22 Q And those are the people you told the police about?
- 23 A Yes, ma'am.
- 24 Q In fact, you had told them who they were before
- 25 they showed you the photographs?

1 A Yes, ma'am.

2 MS. CAMPBELL: I can do an in-court I.D. if  
3 you want me to.

4 THE COURT: Yes, ma'am, you may.

5 BY MS. CAMPBELL:

6 Q The person that you know as G-man, do you see him  
7 here in the courtroom?

8 A Yes, ma'am.

9 Q Can you point him out for the judge? You can't  
10 point; can you?

11 A No.

12 Q Where is he sitting?

13 A To my left.

14 Q To your left. And where is he seated at the  
15 table?

16 A In the middle.

17 Q In the middle?

18 A Yes, ma'am.

19 MS. CAMPBELL: Your Honor, may the record  
20 reflect he has identified the defendant?

21 THE COURT: So reflected.

22 MS. CAMPBELL: That's all I have.

23 THE COURT: Mr. Newton?

24 MR. NEWTON: May it please the Court.

25 THE COURT: Yes, sir.

1                   **IN CAMERA CROSS EXAMINATION**

2   BY MR. NEWTON:

3   Q     Mr. Prophet, do you remember what time in the  
4           morning you went and spoke to Investigator Thomas?

5   A     About six or seven, I think.

6           THE COURT:   Say that answer again.

7           THE WITNESS:   About six or seven.

8   BY MR. NEWTON:

9   Q     And that was in the A.M.?

10   A     A.M.

11   Q     Would you be surprised if it was 5:30 A.M.?

12   A     Not really.

13   Q     You spoke with Investigator Thomas; correct?

14   A     Yes, sir.

15   Q     Can you point him out in the courtroom?

16   A     (Indicating.)

17   Q     The gentleman over here (indicating)?

18   A     Yes, sir.

19   Q     Which one of the two?   Is he the farthest left?

20   A     In the middle.

21           MR. NEWTON:   Let the record reflect he has  
22   pointed out Investigator Arthur Thomas.

23           THE COURT:   So reflected.

24   BY MR. NEWTON:

25   Q     So when they brought you in early in the morning,



1           did you immediately start talking to Mr. Thomas,  
2           Investigator Thomas?

3   A     No, sir.

4   Q     They just had you sitting?

5   A     Yes, sir.

6   Q     How long did it take before you started to talk to  
7           Investigator Thomas?

8   A     After I had done talked to my mother.

9   Q     You got to talk to your mother before?

10   A    Yes, sir.

11   Q    Was it hours?

12   A    No, sir.

13   Q    Just less than a hour before you started talking to  
14          Investigator Thomas?

15   A    Yes, sir.

16   Q    I am going to hand up something for you. Do you  
17          remember signing this waiver?

18   A    Yes, sir.

19   Q    Can you read to the Court what time you signed that  
20          waiver on the top left?

21   A    7:45.

22   Q    Say it again.

23   A    You said the top? 7:45.

24   Q    Is that A.M. or P.M.?

25   A    It's P.M.

1 Q But you remember it being in the morning; correct?

2 A Yes, sir.

3 Q Now, explain a little bit of the conversation you  
4 had with Investigator Thomas. There are portions  
5 that are recorded. Was it always recorded?

6 A Not to my knowledge.

7 Q So did you immediately, when you got in there, put  
8 pen to paper and start writing or did y'all talk?

9 A Talked.

10 Q Talked?

11 A Yes, sir.

12 Q How long do you think you talked with him? Hours?

13 A No, sir.

14 Q Less than an hour?

15 A Yes, sir.

16 Q You said he let you talk to your mother?

17 A Yes, sir.

18 Q At any time during this time when you were talking  
19 to your mother and Investigator Thomas, were you  
20 upset?

21 A Yes, sir.

22 Q Were you crying?

23 A Yes, sir.

24 Q He did finally record this conversation; correct?

25 A Yes, sir.

1 Q Do you remember the conversation? I mean, not all  
2 of it, but you do remember what was said in this  
3 conversation; correct?

4 A Yes, sir.

5 Q And do you remember when he was going through the  
6 people that were with you, do you remember giving  
7 him the name Brian Campbell?

8 A No, sir.

9 Q You said it was a guy with braids; right?

10 A Dreads.

11 Q Dreads?

12 A Yes, sir.

13 Q You didn't know his name at the time; did you?

14 A No, sir.

15 Q But now you know his name?

16 A Yes, sir.

17 Q How long total do you think you were in this room  
18 with him talking? Total? From speaking to your  
19 mother and everything?

20 A About a couple of hours.

21 Q A couple of hours?

22 A Yes, sir.

23 Q And at one point you were crying and at one point  
24 you got to hug your mother; correct?

25 A Yes, sir.

1 Q Do you remember when you were showed pictures? Was  
2 it the beginning? The middle? The end?

3 A I think in the beginning.

4 Q In the very beginning?

5 A Yes, sir.

6 Q Was that recorded or not recorded?

7 A I can't recall.

8 Q You said you referred to Daqwan Johnson as G-man;  
9 correct?

10 A Yes, sir.

11 Q Did you know his full name at the time this  
12 happened though?

13 A No, sir.

14 Q You didn't know his name?

15 A No, sir.

16 Q You just knew him as G-man?

17 A Yes, sir.

18 MR. NEWTON: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 (Pause.)

21 BY MR. NEWTON:

22 Q Who gave you the name Daqwan Johnson? Who told you  
23 that?

24 A Nobody gave a name. I seen it like on a picture.

25 Q You saw it on a picture?

1 A Yes, sir.

2 MR. NEWTON: No further questions.

3 THE COURT: Anything further, Solicitor?

4 MS. CAMPBELL: No, sir.

5 THE COURT: Thank you. Thank you very much.

6 You may take him back into custody, Sheriff.

7 (Witness leaves the witness stand.)

8 THE COURT: I would be glad to hear from you,

9 Mr. Newton.

10 MR. NEWTON: Your Honor, we would move to  
11 preclude this in-court identification. We just heard  
12 testimony from this gentleman who said he does not even  
13 know this person's name, knows him as G-man. He said  
14 that he got his name from a picture that he was shown,  
15 which contradicts the direct testimony that we heard, of  
16 what we know about this.

17 I would say this is unduly suggestive. He was  
18 in a room for hours. His mother was brought in. He was  
19 crying. He was being recorded; he wasn't being  
20 recorded. I feel like this is extremely unduly  
21 suggestive under this hearing, and therefore we would  
22 ask for the in-court identification not to happen.

23 THE COURT: Solicitor.

24 MS. CAMPBELL: May it please the Court, Your  
25 Honor. This witness indicated that he did know the

1 defendant for a couple of years. He knew him by the  
2 name of G-man. That's what he told the police at the  
3 time.

4 Your Honor, we might want to make a part of  
5 the record too, I have got a transcript of the actual  
6 audio recording where he is shown the pictures if you  
7 want to review that.

8 In addition to that, Your Honor, he mentioned  
9 that he had seen a picture at some point and saw his  
10 name at that point, but he didn't indicate which picture  
11 it is.

12 Even so, that doesn't even taint his knowledge  
13 of who he was. It just gives him additional  
14 identifiers; however, he indicated he saw him on a  
15 weekly basis. They were home boys. They were  
16 acquaintances.

17 They had known -- he had known him a couple of  
18 years. He was closer with him than I believe he said  
19 with Terrance Patterson or the other person he was shown  
20 a picture of, which would be Detrick Walker.

21 Your Honor, I asked the specific questions if  
22 there was anyone that influenced him identifying anyone.  
23 They basically did it to make sure they were talking  
24 about the same person.

25 He indicated that the police had not

1 influenced him in any way, Your Honor. Therefore, I do  
2 not know -- and they don't even mention that there was  
3 any undue police influence here that could possibly  
4 affect his identification.

5 THE COURT: Thank you. Do you care to  
6 respond?

7 MR. NEWTON: Nothing further, Your Honor.

8 THE COURT: I would find that there is no  
9 undue influence in this particular case. The defendant  
10 or the witness testified that he knew an individual,  
11 G-man, on his direct. He said his name was Daqwan  
12 Johnson and he knew him better than he knew Brian and  
13 T.; that he would see him on a weekly basis; that they  
14 were home boys. It's irrelevant whether he knew or did  
15 not know what G-man's given name was as far as this  
16 analysis.

17 He further did not indicate when he saw or  
18 where he saw the picture with G-man's name of Daqwan  
19 Johnson on it. He said he knew Detrick since middle  
20 school. He was shown photos. He identified the  
21 individual as G-man. He knew two of the four people on  
22 the other photographs and identified them.

23 The question, again, is whether or not the  
24 in-court identification was of an independent origin and  
25 the product of the circumstances surrounding the prior

1 out-of-court identification.

2 He was shown a picture and he identified the  
3 picture as G-man that he was talking about in this case.  
4 I would deny the motion of the defense and allow the  
5 testimony.

6 Anything further, Solicitor?

7 MS. CAMPBELL: Nothing further.

8 THE COURT: Any other motions at this time?

9 MS. CAMPBELL: No other motions I know of  
10 prior to calling this witness, Your Honor.

11 THE COURT: Mr. Collins, Mr. Newton?

12 MR. NEWTON: Your Honor, I guess just for  
13 scheduling purposes, now that we have the jury out, I  
14 believe Detrick Walker is going to have the same  
15 problem. So we perhaps need to go ahead and do that now  
16 that we have the jury out.

17 Detrick was -- everybody was shown a video, an  
18 identification of the people coming through the cut in  
19 this video. The defense would say that is an  
20 identification because they are not only looking at  
21 this, but they are saying: This is this person. This  
22 is this person. This is this person.

23 I think based on that, that entitled us to a  
24 Neil v. Biggers hearing even though Mr. Walker can say  
25 he knows him, the same as Mr. Prophet. We did not get



1     into that identification with Mr. Prophet.

2                 But with Mr. Walker, according to Investigator  
3     Streeter, he showed him either pictures or the video of  
4     the shooting, which they do plan on showing, and all of  
5     the three codefendants that were scheduled to testify  
6     picked people out of a lineup.

7                 Mr. Prophet and Mr. Patterson had done that  
8     previously. Mr. Walker had not done it, but as early as  
9     May of 2012, we were aware that he did that. We would  
10    say that that is an identification, an out-of-court  
11    identification, and therefore we are entitled to Neil v.  
12    Biggers in regards to that, whether or not that was  
13    unduly suggestive.

14                THE COURT: I apologize, Mr. Newton. I'm not  
15    tracking. Are you saying I need to conduct another Neil  
16    v. Biggers hearing on Mr. Prophet?

17                MR. NEWTON: No, I'm saying Detrick Walker  
18    will need one.

19                THE COURT: Mr. Walker?

20                MR. NEWTON: Detrick Walker.

21                THE COURT: That is Mr. Johnson's client; is  
22    that right?

23                MR. NEWTON: Yes. I believe in May of 2012,  
24    and then I believe this week based on my conversation  
25    with Investigator Streeter, he was shown either pictures

1 or a video of the shooting and asked to pick out who was  
2 who on there, and he picks out our client. That's  
3 Mr. Walker.

4 THE COURT: So the only other Neil v. Biggers  
5 you are saying on the table right now -- not that there  
6 may not be others -- is the one with Mr. Walker?

7 MR. NEWTON: Correct, Your Honor. We are not  
8 saying we need to rehear Mr. Prophet in terms of that  
9 identification. We are saying that Mr. Walker was --  
10 and we don't know how he was shown it, but I was given  
11 information that he picked Mr. Johnson out of either the  
12 video or pictures from the video.

13 Investigator Streeter told me this in May, and  
14 he confirmed it again on Monday that this was done; that  
15 Mr. Walker picked every -- picked people as they were  
16 coming through, and I don't know if it was done as  
17 pictures or a video. We don't know. He just said this  
18 is the way it came out.

19 THE COURT: Solicitor.

20 MS. CAMPBELL: May it please the Court, Your  
21 Honor. Basically he was shown a video that was shown to  
22 all the other people who they are not requesting  
23 hearings on that. That was shown by the police. This  
24 video was shown to Mr. Walker in preparation for his  
25 testimony by Investigator Streeter with our office.

1           The video, you can't identify anyone's faces.  
2   Basically he was just pointing out who he alleged was  
3   coming through the cut at the time on the video. I  
4   don't know that that is necessarily any kind of thing  
5   that would be encompassed by Biggers as far as a hearing  
6   goes.

7           THE COURT: Was he shown photographs also,  
8   Mr. Walker?

9           MS. CAMPBELL: No, sir.

10          THE COURT: I think the theory is -- I think  
11   the theory is and I could be wrong is that -- well, let  
12   me back up. Mr. Walker is going to in court identify  
13   Mr. Johnson?

14          MS. CAMPBELL: Yes, sir.

15          THE COURT: I think Mr. Newton's theory is  
16   whether or not the officer showing Mr. Walker a video,  
17   whether or not that taints his in-court identification.

18          MS. CAMPBELL: I understand his theory and if  
19   anyone was identifiable by face, I mean -- I understand,  
20   Your Honor.

21          THE COURT: I guess he is going to identify  
22   him because he is going to say: I was there and T. was  
23   here. Detrick was there and G-man was here and Brian  
24   was here. Is that right?

25          MS. CAMPBELL: That's my understanding, Your

1 Honor, as they did with the other codefendants.

2 MR. NEWTON: Your Honor, if I may just briefly  
3 supplement.

4 THE COURT: Yes, sir.

5 MR. NEWTON: If you don't mind. Detrick  
6 Walker is the only one of the codefendants originally  
7 that did not give a written statement. He had the same  
8 interview, interrogation interview, procedure conducted  
9 as every other one. They were spoken to and then a  
10 recording starts. It's very obvious that the recording  
11 is in the middle of the conversation. So we don't know  
12 what happened in 2010.

13 It doesn't seem, based on what we have, that  
14 there was any photos taken. I don't know. I am only  
15 basing it now off of the fact that we do know that  
16 Investigator Streeter did show them something. Again,  
17 we don't know what they were shown, if Detrick Walker  
18 has ever been shown photos or was ever shown a lineup.  
19 If he was, I think we would be entitled to have a  
20 hearing.

21 MS. CAMPBELL: And I would agree that if he  
22 was ever shown a lineup or a single photograph, then  
23 they would have a hearing, in the same manner as we just  
24 conducted.

25 THE COURT: Is he your second witness today?

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Let's press on. We will bring the  
3 jury out, and you can call Mr. Prophet. We will see how  
4 long that takes. Anything further before we bring in  
5 the jury? Solicitor, anything further before we bring  
6 in the jury?

7 MS. CAMPBELL: No, sir.

8 THE COURT: Mr. Newton?

9 MR. NEWTON: No, Your Honor. Thank you.

10 THE COURT: Bring us the jury.

11 (The jury returns to the courtroom at  
12 3:17 P.M.)

13 THE COURT: Welcome back, ladies and gentlemen  
14 of the jury panel. I apologize for the delay. As I  
15 told you before, your time is very valuable to me. I  
16 will try to do a better job of managing it. I would  
17 advise you that this had nothing whatsoever to do with  
18 any of the parties. They were here early, working very  
19 diligently, and will be working very diligently later on  
20 in the evening.

21 With that being said, we are continuing with  
22 the trial of the case by the presentation of evidence by  
23 the State in its case in chief.

24 Solicitor, you may call your next witness.

25 MS. CAMPBELL: May it please the Court. The

1 State calls Marquez Prophet.

2 MARQUEZ PROPHET, being  
3 first duly sworn, testifies as follows:

4 CLERK: State your name for the record.

5 THE WITNESS: Marquez Prophet.

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q Can you back off the microphone a little bit. Can  
9 you say your name again?

10 A Marquez Prophet.

11 Q Marquez Prophet?

12 A Yes, ma'am.

13 Q How old are you, sir?

14 A Twenty.

15 Q And where did you grow up?

16 A Columbia.

17 Q How long have you lived in Columbia?

18 A All my life.

19 Q And you are currently incarcerated?

20 A Yes, ma'am.

21 Q Where are you incarcerated?

22 A Alvin S. Glenn.

23 Q How long have you been there?

24 A Two years.

25 Q Are you in a gang?

1 A No, ma'am.

2 Q Do you know people that are in gangs?

3 A Yes, ma'am.

4 Q And who do you know or who do you hang with that is  
5 in gangs?

6 A T.

7 Q T.?

8 A Yes, ma'am.

9 Q Do you know T.'s real name?

10 A Terrance Patterson.

11 Q Who else do you hang with that is in a gang?

12 A G-man.

13 Q G-man?

14 MR. NEWTON: Objection, Your Honor. May we  
15 approach?

16 THE COURT: Sure.

17 (Whereupon there was a bench conference off  
18 the record in the presence of the jury but out of the  
19 hearing of the jury.)

20 THE COURT: Step to your jury room, please,  
21 ladies and gentlemen. Do not discuss the case.

22 (The jury retires to the jury room.)

23 THE COURT: You have an objection, Mr. Newton,  
24 Mr. Collins?

25 MR. NEWTON: Your Honor, we object to

1   having -- we would ask for the question to be stricken  
2   from the record and the jury advised to not take into  
3   account what the question and answer to that was, which  
4   was: Do you know anyone else in a gang? And he replied  
5   G-man.

6               That is character -- impermissible character  
7   evidence against our defendant. The State has said that  
8   we said in our opening that this was gang-related  
9   activities; however, we are saying our client wasn't  
10  involved in that. That is including this.

11              We had a motion at the beginning of this trial  
12  asking -- from any references to that. I think they  
13  have to lay a proper foundation to establish that, and  
14  they have not. They just blatantly asked the question.

15              Your Honor, we feel it's impermissible. We  
16  would ask that it be stricken from the record and for  
17  the jury to be advised that they are not to take that  
18  into account.

19              THE COURT: Basically your objection is it's  
20  impermissible character evidence?

21              MR. NEWTON: Yes, Your Honor, towards the  
22  defendant.

23              THE COURT: Excuse me?

24              MR. NEWTON: Towards the defendant.  
25  Impermissible character evidence against the defendant.



1 THE COURT: Ms. Campbell.

2 MS. CAMPBELL: May it please the Court, Your  
3 Honor. We are not offering this as character evidence  
4 in any way whatsoever. In their opening statement, they  
5 got up here and said that the only reason that anybody  
6 is pointing at their guy is because there was another  
7 gang member they are all scared of.

8 I don't have my notes in front of me, Your  
9 Honor. I apologize. I left those in the office as to  
10 specifically what was said which opened the door to  
11 that. In addition to that, Your Honor, I mean,  
12 everything that they put out there in openings talked  
13 about gangs.

14 Very simply I am asking the question  
15 basically: Who does this person of his own knowledge  
16 have knowledge that is in a gang? Which I think we are  
17 allowed to go into under Liverman and Price and those  
18 cases, Your Honor, when it is, in fact, a motive for  
19 this case.

20 It was a gang retaliation, which they openly  
21 admitted, and they are the ones that further went into  
22 the retaliation shooting at Studio 54 with one of the  
23 other witnesses.

24 THE COURT: Documents have been handed up  
25 previously, defendant's requested voir dire, question

1 number 8 upon the qualifications of the jury I asked  
2 this question: Does any member of the jury panel have  
3 any knowledge of or connection to gang activity or  
4 affiliation that would affect your ability to be fair  
5 and impartial in this case?

6 That question was not asked in a vacuum. That  
7 was a question requested by the defense as part of the  
8 qualification of the jury panel. Y'all made a motion in  
9 limine concerning Liverman I because I do not think the  
10 gang issue in Liverman I went on certiorari to the  
11 Supreme Court.

12 I don't recall the extent of that motion in  
13 limine, but I said, What do you mean? What if somebody  
14 gets up here and testifies he is the capo of the gang or  
15 he wears the colors or he is at the meetings because I  
16 have seen him? There was some talk about an expert in  
17 gangs.

18 What Ms. Campbell has done is ask the first  
19 question in this area: Who do you know that is in a  
20 gang? Are you in a gang? No. She asked this witness.  
21 Then she asked: Who do you know in a gang? He said T.  
22 That's Mr. Patterson, I believe, Terrance Patterson.

23 Then she asked who else do you know in a gang?  
24 And he said G-man. Character evidence may not be  
25 admissible; however, just because evidence is not

1 admissible on one issue, it can be admissible on another  
2 issue.

3           You can't present to the jury that this was  
4 all gang related by these forces, none of whom are in  
5 the courtroom, this unseen gangster -- I guess that's  
6 where that word comes from -- and try this case in a  
7 vacuum. That's the issue I have with it.

8           MR. NEWTON: Your Honor, I would again object  
9 to it. Further, I think that you kind of laid the  
10 foundation for our argument, which the first question  
11 was: Are you in a gang? No.

12           THE COURT: Well, object. Object to gang.  
13 Why do you have it in openings and why do you have it in  
14 voir dire? I don't mean that by way of fussing.

15           MR. NEWTON: Oh, no, and that's fine. If he  
16 has personal knowledge -- if he is not in a gang, where  
17 did he gather his personal knowledge?

18           THE COURT: I'm not at the Knights of  
19 Columbus, but I can guarantee you I can tell you who  
20 might be over there tonight.

21           MR. NEWTON: Your Honor, the point of our --  
22 any sort of direction to the jury that this was gang  
23 related was to, one, emphasize, he was not a part of  
24 this. He is not in a gang; therefore, he's not there  
25 and he wasn't part of it. That's what we are saying,

1 Your Honor. Again, I believe it was improper to go that  
2 route.

3 THE COURT: And they might not believe one  
4 word this gentleman says except his name. He is in a --  
5 this is not by way of being critical of this gentleman,  
6 but the jury is looking at this gentleman in a jumpsuit,  
7 shackled. The one thing they may believe is his name.  
8 They might not believe that.

9 I will deny your motion. I think I go back to  
10 Chief Justice Toal's dissent in the case -- the first  
11 name is Gloria. I think the last name was Smith -- out  
12 of Horry County, a murder case where she cites, in re:  
13 Masters where you can't extract -- just like Nathaniel  
14 Hawthorn's birthmark -- you can't extract the gang  
15 connotation out of the case.

16 Now, you can extract Mr. Johnson out of the  
17 gang. He's not a member. But you can't extract that  
18 out. By the way her dissent is now the law. I'm not  
19 citing dissent for authority, but I have always found it  
20 important to read the dissents. Be that as it may, I  
21 will deny your motion.

22 MR. NEWTON: Thank you, Your Honor.

23 THE COURT: Bring us our jury, please.

24 (The jury returns to the courtroom.)

25 THE COURT: Solicitor, you may continue.

## 1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q We were talking about you who knew that was in a  
4 gang. Who did you say you knew was in a gang?

5 A T.

6 Q Who was the other person you said you knew was in a  
7 gang?

8 A G-man.

9 Q And who is G-man?

10 A Daqwan, Daqwan Johnson.

11 Q Daqwan Johnson?

12 A Yes, ma'am.

13 Q And I noticed you just dipped your head. Is he  
14 sitting here in the courtroom?

15 A Yes, ma'am.

16 Q How do you know G-man?

17 A He is like my home boy.

18 Q He is like your home boy?

19 A Yes, ma'am.

20 Q What does that mean for people that are old like  
21 me?

22 A Friend, associate I hang with.

23 Q Is that somebody you hang with?

24 A Yes, ma'am.

25 Q What gang was T. in? Do you know?

- 1 A Folk.
- 2 Q What gang was G-man in?
- 3 A Folk.
- 4 Q And these are some of the people you would hang  
5 with sometimes?
- 6 A Yes, ma'am.
- 7 Q Did you know a guy named Detrick or Detrick Walker?
- 8 A Yes, ma'am.
- 9 Q How did you know Detrick Walker?
- 10 A From school.
- 11 Q And how long have you been knowing Detrick Walker?
- 12 A From school, middle school.
- 13 Q Middle school?
- 14 A Yes, ma'am.
- 15 Q How old are you now?
- 16 A Twenty.
- 17 Q Would you sometimes hang out with Detrick Walker as  
18 well?
- 19 A Yes, ma'am.
- 20 Q Was he in a gang?
- 21 A Not as I know of.
- 22 Q Not that you know of?
- 23 A No, ma'am.
- 24 Q Do you know a guy that you later learned his name  
25 was Brian Campbell?

- 1 A Yes, ma'am.
- 2 Q Who did you know him through? Did you even know
- 3 his name at the time when all this happened?
- 4 A No, ma'am.
- 5 Q But who did you know him through?
- 6 A G-man.
- 7 Q Through G-man?
- 8 A Yes, ma'am.
- 9 Q What was Brian Campbell's relationship with G-man
- 10 as far as you knew?
- 11 A Associate, home boy, friend.
- 12 Q Is it better to be an associate or a friend or a
- 13 home boy?
- 14 A Either one.
- 15 Q It's pretty tight?
- 16 A Yes, ma'am.
- 17 Q And when would you see the guy you now know as
- 18 Brian Campbell? Who would he be hanging with?
- 19 A G-man.
- 20 Q G-man?
- 21 A Yes, ma'am.
- 22 Q And where did they hang?
- 23 A I don't know.
- 24 Q You don't know?
- 25 A No, ma'am.

- 1 Q Did you know where G-man lived?
- 2 A Yes, ma'am.
- 3 Q Where did he live?
- 4 A With his grandmomma.
- 5 Q He lived with his grandmother?
- 6 A Yes.
- 7 Q Do you remember the name of the street?
- 8 A No, ma'am.
- 9 Q Do you remember what color the house was?
- 10 A No, ma'am.
- 11 Q But he lived with his grandmother?
- 12 A Yes, ma'am.
- 13 Q Would G-man-- would it be unusual for G-man to call
- 14 you up to do things?
- 15 A Yes, ma'am.
- 16 Q It was unusual for him to call you?
- 17 A Yes, ma'am.
- 18 Q It was?
- 19 A (Witness nods.) (Indicating affirmative response.)
- 20 Q I want to turn your attention back to June the
- 21 19th. What were you doing that day?
- 22 A Riding.
- 23 Q Riding?
- 24 A Yes, ma'am.
- 25 Q Who were you riding with that day?



- 1 A G-man.
- 2 Q Before you started riding with G-man, who were you
- 3 riding with?
- 4 A Brian.
- 5 Q Brian?
- 6 A Yes, ma'am.
- 7 Q Whose car were y'all riding in that day?
- 8 A G-man.
- 9 Q What kind of car did G-man have?
- 10 A A Buick.
- 11 Q A Buick?
- 12 A Yes, ma'am.
- 13 Q Do you remember what color it was?
- 14 A Kind of like khaki tan.
- 15 Q Khaki tan is what you remember?
- 16 A Yes, ma'am.
- 17 Q Do you know who the Buick actually belonged to?
- 18 A No, ma'am.
- 19 Q Who always drove that Buick though?
- 20 A G-man.
- 21 Q Who else would drive that Buick sometimes?
- 22 A B.K.
- 23 Q B.K.?
- 24 A Uh-huh. (Indicating affirmative response.)
- 25 Q Is that Brian Campbell?

1 A Yes, ma'am.

2 Q How did you get up with them that day? How did  
3 that happen?

4 A They called me and said his girlfriend was having a  
5 party.

6 Q And where was the party supposed to be taking  
7 place?

8 A The club.

9 Q What club?

10 A Studio 54.

11 Q And did you end up going to Studio 54 earlier that  
12 night?

13 A Yes, ma'am.

14 Q Who did you go with?

15 A G-man.

16 Q And who else was with you?

17 A T., Detrick, and Brian.

18 Q Did y'all end up at Gable Oaks Apartments that  
19 night?

20 A Yes, ma'am.

21 Q Tell this jury how that happened and when it  
22 happened to your knowledge.

23 A On Farrow Road we had got shot at.

24 Q Who all was in the car when you were on Farrow Road  
25 and got shot at?

- 1 A Brian, me, and Detrick.
- 2 Q Who was driving? Do you remember?
- 3 A Brian.
- 4 Q Where were you sitting?
- 5 A In the back seat.
- 6 Q And who was in front?
- 7 A Detrick.
- 8 Q When you got shot at on Farrow Road, did you know
- 9 who was shooting at you?
- 10 A Not as soon as it happened but after I did.
- 11 Q Who was actually shooting at you that day? Do you
- 12 remember?
- 13 A Weeny.
- 14 Q Who?
- 15 A Weeny?
- 16 Q Weeny?
- 17 A Yes, ma'am.
- 18 Q Do you know Weeny's real name?
- 19 A No, ma'am.
- 20 Q Is Weeny in a gang?
- 21 A I don't know.
- 22 Q Did you have a fight with Weeny?
- 23 A No, ma'am.
- 24 Q Did you know that G-man had a fight with Weeny?
- 25 A Yes, ma'am.

1 Q What was the gripe over?

2 A I think it was over a gang.

3 Q Over gangs?

4 A Yes, ma'am.

5 Q It wasn't your gripe?

6 A No, ma'am.

7 Q And the car you were in when you got shot was  
8 whose?

9 A G-man.

10 Q After y'all got shot, what did you do?

11 A Called G-man.

12 Q You called G-man. What did you tell G-man?

13 A The car got shot up.

14 Q And did the bullets actually hit the car?

15 A Yes, ma'am.

16 Q Did anybody get hurt?

17 A No, ma'am.

18 Q Did y'all shoot back?

19 A No, ma'am.

20 Q What happened once you told G-man, your home boy,  
21 what Weeny had done?

22 A He was mad. He was like bring his car --

23 MR. COLLINS: Objection, Your Honor, hearsay.

24 THE COURT: Did I understand the question? I  
25 thought she was asking -- rephrase your question.

1 BY MS. CAMPBELL:

2 Q Specifically what did G-man, the defendant, say to  
3 you?

4 A Bring his car.

5 Q Bring him his car?

6 A Yes, ma'am.

7 Q Where was he?

8 A At his friend girl.

9 Q With his friend girl. What's his friend girl's  
10 name? Do you know?

11 A No, ma'am.

12 Q Where did y'all go?

13 A To G-man friend house.

14 Q The girlfriend's house?

15 A Yes, ma'am.

16 Q And where was that? Do you remember?

17 A Off of North Main.

18 Q Off North Main?

19 A Yes, ma'am.

20 Q When you got there, did you have anymore  
21 conversations with the defendant in the case?

22 A Yes, ma'am.

23 Q What did he say?

24 A We got to get the guns.

25 Q We've got to get the guns. Who was the person

- 1           saying that we've got to get the guns?
- 2   A       G-man.
- 3   Q       Your home boy?
- 4   A       Yes, ma'am.
- 5   Q       What went through your mind when he said, We've got
- 6           to get the guns?
- 7   A       All type of things.
- 8   Q       All types of things went through your mind?
- 9   A       Yes, ma'am.
- 10  Q       What did y'all do when G-man told you y'all had to
- 11           get the guns?
- 12  A       Called T.
- 13  Q       And T., he is the other person you know that's in a
- 14           gang; right?
- 15  A       Yes, ma'am.
- 16  Q       And when you called T. what happened?
- 17  A       He said come get him.
- 18  Q       Where was T.?
- 19  A       Hanging at his friend girl house too.
- 20  Q       At his friend girl's house too?
- 21  A       Yes, ma'am.
- 22  Q       So at this point y'all leave G-man's friend girl's
- 23           house and go to T.'s girlfriend's house or friend
- 24           girl?
- 25  A       Yes, ma'am.

1 Q At that point who all is in the car with you at  
2 that point?

3 A Me, Detrick, G-man, and Brian.

4 Q Who had guns at that point?

5 A No one. We went to pick them up at T.'s

6 Q When you got to T.'s friend girl's house, what  
7 happened?

8 A He started giving everybody guns.

9 Q Who was giving out the guns?

10 A T.

11 Q What kind of gun did you get?

12 A A pistol, a handgun, .380.

13 Q A .380?

14 A Yes, ma'am.

15 Q That's a handgun?

16 A Yes, ma'am.

17 Q What did everybody else get?

18 A Some got big guns; others got pistols.

19 Q Who else got a pistol?

20 A I think it was Detrick.

21 Q When you said big guns, what do you mean by big  
22 guns?

23 A Rifles, assault rifles.

24 Q Assault rifles?

25 A Yes, ma'am.

- 1 Q And at that point were y'all still having the  
2 conversation, you and the defendant? Was he  
3 talking about what he wanted to do?
- 4 A Yes, ma'am.
- 5 Q And what did he tell you? With the handguns and  
6 guns, what did he say he wanted to do that day?
- 7 A He said he know where the blue Vic always at at  
8 Ashley Apartments.
- 9 Q It's always been at Ashley Apartments?
- 10 A Yes, ma'am.
- 11 Q Why was the blue Vic -- is that a blue Victoria?
- 12 A Victoria, yes, ma'am.
- 13 Q Is that a car?
- 14 A Yes, ma'am.
- 15 Q Why was that significant?
- 16 A It shot at the Buick.
- 17 Q And y'all had seen the blue Vic earlier?
- 18 A Yes.
- 19 Q And that was the car that Weeny would have been in?
- 20 A Yes, ma'am.
- 21 Q So the defendant told you he knew where the blue  
22 Vic would be at?
- 23 A Yes, ma'am.
- 24 Q Who all had guns that night?
- 25 A All of us.



- 1 Q Did y'all end up leaving T.'s friend girl's house?
- 2 A Yes, ma'am.
- 3 Q Where did you go?
- 4 A Went to North Main Apartments.
- 5 Q To where?
- 6 A North Main Apartments.
- 7 Q North Main Apartments?
- 8 A Yes, ma'am.
- 9 Q Is that what they are called or is that what you
- 10 know them by?
- 11 A That's what they called.
- 12 Q That's what they are called?
- 13 A Yes, ma'am.
- 14 Q And what happened when you got to North Main
- 15 Apartments?
- 16 A We had parked in North Main Apartments and walked
- 17 through the cut behind them to Ashley.
- 18 Q So you parked at North Main Apartments. Is that
- 19 off North Main Street?
- 20 A Yes, ma'am.
- 21 Q Where were y'all planning on going?
- 22 A Ashley.
- 23 Q Ashley Apartments?
- 24 A Yes, ma'am.
- 25 Q Did that name change at some point to another name?

- 1 A Yes, ma'am.
- 2 Q What was the name it was known at the time? Do you
- 3 remember?
- 4 A Like Gable or something.
- 5 Q Gable something?
- 6 A Yes, ma'am.
- 7 Q When y'all parked who was telling everybody what to
- 8 do? Do you remember?
- 9 A Yes, ma'am.
- 10 Q Did the defendant, G-man, was he -- did he have a
- 11 plan? Did he tell y'all where to go?
- 12 A No, ma'am.
- 13 Q Who decided where y'all were going?
- 14 A G-man.
- 15 Q G-man?
- 16 A Yes, ma'am.
- 17 Q Where did he tell y'all he wanted to go when y'all
- 18 were armed and ready to go?
- 19 A To Ashley, where the blue Vic always is.
- 20 Q Ashley or Gable?
- 21 A Yes, ma'am, Ashley.
- 22 Q Why did he want to go there?
- 23 A That's where the blue Victoria always be.
- 24 Q That's where the blue Victoria is always at?
- 25 A Yes, ma'am.

1 Q That would be Weeny's car?

2 A I suppose.

3 Q Or one he drove anyway?

4 A Yes, ma'am.

5 Q Not necessarily his car?

6 A Yes, ma'am.

7 Q So when y'all parked the car there at North Main  
8 Street, where did y'all go?

9 A Cut behind the North Main Apartments.

10 Q So you cut behind the North Main Apartments. Where  
11 does that cut lead to?

12 A Ashley.

13 Q What you know as Ashley?

14 A Yes, ma'am.

15 Q What was the plan once y'all got over there?

16 A To go shoot up on the Vic.

17 Q Go shoot up the victim (verbatim). Whose plan was  
18 that?

19 A G-man.

20 Q What happened when y'all got out of the car? Did  
21 y'all go to the Ashley Apartments?

22 A Yes, ma'am.

23 Q And how did y'all proceed to enter Ashley  
24 Apartments? Is that an area you would normally go  
25 in?

- 1 A No, ma'am, but I been out there before.
- 2 Q You hadn't been there before?
- 3 A Yes, ma'am.
- 4 Q You had been there before?
- 5 A Yes, ma'am.
- 6 Q But you didn't usually hang there; did you?
- 7 A No, ma'am.
- 8 Q That's because Weeny and his friends lived there or
- 9 gang?
- 10 A Yes, ma'am.
- 11 Q Once y'all got into the apartment complex, tell
- 12 this jury what happened.
- 13 A Once we got to the cut, I really stopped by the
- 14 first -- that second or first apartment building,
- 15 and everybody else went their own separate ways.
- 16 Then I heard gunshots.
- 17 Q You heard gunshots?
- 18 A Yes, ma'am.
- 19 Q And who all went in with you that night into the
- 20 Ashley Apartments?
- 21 A Me, G-man, T., Detrick, and Brian.
- 22 Q Did everyone have a gun?
- 23 A Yes, ma'am.
- 24 Q And you mentioned that once you got through the
- 25 cut, where did you go?

1 A At the first building and stopped.

2 Q You went to the first building and stopped?

3 A Yes, ma'am.

4 Q Why didn't you keep going?

5 A I seen people out the door.

6 Q You seen who out the door?

7 A Like people who lived out there.

8 Q At that point what was the plan once y'all entered  
9 Ashley Apartments? What were you supposed to be  
10 doing?

11 A Go find the blue Vic, Victoria, and Weeny.

12 Q Weeny?

13 A Yes, ma'am.

14 Q But you didn't go as far as the others went in?

15 A No, ma'am.

16 Q You mentioned that you heard gunshots. Did you  
17 know who was shooting?

18 A No, ma'am.

19 Q Could you see who was shooting?

20 A No, ma'am.

21 Q And you didn't go -- by your testimony here -- you  
22 didn't go any further in. Did you shoot?

23 A No, ma'am.

24 Q At some point did all y'all come back out of the  
25 apartment area and go back to where your car was?

- 1 A It wasn't my car but we went back.
- 2 Q Where the car was when you came? I'm sorry.
- 3 A Yes, ma'am.
- 4 Q Did y'all run back through the cut?
- 5 A Yes, ma'am.
- 6 Q Did you still have your gun?
- 7 A Yes, ma'am.
- 8 Q Did everybody else still have their guns?
- 9 A Yes, ma'am.
- 10 Q Did y'all all get in the car?
- 11 A Yes, ma'am.
- 12 Q Once you got into the car, where did y'all go?
- 13 A We went to G-man girlfriend house.
- 14 Q Back to that house?
- 15 A Yes, ma'am.
- 16 Q During the car ride, did G-man say anything about
- 17 the shooting or what had or hadn't happened?
- 18 A No, ma'am.
- 19 Q He didn't talk about the shooting?
- 20 A I didn't recall him talking. I just remember
- 21 someone else was talking.
- 22 Q Who was talking?
- 23 A T.
- 24 Q About what?
- 25 MR. NEWTON: Objection, Your Honor.

1 THE COURT: Ms. Campbell?

2 MS. CAMPBELL: Res gestae, Your Honor.

3 THE COURT: I will sustain the objection.

4 BY MS. CAMPBELL:

5 Q Was everybody excited?

6 A Yes, ma'am.

7 Q A shooting had just occurred?

8 A (Witness nods.) (Indicating affirmative response.)

9 Q Was everybody still exited about the shooting?

10 A Yes, ma'am.

11 MS. CAMPBELL: Your Honor, at this time I  
12 would like to proceed.

13 THE COURT: You may proceed.

14 BY MS. CAMPBELL:

15 Q What was said?

16 MR. NEWTON: Objection, Your Honor.

17 THE COURT: Overruled.

18 A I heard like people, like T. saying he let --

19 COURT REPORTER: Wait a minute. I didn't get  
20 that.

21 BY MS. CAMPBELL:

22 Q T. said what?

23 A He let his chopper loose.

24 Q He let his chopper loose?

25 A Yes, ma'am.

- 1 Q What does that mean?
- 2 A I guess he shot his rifle.
- 3 Q And was G-man still in the car?
- 4 A Yes, ma'am.
- 5 Q Do you remember specifically what he said?
- 6 A What who said?
- 7 Q G-man.
- 8 A No, ma'am.
- 9 Q Do you remember anybody else talking about the
- 10 shooting?
- 11 A No, ma'am.
- 12 Q Once you got to G-man's friend girl's house, what
- 13 happened?
- 14 A We had put the guns up.
- 15 Q You did what with the guns?
- 16 A Put them up at her house.
- 17 Q At her house?
- 18 A Yes.
- 19 Q And you don't remember her name?
- 20 A No, ma'am.
- 21 Q Then what happened?
- 22 A We went to the club.
- 23 Q And why were y'all going to the club that night?
- 24 A It was a friend girl birthday, I guess.
- 25 Q Whose friend girl's birthday?



1 A G-man.

2 Q About what time of night is this all happening? Do  
3 you know?

4 A About 11:00. I say about 11:00, 11:30.

5 Q So did y'all go to the club?

6 A Yes, ma'am.

7 Q And were y'all celebrating?

8 A Yes, ma'am.

9 Q Who all went to the club with you that night?

10 A Me, T., G-man, Detrick, and Brian.

11 Q Once you got to the club, did you stay there?

12 A Not for a long time. We stayed a little bit.

13 Q And when you said we stayed for a little bit, who  
14 is we?

15 A All of us that went there: Me, G-man, T., Detrick,  
16 and Brian.

17 Q Did something happen to make y'all leave?

18 A Yes, ma'am.

19 Q What happened?

20 A A lot of guys had came and started fighting. The  
21 club was over. They had kicked everybody out, and  
22 another shooting had happened.

23 Q Another shooting?

24 A Yes, ma'am.

25 Q Were you there when the shooting occurred?

- 1 A Yes, ma'am.
- 2 Q But at that point y'all didn't have your guns
- 3 anymore?
- 4 A No, ma'am.
- 5 Q Do you know what happened to the guns?
- 6 A Ma'am?
- 7 Q Do you know what happened to the guns that y'all
- 8 used that night, that y'all had?
- 9 A Since we took them to his girlfriend house, no,
- 10 ma'am.
- 11 Q You didn't see the guns anymore?
- 12 A No, ma'am.
- 13 Q After you left the club, where did you go?
- 14 A Home.
- 15 Q To your house?
- 16 A Yes, ma'am.
- 17 Q Do you know where G-man went?
- 18 A No, ma'am.
- 19 Q Do you know where Terrance went?
- 20 A No, ma'am.
- 21 Q Do you know where Detrick went?
- 22 A No, ma'am.
- 23 Q Do you know where Brian Campbell went?
- 24 A No, ma'am.
- 25 Q At some point did you become aware that somebody

1 had been killed?

2 A Yes, ma'am.

3 Q And at that point did you go to the police?

4 A No, ma'am.

5 Q Why not?

6 A I was -- I ain't want to be like telling on  
7 somebody, and I know like what happens when you  
8 tell on somebody.

9 Q So the next day you didn't go to the police?

10 A No, ma'am.

11 Q Did you learn who had been killed?

12 A Yes, ma'am.

13 Q And who got killed?

14 A G-50.

15 Q G-50?

16 A Yes, ma'am.

17 Q Would he have been in a rival gang from G-man?

18 A Yes, ma'am.

19 Q In fact, you didn't tell anybody about any of this  
20 until the police, you told; right?

21 A Yes, ma'am.

22 Q How did that happen?

23 A Ma'am?

24 Q How did you that happen?

25 A Talking about how did I tell the police?

1 Q Yes.

2 A I guess I was on the news then.

3 Q You were on the news?

4 A Yes, ma'am.

5 Q And why were you on the news?

6 A Murder.

7 Q For murder. And at that point were you aware that

8 they had already talked to other people involved in

9 this?

10 A No, ma'am.

11 Q You didn't know that?

12 A No, ma'am.

13 Q But you knew your face was on the news and that you

14 were charged with murder?

15 A Yes, ma'am.

16 Q And attempted murder?

17 A Yes, ma'am.

18 Q And you are still charged with murder?

19 A And attempted murder.

20 Q And attempted murder?

21 A Yes, ma'am.

22 Q For your role in this?

23 A Yes, ma'am.

24 Q And when you made -- did you turn yourself in or

25 did the police come find you?

- 1 A I had turned myself in.
- 2 Q And where did you turn yourself in?
- 3 A Headquarters.
- 4 Q Why did you turn yourself in?
- 5 A I was on the news.
- 6 Q That you were wanted?
- 7 A Yes, ma'am.
- 8 Q Once you turned yourself in, did the police take
- 9 you into custody?
- 10 A Yes, ma'am.
- 11 Q Did they charge you with murder and attempted
- 12 murder?
- 13 A Yes, ma'am.
- 14 Q Did they advise you of your rights?
- 15 A Yes, ma'am.
- 16 Q And at one point did you request to talk to your
- 17 mother before you talked to the police?
- 18 A Yes, ma'am.
- 19 Q Did they get your mother down and talk to you?
- 20 A Yes, ma'am.
- 21 Q Did you have a conversation with your mother?
- 22 A Yes, ma'am.
- 23 Q And as a result of talking to your mother, did you
- 24 tell the police what happened that night?
- 25 A Yes, ma'am.

1 Q Did you tell them who all was involved?

2 A Yes, ma'am.

3 Q And who did you tell them, back on June the 26th,  
4 was involved in this?

5 A Me, T., G-man, Detrick --

6 COURT REPORTER: After Detrick, what did you  
7 say?

8 THE WITNESS: The dude with the dreads.

9 BY MS. CAMPBELL:

10 Q The dude with the dreads?

11 A Yes, ma'am.

12 Q And that's who you know now is Brian Campbell?

13 A Yes, ma'am.

14 Q And the police actually recorded, I believe, a  
15 statement you gave?

16 A Yes, ma'am.

17 Q And then once you talked to them that day, you went  
18 to jail?

19 A Yes, ma'am.

20 Q And that's where you have been ever since?

21 A Yes, ma'am.

22 Q Do you know what you are facing on a murder charge?

23 A Yes, ma'am.

24 Q What are you facing?

25 A Thirty to life.

- 1 Q What to life?
- 2 A Thirty.
- 3 Q Thirty years to life?
- 4 A Yes, ma'am.
- 5 Q Do you know what you are facing on an attempted
- 6 murder charge?
- 7 A Yes, ma'am.
- 8 Q What are you facing on that charge alone?
- 9 A Another 30 years.
- 10 Q Do you have a lawyer?
- 11 A Yes, ma'am.
- 12 Q Is your lawyer here in the courtroom?
- 13 A Yes, ma'am.
- 14 Q Can you point to where she is in the courtroom?
- 15 A (Indicating.)
- 16 Q Seated over there?
- 17 A Yes, ma'am.
- 18 Q And you have talked to her?
- 19 A Yes, ma'am.
- 20 Q And you understood before you came in here that I
- 21 couldn't force you to talk?
- 22 A Yes, ma'am.
- 23 Q But you are going to talk. Have you been offered
- 24 any deals in this case?
- 25 A No, ma'am.

1 Q Have there been any promises made to you, other  
2 than you hope it might help you in front of a judge  
3 down the line, and you hope we might do something  
4 for you; right?

5 A Yes, ma'am.

6 Q Have you been offered any deals by the State or  
7 anyone in my office?

8 A No, ma'am.

9 Q And you are still today facing the murder and  
10 attempted murder?

11 A Yes, ma'am.

12 Q That you have just come in here and told the jury  
13 about?

14 A Yes, ma'am.

15 Q Why are you testifying?

16 A To get it off my chest really.

17 Q G-man, the one you have been talking about?

18 A Yes, ma'am.

19 Q Do you see him here in the courtroom?

20 A Yes, ma'am.

21 Q Can you tell the jury where he is sitting? I know  
22 you can't point.

23 A In the middle to my left.

24 Q In the middle to your left. What is he wearing?

25 A A suit.



1 Q A suit and a tie?

2 A Yes, ma'am.

3 Q Is his hair a little different than it used to be?

4 A Yes, ma'am.

5 Q Is his appearance a little different than it used  
6 to be?

7 A Yes, ma'am.

8 Q Has anybody promised you anything?

9 A No, ma'am.

10 Q To make you testify?

11 A No, ma'am.

12 Q No deals whatsoever?

13 A No, ma'am.

14 Q You may hope there may be one but none?

15 A Yes, ma'am.

16 MS. CAMPBELL: Beg the Court's indulgence.

17 (Pause.)

18 MS. CAMPBELL: I don't have anything further,  
19 Your Honor.

20 THE COURT: Thank you. Mr. Newton.

21 MR. NEWTON: May it please the Court.

22 THE COURT: Yes, sir.

23 **CROSS EXAMINATION**

24 BY MR. NEWTON:

25 Q Do you mind if I call you Noonie?

- 1 A Yes, sir.
- 2 Q Can I call you Noonie?
- 3 A Yes, sir.
- 4 Q That's your nickname, street name?
- 5 A Yes, sir.
- 6 Q Noonie, where have you been living the past two
- 7 years?
- 8 A Fairfield or at Alvin S. Glenn.
- 9 Q What is Alvin S. Glenn?
- 10 A The detention center.
- 11 Q Do you have your own room?
- 12 A Yes, sir.
- 13 Q You do?
- 14 A (Witness nods.) (Indicating affirmative response.)
- 15 Q How big is it?
- 16 A About the size of this stand.
- 17 Q And you have been living in that for the last two
- 18 years?
- 19 A Yes, sir.
- 20 Q What do you get to eat for breakfast every day?
- 21 A Oatmeal.
- 22 Q How about lunch?
- 23 A A sandwich.
- 24 Q How about dinner?
- 25 A Spaghetti.

1 Q And you have been doing that for the past two  
2 years?

3 A Yes, sir.

4 Q Your testimony was that when you got to the  
5 apartment complex, you hid?

6 A Yes, sir.

7 Q You didn't fire any shots?

8 A No, sir.

9 Q So you are positive your gun -- there is no way it  
10 killed G-50?

11 A Yes, sir.

12 Q Would you be surprised to know there were bullets  
13 found that were not from the assault rifles?

14 A No, sir.

15 Q You wouldn't be surprised. So someone else shot?

16 A Yes, sir.

17 Q But it wasn't you?

18 A No, sir.

19 Q The solicitor asked you about conversations that  
20 you heard in the car. Do you remember ever telling  
21 anybody else about that?

22 A About what?

23 Q About the conversations that you heard in the car.  
24 Did you ever talk to Investigator Thomas?

25 A Yes, sir.

1 Q You did. He was the one that you talked to when  
2 you came in; right?

3 A Sir?

4 Q When you came in, when you were arrested and you  
5 turned yourself in, that's who you talked to;  
6 right?

7 A Yes, sir.

8 Q About how long did y'all talk?

9 A A couple of hours.

10 Q A couple of hours?

11 A Yes, sir.

12 Q And the solicitor alluded to it. Some of it was  
13 recorded; correct?

14 A Yes, sir.

15 Q And Investigator Thomas, he just handed you a piece  
16 of paper and said, Tell me what happened?

17 A No, sir.

18 Q You guys had a conversation?

19 A Yes, sir.

20 Q Talked about it?

21 A Yes, sir.

22 Q Talked about possible people that were involved in  
23 this; right?

24 A Yes, sir.

25 Q Talked about Detrick Walker; right?

- 1 A Yes, sir.
- 2 Q Talked about Terrance Patterson?
- 3 A Yes, sir.
- 4 Q Talked about Daqwan Johnson?
- 5 A Yes, sir.
- 6 Q Talked about Thomas Williams, O.B.; right.?
- 7 A Yes, sir.
- 8 Q He asked you about him; right?
- 9 A Yes, sir.
- 10 Q You know who that is; right?
- 11 A Yes, sir.
- 12 Q You know he is the set king for the Folk; right?
- 13 A No, sir.
- 14 Q No?
- 15 A No, sir.
- 16 Q But you do know some gangs members; right?
- 17 A Yes, sir.
- 18 Q But you are not in a gang?
- 19 A No, sir.
- 20 Q But your name is Noonie; right? Your nickname?
- 21 A Yes, sir.
- 22 Q Now, in this in conversation that you had, you had
- 23 a chance to see your mother?
- 24 A Yes, sir.
- 25 Q And you got to hug her?

1 A Yes, sir.

2 Q And you were crying?

3 A Yes, sir.

4 Q And they said telling them what they wanted to hear  
5 would help you out; right?

6 A No, sir.

7 Q No? They didn't?

8 A No, sir.

9 Q They didn't say that at all. Okay. You are facing  
10 30 years to life; is that right?

11 A Yes, sir.

12 Q How old are you?

13 A Twenty.

14 Q Twenty.

15 MR. NEWTON: Beg the Court's indulgence.

16 (Pause.)

17 BY MR. NEWTON:

18 Q I will ask you just a couple of questions about  
19 Studio 54. I am almost done. You brought no guns  
20 to Studio 54; correct?

21 A No, sir.

22 Q Not at all?

23 A Not me, no, sir.

24 Q And Thomas Williams, O.B., he was at the club;  
25 right?

1 A Yes, sir.

2 Q He was involved in a fight at the club; right?

3 A I don't know.

4 Q You don't know?

5 A No, sir.

6 Q You don't know he was involved in a fight, an  
7 alleged shooting?

8 A No, sir.

9 MR. NEWTON: No further questions.

10 THE COURT: Redirect?

11 MS. CAMPBELL: Just one question.

12 REDIRECT EXAMINATION

13 BY MS. CAMPBELL:

14 Q Was O.B. with you during the shooting that night --

15 A No, ma'am.

16 Q -- that y'all did?

17 A No, ma'am.

18 Q Thank you.

19 MS. CAMPBELL: I don't have anything further.

20 THE COURT: Recross, Mr. Newton?

21 MR. NEWTON: Nothing further.

22 THE COURT: Thank you. He is back in the  
23 custody of the Richland County Detention Center. You  
24 may step down.

25 (Witness leaves the witness stand.)

1           THE COURT: Ladies and gentlemen, let's take  
2 about a 15-minute recess. Please do not discuss this  
3 case during this brief recess. You may now go with your  
4 bailiff.

5           (The jury retires to the jury room.)

6           THE COURT: Court will be in recess 15  
7 minutes.

8           (Whereupon there is a recess.).

9           THE COURT: Solicitor, who is your next  
10 witness?

11           MS. CAMPBELL: Your Honor, we can go ahead and  
12 take the other codefendant that is the going up today or  
13 we can take other witnesses, whatever you want. There  
14 is another one there in holding as well. It's not a  
15 codefendant but yet another witness.

16           THE COURT: Is the other witness the other  
17 codefendant, Mr. Walker?

18           MS. CAMPBELL: Yes, sir.

19           THE COURT: And that's the issue that  
20 Mr. Newton brought up in Neil v. Biggers?

21           MS. CAMPBELL: Yes, sir. Or we can put up  
22 people from S.L.E.D., whatever you want me to do, Judge.

23           THE COURT: What is your position as to  
24 Mr. Walker, Solicitor, on the Neil v. Biggers? What is  
25 your position?



1 MS. CAMPBELL: Whatever you think is  
2 appropriate, Your Honor. I mean, I don't think it's  
3 necessary. I think the purpose of Neil v. Biggers is he  
4 basically pointed out who was going -- he was shown the  
5 video, not some photographs, but the video; and he  
6 pointed out -- if you look at the video, Your Honor, you  
7 can't see faces so much. He was just able to identify  
8 who was coming through the cut is my understanding.

9 THE COURT: I can't, for the life of me,  
10 determine how that would require a Neil v. Biggers  
11 hearing. The case y'all have cited, primarily Liverman,  
12 states that Neil v. Biggers is a United States Supreme  
13 Court case setting forth a two-prong test to determine  
14 whether due process requires impression of eye witness  
15 identification.

16 Due process requires courts to assess, on a  
17 case-by-case basis, whether the identification resulted  
18 from unnecessary and unduly suggestive police practices.  
19 And if so, whether the out-of-court identification was  
20 nevertheless so reliable that no substantial likelihood  
21 of misidentification exists.

22 I cannot fit a video of an apartment complex  
23 into -- and showing that to a witness -- I cannot fit  
24 that into some type of unnecessary and unduly suggestive  
25 police procedure. It's not like a lineup. It's not

1 like a show-up. It's not like a photo show-up, anything  
2 of that nature.

3 If that were the case, then we would never be  
4 able to show a witness evidence that had photographs of  
5 people. Let's say you have photographs of somebody and  
6 show it to them. I don't see where that is unduly --  
7 where it fits into that framework.

8 MR. COLLINS: Your Honor, I think possibly we  
9 got a little off track talking about Cambo Streeter and  
10 the things that we knew about. Our other concern is  
11 that originally yesterday when we brought up the issue  
12 of having these hearings outside the presence of the  
13 jury, we asked Investigator Thomas and Ms. Campbell if  
14 anyone had been shown a picture or a lineup.

15 The initial response was: No, nobody was  
16 shown a picture. Nobody was shown a lineup. On further  
17 inquiry we learned not only were they shown a picture --  
18 Marquez Profit was shown a picture with Mr. Johnson's  
19 name written underneath it.

20 On Terrance Patterson's transcript from the  
21 recorded statement he gave, the first question is: Who  
22 is this? Where a picture was shown to him. Mr. Walker,  
23 when they turned the recording on, stopped cooperating  
24 with the police. But in Investigator Thomas' notes, he  
25 writes Mr. Walker gave a full confession implicating

1 these other people.

2 Out of precautionary reasons, due to the  
3 original response we got from Investigator Thomas that  
4 no pictures were shown to Mr. Patterson or Mr. Prophet,  
5 we would just like to get Mr. Walker on the stand and  
6 ask him outside the presence of the jury something along  
7 those lines to see if there was something done.

8 THE COURT: I will respond to that  
9 momentarily, but I didn't track Mr. Prophet's testimony  
10 that he was shown a picture by the police with Daqwan  
11 Johnson's name on it.

12 I did track his testimony that he saw a  
13 picture with Daqwan Johnson's name on it, but I didn't  
14 necessarily track -- I didn't know if he saw it on the  
15 news or on a wanted poster or his confirmation picture.  
16 I didn't know that he had come -- I didn't necessarily  
17 track that that came from being shown by the police.

18 If the State says, We didn't show Mr. Walker a  
19 lineup, there is no show-up, no one picture, I don't  
20 think it's necessary for Neil versus Biggers. If you  
21 want to call Mr. Thomas briefly, you can do so. If you  
22 want to put something on the record, that's fine, but I  
23 think I just follow the law.

24 If they are saying as officers of the Court,  
25 there is no -- not only are there no suggestive police

1 practices or procedures that fit unduly suggestive  
2 identification, that there was no procedure done  
3 whatsoever, I don't think the inquiry that I have to  
4 make is a threshold inquiry.

5 MR. COLLINS: Thank you, Your Honor.

6 THE COURT: Thank you. Call your next  
7 witness -- well, let's see. Are you ready for the next  
8 witness?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Bring us our jury, please.

11 (The jury returns to the courtroom.)

12 THE COURT: Solicitor, you may call your next  
13 witness.

14 MS. CAMPBELL: May it please the Court, Your  
15 Honor. The State calls Detrick Walker.

16 DETRICK WALKER, being  
17 first duly sworn, testifies as follows:

18 CLERK: State your name for the record.

19 THE WITNESS: My name is Detrick Walker.

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q Mr. Walker, how old are you?

23 A Twenty-one.

24 Q And where did you grow up?

25 A Say what?

- 1 Q Where did you grow up?
- 2 A I grew up in South Carolina, Columbia.
- 3 Q In Columbia, South Carolina?
- 4 A Yes, ma'am.
- 5 Q Did you go to high school here?
- 6 A Yes, ma'am.
- 7 Q Where did you go to high school?
- 8 A C.A. Johnson.
- 9 Q Did you graduate?
- 10 A No, ma'am.
- 11 Q What grade did you go through?
- 12 A Eleventh.
- 13 Q Eleventh grade?
- 14 A Yes, ma'am.
- 15 Q Where are you currently living?
- 16 A Fairfield Road in Hillingdale Apartments.
- 17 Q That's where you were living?
- 18 A Yes, ma'am.
- 19 Q That's not where you live right now; is it?
- 20 A No, I stay in Fairfield County.
- 21 Q Fairfield County?
- 22 A Detention center.
- 23 Q In the detention center. Is that the Fairfield
- 24 County jail?
- 25 A Yes, ma'am.

- 1 Q And how long have you been in the Fairfield County  
2 jail?
- 3 A Twenty-six months.
- 4 Q Since this happened?
- 5 A Yes, ma'am.
- 6 Q Pretty much?
- 7 A Yes, ma'am.
- 8 Q I want to turn your attention back to June  
9 the 19th. Who were you with that day?
- 10 A Marquez Prophet, Daqwan Johnson, Terrell (verbatim)  
11 Patterson, and Brian Campbell.
- 12 Q And you just said their names. Did you know them  
13 by nicknames?
- 14 A Yes, ma'am.
- 15 Q And you mentioned that you know Marquez Prophet?
- 16 A Yes, ma'am.
- 17 Q What is his nickname?
- 18 A Noonie.
- 19 Q Noonie?
- 20 A Yes, ma'am.
- 21 Q And you mentioned that you know Terrance Patterson.  
22 What is his nickname?
- 23 A T.
- 24 Q And you mentioned that you know Daqwan Johnson.  
25 What is his nickname?

- 1 A G-man.
- 2 Q G-man?
- 3 A (Witness nods.) (Indicating affirmative response.)
- 4 Q And then you mentioned a Brian Campbell. What is
- 5 his nickname?
- 6 A B.K.
- 7 Q How did you know T.?
- 8 A Neighborhood.
- 9 Q From the neighborhood. What neighborhood is that?
- 10 A Bethel Bishop Apartments.
- 11 Q Bethel Bishop Apartments?
- 12 A Yes, ma'am.
- 13 Q And did you used to hang out in Bethel Bishop
- 14 Apartments?
- 15 A Yes, ma'am.
- 16 Q And that's how you met T.?
- 17 A Yes, ma'am.
- 18 Q How did you know Marquez?
- 19 A We went to school together.
- 20 Q When did you go to school with him?
- 21 A Middle school and high school.
- 22 Q What about B.K.? How did you know him?
- 23 A I went to school with him too.
- 24 Q G-man, how did you know him?
- 25 A Went to school with him.

- 1 Q What school did y'all go to?
- 2 A Perry and Johnson.
- 3 Q Perry and Johnson?
- 4 A Uh-huh. (Indicating affirmative response.)
- 5 Q Do you see somebody you recognize?
- 6 A Ma'am?
- 7 Q Do you see somebody you recognize? I notice you
- 8 looking over.
- 9 A Yes, ma'am.
- 10 Q Any of those people in a gang?
- 11 A Ma'am?
- 12 Q Are any of those people in a gang?
- 13 A No, ma'am.
- 14 Q Nobody is in a gang?
- 15 A No, ma'am.
- 16 Q You aren't in a gang?
- 17 A No, ma'am.
- 18 Q G-man's not in a gang?
- 19 A No, ma'am.
- 20 Q T. is not in a gang?
- 21 A No, ma'am.
- 22 Q Do you know -- are you familiar with Folk?
- 23 A Yes, ma'am.
- 24 Q And do you know people who are in the Folk gang?
- 25 A Yes.



1 Q But you are telling this jury that they aren't in  
2 the Folk gang?

3 A Not necessarily a gang.

4 Q They associate with people?

5 A Yes, ma'am.

6 Q So they do associate, at least by your testimony,  
7 with people in the Folk gang?

8 A Yes, ma'am.

9 Q Do the Folk and the Bloods get along?

10 A No, ma'am.

11 Q You say you aren't in a gang?

12 A I'm not in a gang, ma'am.

13 Q But you associate too with people that are in  
14 gangs?

15 A Yes, ma'am.

16 Q On that day tell this jury how you ended up meeting  
17 up with all those guys that you just mentioned?

18 A Earlier that day we was over in Hillingdale  
19 Apartments, and we was just chilling out. We had  
20 got together and was planning on going to the club  
21 later on that night or whatnot.

22 Q Why were y'all going to the club later on that  
23 night?

24 A Mr. Johnson girlfriend was having a birthday party.

25 Q And who is Mr. Johnson?

- 1 A G-man.
- 2 Q And you've got a lawyer named Mr. Johnson too;
- 3 don't you?
- 4 A Yes, ma'am.
- 5 Q But you are talking about G-man when you say
- 6 Mr. Johnson here in this courtroom?
- 7 A Yes, ma'am.
- 8 Q And you all were over at Hillingdale Apartments.
- 9 Who lived at Hillingdale?
- 10 A Me.
- 11 Q You were living there?
- 12 A Yes, ma'am.
- 13 Q That's the one right off Fairfield Road?
- 14 A Yes, ma'am.
- 15 Q That's off North Main Street; is that right?
- 16 A Yes, ma'am.
- 17 Q And that day y'all were chilling. What does that
- 18 mean for people like -- older?
- 19 A Sitting back, drinking, smoking.
- 20 Q What were you drinking?
- 21 A Hennessey.
- 22 Q Hennessey?
- 23 A Yes, ma'am.
- 24 Q And what were you smoking?
- 25 A Marijuana.

- 1 Q Who all was over there that afternoon?
- 2 A Me, Prophet, Campbell. Mr. Johnson had left with
- 3 his girlfriend.
- 4 Q And what was Mr. Johnson or G-man driving that day?
- 5 A He was driving his girlfriend's S.U.V.
- 6 Q His girlfriend's S.U.V.?
- 7 A Uh-huh. (Indicating affirmative response.)
- 8 Q Did you know what Mr. Johnson's car looked like?
- 9 A Yes, ma'am.
- 10 Q What kind of car did he have?
- 11 A Buick.
- 12 Q What kind of Buick was it? Do you remember?
- 13 A I don't know. I did know it was a silver Buick.
- 14 Q A silver Buick. Had he been driving that car for a
- 15 while?
- 16 A Yes, ma'am.
- 17 Q You said that y'all were over there. What time of
- 18 day is it you are talking about to begin with?
- 19 A This was earlier in the day.
- 20 Q Earlier in the day. About what time? Do you
- 21 remember?
- 22 A Like about 2:00 or 3:00 o'clock in the afternoon.
- 23 Q At some point did Marquez and B.K. leave in the
- 24 Buick? Do you remember?
- 25 A Yes, ma'am.

- 1 Q And did something happen while they were in the  
2 Buick?
- 3 A Yes, ma'am.
- 4 Q That got everybody riled up?
- 5 A Yes, ma'am.
- 6 Q What happened when they were driving G-man's Buick  
7 that day that got them all riled up?
- 8 A We was on our way going to the club.
- 9 Q Were you with them?
- 10 A Yes, ma'am.
- 11 Q Okay. Sorry. You were with them?
- 12 A Yes, ma'am.
- 13 Q Who all was in the car?
- 14 A It was me, Campbell, and Prophet.
- 15 Q The three of you?
- 16 A Yes, ma'am.
- 17 Q You were driving whose car?
- 18 A Johnson.
- 19 Q Johnson's car? G-man?
- 20 A Uh-huh. (Indicating affirmative response.)
- 21 Q Go ahead.
- 22 A We was turning on Farrow Road from West Beltline.
- 23 Q Farrow Road?
- 24 A Uh-huh. (Indicating affirmative response.)
- 25 Q Near Beltline?

- 1 A We was turning off Beltline onto Farrow Road.
- 2 Q I'm sorry. Off Beltline onto Farrow. Go ahead.
- 3 A When we turned we seen a blue Crown Vic, and two
- 4 guys hung out the window and shot the car.
- 5 Q You say you saw a blue Crown Vic?
- 6 A Yes, ma'am.
- 7 Q And did you know whose car that was?
- 8 A Yes, ma'am.
- 9 Q Whose car was that?
- 10 A A female named -- I just know her by a nickname.
- 11 Her nickname is Rue Rue.
- 12 Q Rue Rue?
- 13 A Uh-huh. (Indicating affirmative response.)
- 14 Q Who is Rue Rue's boyfriend?
- 15 A Weeny.
- 16 Q Weeny?
- 17 A Uh-huh. (Indicating affirmative response.)
- 18 Q And what was Weeny's relationship with G-man? Did
- 19 you know?
- 20 A There wasn't no relationship.
- 21 Q You didn't know? I wouldn't say it was a
- 22 relationship. How did they get along?
- 23 A They ain't get along.
- 24 Q Do you know why they didn't get along?
- 25 A Not really. I know on several occasions that Weeny

1 had shot up Mr. Johnson's car.

2 Q And on this day y'all are turning off Beltline onto  
3 Farrow when the blue Vic that belongs to Weeny's  
4 girlfriend came by, and what did it do? What did  
5 the people do inside it?

6 A Fired several shots at the Buick.

7 Q Did it hit?

8 A Yes, ma'am.

9 Q Did it hit any of y'all?

10 A No, ma'am.

11 Q What did y'all do after you got shot at by the  
12 blue -- is it a Crown Vic?

13 A Yes, ma'am.

14 Q Sorry. On Farrow Road?

15 A We called Mr. Johnson and told him his car had just  
16 got shot up.

17 Q Did you talk to Mr. Johnson?

18 A No, ma'am.

19 Q Who was talking to Mr. Johnson?

20 A Campbell.

21 Q Campbell?

22 A Uh-huh. (Indicating affirmative response.)

23 Q Do you remember Marquez talking to Mr. Johnson too?

24 A Not that I recall.

25 Q At that point when y'all called Mr. Johnson, could

- 1       you hear what he was saying?
- 2    A    No, ma'am.
- 3    Q    After you made the phone call to Mr. Johnson, what
- 4       did y'all do?
- 5    A    Took him his car.
- 6    Q    You took him his car. Where did you go to take him
- 7       his car?
- 8    A    To his girlfriend house.
- 9    Q    Where was his girlfriend's house? Do you remember?
- 10   A    It's off North Main. I don't know exactly the name
- 11       of the road, but it's off of North Main.
- 12   Q    Once you got to his girlfriend's house, what
- 13       happened?
- 14   A    We got in his car and left and went and picked up
- 15       Patterson.
- 16   Q    Let me back up. While you were at the girlfriend's
- 17       house, did you meet up with G-man?
- 18   A    Yes, ma'am.
- 19   Q    And what was G-man saying that day? Do you
- 20       remember?
- 21   A    Not really. He wasn't really saying nothing. He
- 22       was just mad about his car being shot up.
- 23   Q    He was mad about his car being shot up?
- 24   A    Yes, ma'am.
- 25   Q    So y'all decided to get back in the car?

- 1 A Yes, ma'am.
- 2 Q And who all got back into G-man's car at that
- 3 point?
- 4 A Me, Campbell, Prophet, and Johnson.
- 5 Q And where were y'all heading?
- 6 A To pick up T.
- 7 Q Who is T.?
- 8 A Patterson.
- 9 Q Terrance Patterson?
- 10 A Yes, ma'am.
- 11 Q And why were y'all going to T.'s house at that
- 12 point?
- 13 A We was going to go pick him up so we would get his
- 14 guns.
- 15 Q Get his guns. Where does T. stay at that point?
- 16 Where did y'all go pick him up?
- 17 A He picked him up on Farrow Road by --
- 18 COURT REPORTER: What liquor store?
- 19 THE WITNESS: Bumpsy (phonetic) Liquor Store.
- 20 I don't know the exact name. That's what they call it.
- 21 Q The Bump Liquor Store?
- 22 A Yeah, on Farrow Road.
- 23 Q On Farrow Road. And was he just at the liquor
- 24 store or was it some house there?
- 25 A No, he was on his way walking to his house and we



- 1 met him.
- 2 Q And who was driving the car at that point?
- 3 A Campbell.
- 4 Q Once you picked up T. at Bump's Liquor Store, where
- 5 did y'all go?
- 6 A We went to Doctor's Circle to a little female's
- 7 apartment.
- 8 Q Once you got -- could it be Medical Drive or
- 9 Doctor's Circle?
- 10 A I think Medical Drive.
- 11 Q Once you got there -- and this would be whose
- 12 girlfriend's house?
- 13 A It was nobody girlfriend house. It was just the
- 14 house that we be at.
- 15 Q A house that y'all would stay at sometimes?
- 16 A No, we just go over there and chill out.
- 17 Q Y'all would go over there and chill out?
- 18 A Yes, ma'am.
- 19 Q When you say y'all would go over there, would it be
- 20 you?
- 21 A Yes, ma'am.
- 22 Q G-man?
- 23 A Yes, ma'am.
- 24 Q T.?
- 25 A (Witness nods.) (Indicating affirmative response.)

1 Q B.K.?

2 A (Witness nods.) (Indicating affirmative response).

3 Q And Noonie?

4 A (Witness nods.) (Indicating affirmative response.)

5 THE COURT: Is that yes?

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Yes, sir?

8 THE WITNESS: Yes, sir.

9 BY MS. CAMPBELL:

10 Q Once y'all got over to the house -- on what drive?

11 A Medical Drive.

12 Q What did y'all get there?

13 A What did we get?

14 Q Yes. What did you get?

15 A T. had went and got his assault rifle and a .223

16 and another assault rifle.

17 Q T. went and got those?

18 A Yes, ma'am.

19 Q How many guns did he come back with?

20 A Three.

21 Q Where were the handguns from?

22 A I had my own handgun.

23 Q What about Marquez? What kind of gun did he have?

24 A I think a .380 or a 9-millimeter, one of the two.

25 Q That would be a handgun too?

1 A Yes, ma'am.

2 Q So he went and got the three assault rifles, and  
3 then there were two other guns that somebody got.  
4 You had yours?

5 A Yes, ma'am.

6 Q And then there was another one that Marquez ended  
7 up with?

8 A Yes, ma'am.

9 Q And do you remember who got what rifle?

10 A Patterson had the A.K.47 and Johnson had the .223  
11 and Campbell had the S.K.S.

12 Q The .223, that was Johnson. That would be G-man;  
13 right?

14 A Yes, ma'am.

15 Q Once y'all got your guns, did y'all stay there or  
16 did you go somewhere?

17 A We had stayed there and the dude started calling  
18 Campbell's phone.

19 Q Who started calling?

20 A It was Weeny.

21 Q Weeny started calling Campbell's phone?

22 A Uh-huh. (Indicating affirmative response.)

23 Q What was G-man saying during this time period when  
24 y'all were hanging out on Medical Drive?

25 A He wasn't really talking about nothing too much.

1 He was there and we was smoking and whatnot.

2 Q Smoking and stuff?

3 A Yes, ma'am. Then Weeny, he had called the phone  
4 and whatnot, bragging about he had just shot up the  
5 car and whatnot.

6 Q What happened next?

7 A They was talking, saying how he had shot up the  
8 car, and telling us what he said and whatnot.

9 Q Do you know Weeny's real name?

10 A No, ma'am.

11 Q Do you know Edward Miller?

12 A I don't know if that his name or not. I just know  
13 him by Weeny.

14 Q So that happened. And then what did y'all decide  
15 to do?

16 A We decided to go where he was, where they say that  
17 was at.

18 Q Who is the they y'all are looking for?

19 A It was Weeny and his cousin Whitney.

20 Q Once y'all decided to do that -- whose idea was  
21 that?

22 A Ma'am?

23 Q Whose idea was it?

24 A Mine.

25 Q And who all was going with you that day?

- 1 A Everybody who was with me: Campbell, Johnson, and
- 2 Prophet.
- 3 Q But you just had the handgun. Who had the assault
- 4 rifles?
- 5 A Patterson and Campbell and Johnson.
- 6 Q Once y'all got back in the car, who was driving?
- 7 A Campbell.
- 8 Q Where did y'all go?
- 9 A To North Main Apartments.
- 10 Q Why were y'all going to North Main Apartments?
- 11 A To walk through the cut.
- 12 Q Is there a cut you are familiar with?
- 13 A Yes, ma'am.
- 14 Q Where does the cut lead to?
- 15 A To Gable Oaks.
- 16 Q And what is Gable Oaks territory like?
- 17 A The Bloods.
- 18 Q Again, the Bloods and the Folk don't get along?
- 19 A No, ma'am.
- 20 Q And were you aware of whether or not Weeny was
- 21 affiliated with a gang?
- 22 A Yes, ma'am.
- 23 Q And what gang was Weeny affiliated with which had a
- 24 beef with G-man?
- 25 A Bloods.

1 Q Once y'all got to the cut, what happened?

2 A We walked through. When we got through, me and  
3 Johnson went one way and Patterson and Prophet went  
4 the other way, and I don't know where Campbell  
5 went.

6 Q And once you got through the cut, that's where  
7 y'all split up?

8 A Yes, ma'am.

9 Q What was the plan?

10 A There wasn't ever no plan. We was just going out  
11 there.

12 Q What were you looking for?

13 A Weeny.

14 Q Once you got into the apartment complex, which  
15 direction did you go in once you came through the  
16 cut?

17 A I went to the left?

18 Q You went to the left.

19 A (Witness nods.) (Indicating affirmative response).

20 Q The two others went to the right, and you didn't  
21 know where B.K. went?

22 A Yes, ma'am.

23 Q What happened next?

24 A When we got around the corner, they was in the  
25 parking lot. I guess they seen us coming around

1 the corner. When they seen us come around the  
2 corner, they opened fire.

3 Q They opened fire. Were you aware that other people  
4 had opened fired on them first?

5 A No, they shot first.

6 Q So y'all planned this ambush, and it just happened  
7 that they were able to open fire on you first?

8 A No, we never planned no ambush.

9 Q What was the purpose of y'all going there that day  
10 looking for G-man's archenemy?

11 A Looking for him.

12 Q To make amends?

13 A Basically.

14 Q And to do that you armed yourself with assault  
15 rifles and pistols?

16 A Yes, ma'am.

17 Q And you went in their territory looking for them?

18 A Yes, ma'am.

19 Q That's your testimony?

20 A Yes, ma'am.

21 Q What happened next?

22 A When they opened fire, we turned around and ran.  
23 By the time we made it back to the car, Johnson was  
24 behind me.

25 Q Did you shoot?

- 1 A No, ma'am.
- 2 Q You didn't shoot?
- 3 A No, ma'am.
- 4 Q They opened fire on you, and you didn't shoot even  
5 though you were armed?
- 6 A I ain't never had a chance to shoot.
- 7 Q Who were you with?
- 8 A Johnson.
- 9 Q Did he shoot?
- 10 A No, ma'am.
- 11 Q G-man didn't shoot either?
- 12 A I ain't see him shoot with my eyes.
- 13 Q What kind of gun did G-man have?
- 14 A The .223.
- 15 Q Did you see his gun jam?
- 16 A Yes, ma'am.
- 17 Q What about Terrance? Did you see him shoot?
- 18 A No, ma'am.
- 19 Q Did you hear him shooting?
- 20 A Yeah, I heard a gun that sounded like an assault  
21 rifle. I don't know if he was him shooting or not.
- 22 Q Do you know if Marquez shot?
- 23 A No, ma'am.
- 24 Q Do you know if B.K. shot?
- 25 A No, ma'am.



1 Q What is your testimony here today next?

2 A Ma'am?

3 Q What happened next? What's your story next?

4 A We got back in the car and we left.

5 Q You left?

6 A Uh-huh. (Indicating affirmative response.)

7 Q And when you got back in the car, were there any  
8 conversations?

9 A No, not really.

10 Q Were people upset? You just got shot at.

11 A Yeah, people upset but there was really no  
12 conversation until we got to my house.

13 Q Do you remember Terrance bragging about anything?

14 A That was after the fact. That ain't happened right  
15 after the shooting happened.

16 Q Do you remember G-man bragging about it or being  
17 upset about it?

18 A He was upset but he ain't bragged about it too  
19 much.

20 Q Do you remember him being upset about his gun  
21 jamming?

22 A No, he never was upset. He never said nothing  
23 about his gun jamming period. I seen him when the  
24 gun jammed.

25 Q You just saw him when the gun jammed?

- 1 A Uh-huh. (Indicating affirmative response.)
- 2 Q Where did y'all go once you left?
- 3 A Hillingdale Apartments.
- 4 Q And that's where you live?
- 5 A Yes, ma'am.
- 6 Q Who all went there?
- 7 A Me, Johnson, Patterson, Campbell, and Prophet.
- 8 Q What did you do when you got there?
- 9 A Changed.
- 10 Q You changed what?
- 11 A Clothes.
- 12 Q Why?
- 13 A Just changed them.
- 14 Q After you changed clothes, was everybody still
- 15 there?
- 16 A Yes, ma'am.
- 17 Q Where did y'all go next?
- 18 A Studio 54.
- 19 Q Once you all got back in the car, did anybody else
- 20 change clothes?
- 21 A No, ma'am.
- 22 Q Why were you changing clothes?
- 23 A I just felt that I should change clothes.
- 24 Q What happened to the guns?
- 25 A I still had my gun.

- 1 Q What happened to the other guns?
- 2 A Patterson took them back to the house.
- 3 Q To the house?
- 4 A Uh-huh. (Indicating affirmative response.)
- 5 Q On Medical Drive?
- 6 A Uh-huh. (Indicating affirmative response.)
- 7 Q Do you know what happened to the gun that G-man
- 8 had?
- 9 A No, ma'am.
- 10 Q Once y'all went --
- 11 A It went to the house too.
- 12 Q I'm sorry. I didn't mean to interrupt you. I
- 13 apologize.
- 14 A Patterson took it back to his house.
- 15 Q Did y'all do that on the way to the club or after
- 16 you went to the club or what?
- 17 A We did that before we went to the club.
- 18 Q After you changed clothes?
- 19 A Yes, ma'am.
- 20 Q Then y'all went to the club?
- 21 A Yes, ma'am.
- 22 Q To celebrate?
- 23 A No, ma'am.
- 24 Q It wasn't someone's birthday?
- 25 A Yeah, it was Johnson girlfriend birthday.

- 1 Q And when you got to the club, what happened?
- 2 A We was in the club and whatnot, and some Blood gang
- 3 members came in and got into an altercation and
- 4 whatnot. When they got outside, they was waiting
- 5 on us outside, and there was another shootout.
- 6 Q There was another shootout?
- 7 A Yes, ma'am.
- 8 Q Did you participate in that one?
- 9 A Yes, ma'am.
- 10 Q Do you know if anybody was hit in that shootout?
- 11 A Yes, ma'am.
- 12 Q Once there was another shootout -- this is your
- 13 second shootout that night -- what happened next?
- 14 A We left.
- 15 Q Where did you go?
- 16 A Went home.
- 17 Q Did anybody go home with you?
- 18 A Prophet.
- 19 Q What happened the next day?
- 20 A Nothing.
- 21 Q At any point did you ever call the police?
- 22 A No, ma'am.
- 23 Q The next day did you become aware that somebody
- 24 had been shot and killed in your shootout at Gable
- 25 Oaks or Ashley Apartments, whatever you want to

1 call it?

2 A On the way going to the club, somebody had called  
3 our phones. Well, to be exact my mother had called  
4 my phone and had said that somebody had got killed,  
5 and somebody else had called Patterson phone and  
6 said that somebody -- G-50 had got killed or  
7 whatnot. He was like yes.

8 Q They were excited G-50 had been killed?

9 A No, he was excited.

10 Q Who is he?

11 A Patterson.

12 Q Terrance Patterson?

13 A Yes.

14 Q G-man, was he excited?

15 A No, ma'am, he didn't express nothing that I could  
16 see.

17 Q Not that you could see. And your relationship with  
18 G-man is what?

19 A Socially, home boy.

20 Q Home boy. You are pretty tight?

21 A Yes, ma'am.

22 Q And you have been tight for a while?

23 A Yes, ma'am.

24 Q At some point did you make contact with the police?

25 A No, ma'am.

1 Q And at some point did the police make contact with  
2 you?

3 A Like a week later.

4 Q Like a week later. And at some point did you  
5 become aware that you were wanted?

6 A Yes, ma'am.

7 Q When did you become aware that you were wanted?

8 A That Thursday.

9 Q That Thursday. What day did this happen on?

10 A That Saturday before.

11 Q The Saturday before. How did you become aware that  
12 you were wanted for murder and attempted murder?

13 A Somebody had called my phone and said the S.W.A.T.  
14 team was at my house, and I called my momma. She  
15 told me.

16 Q That the S.W.A.T. team was at your momma's house?

17 A Yes, ma'am.

18 Q So at that point what did you do?

19 A Got in touch with my momma and grandmother. They  
20 came and picked me up, and I turned myself in.

21 Q Where did you turn yourself in?

22 A To Richland County Sheriff's Department on Two  
23 Notch.

24 Q Did you ultimately get transported to the City  
25 Police Department?

1 A Yes, ma'am.

2 Q When you got to the City Police Department, did you  
3 make contact with investigators in the case?

4 A Yeah. Yes, ma'am.

5 Q Sergeant Thomas?

6 A Yeah, they was the one that came and picked me up.

7 Q They came and picked you up?

8 A Yes, ma'am.

9 Q And then did they advise you of your rights?

10 A Yes, ma'am.

11 Q And did you understand what your rights were?

12 A Yes, ma'am.

13 Q And did you agree to talk to them? Reluctantly?

14 A No, ma'am.

15 Q And, in fact, you told them some of what happened  
16 at first; right?

17 A No, ma'am.

18 Q And then you wouldn't tell them anymore; would you?

19 A (Witness shakes head.) (Indicating negative  
20 response.)

21 Q Do you remember that?

22 A Yes, ma'am.

23 Q And why did you not want to tell them what had  
24 happened?

25 A I don't know. I don't know.

- 1 Q Is G-man your home boy?
- 2 A Yes, ma'am.
- 3 Q Once you turned yourself in and you were
- 4 transported to headquarters and advised of your
- 5 rights, were you then placed into custody?
- 6 A Yes, ma'am.
- 7 Q And you have been in detention since then?
- 8 A Yes, ma'am.
- 9 Q What are you currently charged with? Two counts?
- 10 Murder?
- 11 A Murder and attempted murder.
- 12 Q And do you know what those carry?
- 13 A Yes, ma'am.
- 14 Q What do they carry?
- 15 A Thirty years.
- 16 Q Do you know that murder carries 30 to life?
- 17 A Yes, ma'am.
- 18 Q And attempted murder carries up to 30?
- 19 A Yes, ma'am.
- 20 Q Have you got a lawyer?
- 21 A Yes, ma'am.
- 22 Q Is he here in the courtroom?
- 23 A Sitting there.
- 24 Q Is this him here (indicating), Mr. Johnson?
- 25 A Yes, ma'am.



- 1 Q And he has been your lawyer for a while?
- 2 A Yes, ma'am.
- 3 Q And do you understand that we can't make anybody
- 4 come in here and testify?
- 5 A Yes, ma'am.
- 6 Q And you spoke to your lawyer?
- 7 A (Witness nods.) (Indicating affirmative response).
- 8 Q And you chose to come in here and testify today?
- 9 A Yes, ma'am.
- 10 Q Did anybody offer you any deals whatsoever?
- 11 A No, ma'am.
- 12 Q In fact, have any promises been made to you?
- 13 A I wouldn't exactly say a promise but...
- 14 Q Who did you talk to?
- 15 A My lawyer.
- 16 Q Has your lawyer represented to you anything, other
- 17 than what he put on the record in court here
- 18 earlier today?
- 19 A No, ma'am.
- 20 Q So there is no promises of leniency or any deals?
- 21 You hope something will happen, but there are no
- 22 promises?
- 23 A He said that some leniency, yes, ma'am.
- 24 Q Who would?
- 25 A I guess the prosecutor. I don't know.

1 Q Do you know who the prosecutor is?

2 A Yes, ma'am.

3 Q Who?

4 A I think her name Luck Campbell.

5 Q You and I never met?

6 A Huh?

7 Q You and I have never talked before this?

8 A No, ma'am.

9 Q So you don't know my name is Luck Campbell?

10 A (Witness shakes head.) (Indicating negative  
11 response.)

12 Q Do you remember seeing a video in this case?

13 A Yes, ma'am.

14 Q And what was on that video? Do you remember?

15 A Five guys going through the cut.

16 Q When you looked at the video, were you able to  
17 identify who was who in that video?

18 A Yes, ma'am.

19 Q Can you do that for the jury? Show who went which  
20 way?

21 A Yes, ma'am.

22 MS. CAMPBELL: Your Honor, may we set it up so  
23 the witness can just -- I don't want him to step down.  
24 Well, I guess he will have to step down. Maybe a deputy  
25 can escort him.

1 THE COURT: All right. How long is the video  
2 or how much of the video are you going to show?

3 MS. CAMPBELL: We are going to try to key it  
4 up, if it works. We are just going to try to keep it up  
5 to a couple of points.

6 THE COURT: All right.

7 (Pause.)

8 BY MS. CAMPBELL:

9 Q Can you see that?

10 A (Witness nods.) (Indicating affirmative response.)

11 Q What area does that show?

12 A It look like the cut.

13 MS. CAMPBELL: Can you forward it?

14 THE COURT: Sheriff, will you let him step  
15 around and point to where he is referring to.

16 (Witness leaves the witness stand.)

17 BY MS. CAMPBELL:

18 Q Do you recognize that person?

19 COURT REPORTER: I can't hear.

20 THE COURT: Speak up when you are away from  
21 the microphone.

22 A Play it through first and let me see it.

23 (Pause.)

24 Q Is that good? Were you able to recognize who those  
25 people were?

1 A Yes, ma'am.

2 Q Is that going into the apartment complex or coming

3 out?

4 A Going in.

5 Q Who was the first person you saw?

6 A Prophet.

7 Q Prophet. Who was behind him?

8 A Me.

9 Q You?

10 A (Witness nods.) (Indicating affirmative response).

11 Q Who was next?

12 A Johnson.

13 Q G-man?

14 A (Witness nods.) (Indicating affirmative response.)

15 Q Who was after him?

16 A Patterson.

17 Q And who was the last person?

18 A Campbell.

19 Q Okay.

20 A (Witness resumes the witness stand.)

21 THE COURT: Are you going to use that anymore,

22 Solicitor?

23 MS. CAMPBELL: Not anymore now.

24 BY MS. CAMPBELL:

25 Q Were you also shown the video of y'all exiting back

1 through the cut?

2 A (Witness nods.) (Indicating affirmative response.)

3 Q You were just shown this part, and those are the  
4 people that were there that night. Did y'all ever  
5 find the blue Crown Vic that night?

6 A No, ma'am.

7 Q At least you didn't?

8 A I didn't.

9 Q Do you know if anybody else found it?

10 A No, ma'am.

11 Q The person that you know as G-man, the person that  
12 had the beef with Weeny, do you see him here in the  
13 courtroom?

14 A Yes, ma'am.

15 Q Can you tell the jury where you see him?

16 A On the left, on that side.

17 Q On that side of that table?

18 A Yes, ma'am.

19 Q Where is he seated at the table?

20 A In the middle.

21 Q What is he wearing?

22 A A suit.

23 MS. CAMPBELL: Your Honor, may the record  
24 reflect he identified the defendant?

25 THE COURT: So reflected.

1 BY MS. CAMPBELL:

2 Q Has his appearance changed from back when this  
3 happened?

4 A Yes, ma'am.

5 Q How has it changed?

6 A He had dreadlocks.

7 Q He had dreadlocks?

8 A Yes, ma'am.

9 MS. CAMPBELL: The Court's indulgence.

10 (Pause.)

11 MS. CAMPBELL: I don't have anything further.

12 THE COURT: Thank you. Thank you, Solicitor.

13 Mr. Newton?

14 MR. NEWTON: May it please the Court.

15 THE COURT: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. NEWTON:

18 Q Good afternoon. Do you mind if I call you Shark?

19 Can I call you Shark? Is that your nickname?

20 A Yes, sir.

21 Q You are at the Fairfield County Detention Center;  
22 is that correct?

23 A Yes, sir.

24 Q And you told the jury that you have been there for  
25 26 months?

1 A Yes, sir.

2 Q It's a long time; isn't it?

3 A (Witness nods.) (Indicating affirmative response.)

4 Q Yeah?

5 A Yes, sir.

6 Q You knew the months, to the month?

7 A (Witness nods.) (Indicating affirmative response.)

8 THE COURT: Speak up for me a little bit.

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you.

11 BY MR. NEWTON:

12 Q Are you in a cell?

13 A Yes, sir.

14 Q You share a cell with people?

15 A Yes, sir.

16 Q How big is the cell?

17 A Not that big.

18 Q Not that big. Is your room at your house bigger  
19 than that?

20 A Yes, sir.

21 Q What do they feed you for breakfast?

22 A Grits.

23 Q What about lunch?

24 A Sandwiches.

25 Q Dinner?

- 1 A It depends on what day it is.
- 2 Q You are charged with murder and attempted murder;
- 3 correct?
- 4 A Yes, sir.
- 5 Q And you know murder carries 30 to life; correct?
- 6 A Yes, sir.
- 7 Q Do you want to go away for the rest of your life?
- 8 A No, sir.
- 9 Q Now, you said you had a handgun; right?
- 10 A Yes, sir.
- 11 Q But you didn't fire it often?
- 12 A No, sir.
- 13 Q Would you be surprised to know though that they
- 14 found shell casings from a handgun?
- 15 A I would be, yeah.
- 16 Q Okay. Now, this was a long day. A lot of things
- 17 happened this day, but you were with, for the most
- 18 part, Brian Campbell and Marquez Prophet; correct?
- 19 A Yes, sir.
- 20 Q The car that Brian Campbell was driving, whose car
- 21 was that?
- 22 A Johnson.
- 23 Q What type of car was that?
- 24 A A Buick.
- 25 Q Buick. He had it at the Farrow Road shooting;



- 1 correct?
- 2 A Yes, sir.
- 3 Q And he was the one driving it there; correct?
- 4 A Yes, sir.
- 5 Q Was Thomas Williams with you?
- 6 A No, sir.
- 7 Q You didn't see Thomas Williams the entire day?
- 8 A No, sir.
- 9 Q You didn't see him at Daqwan's girlfriend's house?
- 10 A No, sir.
- 11 Q You didn't see Thomas O.B. Williams at the Medical
- 12 Center at T.'s house?
- 13 A No, sir.
- 14 Q And you didn't see him at Studio 54?
- 15 A I seen him at Studio 54.
- 16 Q So you did see him. So he was around?
- 17 A At Studio 54.
- 18 Q You know Thomas Williams?
- 19 A Yes, sir.
- 20 Q Are you close with him?
- 21 A I ain't going to say we are close, but I know him.
- 22 I be around him.
- 23 Q Was he involved in a fight at Studio 54?
- 24 A Everyone was involved in a fight at Studio 54.
- 25 Q You met with Investigator Thomas shortly after

1       this; right?

2   A    You talking about?

3   Q    The gentleman over here (indicating).

4   A    Yeah.

5   Q    But before that how did you find out that you had  
6       been wanted for this?

7   A    Somebody had called my phone and said that the  
8       S.W.A.T. team was at my house.

9   Q    Did you see anything in the news?

10   A   No, sir.

11   Q   No. You just had a call. So you came down. Do  
12       you remember what time of day it was when you were  
13       there?

14   A   Are you talking about when I turned myself in?

15   Q   Yes.

16   A   It was like 10:00 or 11:00 o'clock at night.

17   Q   Did you immediately speak with Investigator Thomas?

18   A   Not really.

19   Q   How long was it before you spoke to them?

20   A   It probably been like 20, 30 minutes before I spoke  
21       to them.

22   Q   And how long did this conversation last?

23   A   Not that long.

24   Q   Not that long?

25   A   No, sir.

1 Q Were parts of it recorded?

2 A Not to my knowledge.

3 Q You don't know if you had been recorded?

4 A No, sir.

5 Q And you didn't sign -- they asked you to sign a  
6 waiver of your rights. You didn't agree to that;  
7 correct?

8 A You talking about the paper?

9 Q That you understood your rights?

10 A Yeah, I understood my rights.

11 Q Do you remember this (indicating)?

12 A (Witness nods.) (Indicating affirmative response.)

13 Q But you didn't want to do a written statement;  
14 correct?

15 A No, sir.

16 Q But you did talk with them for a while; correct?

17 A No, I talked to them for like a couple of minutes,  
18 but then I just stopped talking.

19 Q You talked to them for a couple of minutes. Was  
20 there another investigator in the room?

21 A Yes, sir.

22 Q Was she a woman?

23 A Yes, sir.

24 Q Do you remember what her name was?

25 A Menendez.

1 Q Menendez. Do you remember her telling you  
2 anything? Or talking to her?

3 A She was talking about my case or whatnot.

4 Q Do you remember telling her: You keep on telling  
5 me if I tell you the truth such and such, you still  
6 don't like me. I am willing to go to court and  
7 testify against whoever you want me to testify or  
8 anything. You don't remember saying that?

9 A No.

10 Q You don't remember her saying: We can't give you  
11 nothing. We can't threaten you. We can't coerce  
12 you. We can't promise you anything. Read between  
13 the lines. You don't remember Investigator  
14 Menendez, a woman in there?

15 A I remember her, but I don't remember her saying all  
16 that.

17 Q You don't remember talking about that. Brian  
18 Campbell drove the car the majority of that day;  
19 right? He had, in possession, the Buick; correct?

20 A Yes, sir.

21 MR. NEWTON: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 (Pause.)

24 BY MR. NEWTON:

25 Q Do you have any idea where Brian Campbell was

1 working at the time?

2 A He was working at Bojangle's.

3 Q He was working at Bojangle's. In your conversation  
4 with Investigator Thomas, did he have just -- did  
5 he ask you what happened? Is that how it started?

6 A He asked me where was the .40-caliber that I said I  
7 had.

8 Q Did he show you any pictures, any photos of people?

9 A (Witness shakes head). (Indicating negative  
10 response).

11 Q No photos of anybody?

12 A (Witness shakes head). (Indicating negative  
13 response).

14 Q No lineups?

15 A (Witness shakes head.) (Indicating negative  
16 response.)

17 Q In any part of your conversation with Investigator  
18 Thomas, did he give you information that had not  
19 already been discussed by you?

20 A Say that again.

21 Q When you were talking to Investigator Thomas, the  
22 information that you gave him, did he give you  
23 additional information that he knew?

24 A He said that they had people on camera or whatnot.

25 MR. NEWTON: No further questions.

1 THE COURT: Redirect?

2 MS. CAMPBELL: No, sir.

3 THE COURT: Thank you. Thank you, Mr. Walker.

4 He is back in the custody of the Richland  
5 Detention Center, Sheriff.

6 (Witness leaves the witness stand.)

7 THE COURT: You may call your next witness.

8 MS. WALKER: Your Honor, the State calls  
9 Brittany Russell.

10 THE COURT: If you would come around, please,  
11 Ms. Russell, and be placed under oath.

12 BRITTANY RUSSELL, being  
13 first duly sworn, testifies as follows:

14 CLERK: State your name for the record.

15 THE WITNESS: Brittany Russell.

16 DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q Where do you live, Ms. Russell?

19 A On [REDACTED] now.

20 Q I'm sorry? What did you say?

21 A Where do I live?

22 Q Yes.

23 A On [REDACTED] now.

24 Q Where did you live back in 2010?

25 A Gable Oaks Apartments.

1 Q And you lived there in June of 2010?

2 A Yes.

3 Q Do you know Loree Johnson?

4 A Yes.

5 Q How do you know her?

6 A A school friend from the neighborhood.

7 Q Did you know Edward Miller or Weeny?

8 A Yes.

9 Q How did you know him?

10 A School friend and from the neighborhood.

11 Q What about Gary Reese?

12 A Yes.

13 Q Were you actually with Gary Reese the night he was  
14 murdered?

15 A Yes.

16 Q About what time did you first hear gunshots?

17 A I would say like probably like 9:00. I know I was  
18 on the way out.

19 Q Was it nighttime?

20 A Yes.

21 Q Where were you?

22 A We all was standing there outside. I was coming  
23 outside my house. We was like getting ready to go  
24 out.

25 Q I will ask you this. When you say we all, who are

1       you talking about?

2    A   Everybody -- it was like a lot of people. It was a  
3       lot of people outside. It was people at the park,  
4       my house. Everybody was getting ready to go out.  
5       Loree Johnson and Gary Reese was there.

6    Q   They were both there. Was Kendrick Mann there?

7    A   Yes.

8    Q   There were some kids outside too?

9    A   Yes.

10   Q   And at some point while y'all were getting ready to  
11       go out, you heard gunshots?

12   A   Yes.

13   Q   How many gunshots did you hear?

14   A   A lot.

15   Q   Can you guess?

16   A   About nine or ten.

17   Q   And how long did this shooting last?

18   A   I can't tell you because when I heard it, I ran  
19       straight to the house. The only thing I could  
20       think about is my son.

21   Q   Right. He was in the apartment that night?

22   A   My son, he was outside, but when I heard it, I ran  
23       in the house to my son because he was already like  
24       in the doorway. So the only thing I could think  
25       about was just saving my son.



1 Q So your son was outside playing when the gunshots  
2 started?

3 A Yes.

4 Q Along with others kids?

5 A Yes.

6 Q And then you and your son both run back into the  
7 apartment?

8 A Yes.

9 Q At some point did Gary Reese come into that  
10 apartment?

11 A Yes. When I ran in the house, seen my son was  
12 okay, when I ran in the house, I hurried up and  
13 closed the door. That's when my door slammed  
14 straight open (verbatim). I heard, "Sis, I got  
15 hit."

16 Q You heard, "Sis, I got hit"?

17 A Yes.

18 Q Who said that?

19 A Gary Reese. When he said that, he hit my living  
20 room door. That's when I seen it and I was in such  
21 a shock that I was just like speechless. I was  
22 just standing there.

23 Q What did you see?

24 A I just seen him right there bleeding, nonstop  
25 bleeding.

1 Q A lot of blood?

2 A Yes.

3 Q Could you tell where the blood was coming from?

4 A Not at the time.

5 Q It was just everywhere?

6 A It was just everywhere. It was on my front door,  
7 my living room floor, and you just seen the trail  
8 from my living room floor all the way to the  
9 bathroom where the ambulance came and got him from.

10 Q So did he eventually make it -- he made it from the  
11 front door --

12 A No. Somebody -- I don't know who picked him up --  
13 but somebody picked him up and took him to the  
14 bathroom trying to hold his head up he can like --  
15 at least he could take his breath so he wouldn't  
16 just like collapse. He already collapsed but so he  
17 won't just die right there in the living room.

18 Q How many people were in your apartment while this  
19 was going on?

20 A I would say like five or six.

21 Q They all ran in there after the shooting started?

22 A (Witness nods.) (Indicating affirmative response.)

23 Q Were you in the bathroom with Gary?

24 A No, at the time I was in the living room on the  
25 phone with the paramedics.

1 Q And they eventually came?

2 A Like 30 minutes later, yeah.

3 Q And Gary was taken away from your apartment?

4 A Yes.

5 Q When you said all this shooting started, and you  
6 can't tell how long it lasted, could you see where  
7 the shots were coming from?

8 A No, I could not.

9 Q You couldn't?

10 A No. But the way it looked like when it came  
11 through my window -- they shot up my T.V. and  
12 everything -- it looked like it came from an angle  
13 wise. Somebody shot, not on the side of my  
14 building, they was like -- like this (indicating)  
15 is my building. They was like facing my building  
16 this way (indicating) in the big field. There is a  
17 field right there. I can't see where -- I'm not  
18 standing there trying to look to see who shot, but  
19 it came angle wise.

20 Q And after that Gary Reese went into your apartment  
21 and said, "Sis, I got hit"?

22 A Yeah. When he opened my door -- bust my door  
23 open -- that's when I seen him.

24 MS. WALKER: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 (Pause.)

2 BY MS. WALKER:

3 Q Did you see Gary Reese fire a gun that night?

4 A No, he didn't have a gun.

5 MS. WALKER: No further questions, Your Honor.

6 THE COURT: Thank you. Mr. Collins.

7 MR. COLLINS: May it please the Court.

8 THE COURT: Yes, sir.

9 CROSS EXAMINATION

10 BY MR. COLLINS:

11 Q Good afternoon, Ms. Russell.

12 A Hi.

13 Q You gave a written statement back in 2010; didn't  
14 you?

15 A Yes.

16 Q In that statement you told the police officer that  
17 you looked out your window after the shooting and  
18 saw a silver Buick in the parking lot?

19 A No, that was earlier that day. It was two  
20 shootings that occurred that day. The first one  
21 was when the dude named Whitney, he was taking the  
22 trash out, and a silver Buick came in my parking  
23 lot, did a U-turn. And when they did a U-turn, I  
24 guess they -- I don't know -- they was on my side.  
25 I heard gunshots, looked out the window, and that's

1           when I seen the silver Buick speeding out the  
2           parking lot.

3   Q     Did you see a white van out there?

4   A     No.

5   Q     Did you ever hear about a white van?

6   A     No.

7   Q     Have you ever heard about a person named Rocky  
8           Bethel being involved in the shooting?

9   A     I heard numerous names but, yes.

10   Q    So you did hear that he was involved?

11   A    (Witness nods.) (Indicating affirmative response.)

12   Q    You said that you knew Weeny, who is Edward Miller;  
13           right?

14   A    Uh-huh. (Indicating affirmative response.)

15   Q    And you knew Whitney Wilson?

16   A    I don't know Whitney like that, but I knew he  
17           was -- he had a relationship with a girl from the  
18           neighborhood I was staying in.

19   Q    Do you know if Whitney and Weeny were close?

20   A    I don't.

21   Q    You don't know?

22   A    No.

23   Q    Did you know about Weeny's beef with Thomas O.B.  
24           Williams?

25   A    No, I didn't.

1 Q Did you know about his beef with Terrance  
2 Patterson?

3 A No, I didn't.

4 Q So you hadn't heard about when he shot at Terrance  
5 Patterson numerous times?

6 A No, I did not.

7 Q And you didn't hear about when he shot at O.B.  
8 numerous times?

9 A No.

10 Q Did you ever see Kendrick Mann with a gun this  
11 night?

12 A No.

13 Q But you say you were out there when the shooting  
14 started?

15 A Yeah.

16 Q And you said you didn't see Gary Reese with a gun?

17 A No.

18 Q Did you hear about anybody having a gun shooting  
19 back at the shooters that night?

20 A No. Because when the shooting occurred, everybody  
21 ran.

22 MR. COLLINS: No further questions.

23 THE COURT: Redirect?

24 MS. WALKER: No, Your Honor.

25 THE COURT: Thank you. Thank you very much.

1 You may step down.

2 (Witness leaves the witness stand.)

3 THE COURT: Solicitor, you may call your next  
4 witness.

5 MR. SHELLENBERG: The State calls Tracy Dixon.

6 THE COURT: If you would come around and be  
7 sworn, please.

8 MR. COLLINS: Your Honor, may we approach just  
9 briefly?

10 THE COURT: Sure.

11 (Whereupon there was a bench conference off  
12 the record in the presence of the jury but out of the  
13 hearing of the jury.).

14 THE COURT: Mr. Foreman, and ladies and  
15 gentlemen, please step to your jury room. I intend on  
16 working until about 6:30 tonight. However, there was a  
17 time when I had childcare issues. I no longer have  
18 those childcare issues. They are out of my house and  
19 off my payroll. I don't have to pick them.

20 If any of y'all have childcare issues, let me  
21 know, and I will make sure -- and if you have other  
22 commitments tonight -- but I would like to work until  
23 about 6:30. I do have a matter though to take up  
24 outside of your presence. If you would step to your  
25 jury room. Do not discuss the case, except only as far

1 as the timing to work about another hour tonight.

2 (The jury retires to the jury room.)

3 THE COURT: You brought up a matter,  
4 Mr. Collins?

5 MR. COLLINS: The issue we have is that this  
6 witness' name is not on the potential State's witness  
7 list. When we approached the bench for our conference,  
8 the solicitor indicated this is some sort of chain  
9 witness through C.P.D. chain records.

10 I am going through those as we speak, but the  
11 only chain documents we have gotten from C.P.D. are a  
12 few photocopies of some index cards. The chain  
13 documents from the Columbia Police Department is scarce  
14 at best.

15 I don't recall seeing her name anywhere. We  
16 are asking that the witness not be allowed to testify  
17 simply because it was not put on the potential witness  
18 list.

19 THE COURT: I would rule that it's just a  
20 matter of not being on the witness list. I will ask the  
21 jury if anybody is related by blood or marriage or  
22 anything of that nature. However, as far as the  
23 document on chain of custody, that is a different issue.

24 What about that, Solicitor?

25 MR. SHELLENBERG: I'm sorry, Your Honor?



1           THE COURT: What about that? What about the  
2 chain of custody?

3           MR. SHELLENBERG: Actually may I approach?

4           THE COURT: Sure.

5           MR. SHELLENBERG: It is right here. She just  
6 has it under her first name.

7           THE COURT: Two lines, number 10 to 17 added  
8 6/29/10 forward, F.R.C.S. Show that to Mr. Collins.

9           MR. COLLINS: I think I found what they are  
10 referencing. It's next to number 10 on that, but I  
11 believe those pieces of evidence have already been  
12 admitted.

13          THE COURT: They have, I think, too.

14          MR. COLLINS: I don't understand why we would  
15 need her as a chain witness if the evidence has already  
16 been admitted.

17          MS. CAMPBELL: If I may, Your Honor. I told  
18 Mr. Collins we would put up the entire chain before any  
19 test results were put in; therefore, I assume he was  
20 holding me to that. That's the only reason we are going  
21 into any chain. I thought I would admit the evidence,  
22 but I would prove chain before I put up any results from  
23 the testing.

24          MR. COLLINS: Okay.

25          MS. CAMPBELL: If he is going to stipulate to

1 it, then that's a whole different story. We don't have  
2 a problem.

3 MR. COLLINS: We can stipulate to the chain of  
4 the bullet casings and ammunition that has already been  
5 admitted.

6 MS. CAMPBELL: That's great.

7 THE COURT: What a great witness you are,  
8 Ms. Dixon. We have your presence and we are getting  
9 stipulations. We might make you stay around.

10 So y'all are going to stipulate to her  
11 testimony as far as the chain? There's not a question  
12 about those items?

13 MR. COLLINS: We are stipulating to the items  
14 that are in evidence that were swabbed and tested by the  
15 Richland County D.N.A. lab.

16 MS. CAMPBELL: The only other chain, Your  
17 Honor, we would have to prove then would be, I believe,  
18 the gunshot residue kit. You still want us to put up  
19 that chain? That's the only item that actually went to  
20 S.L.E.D. as I recall. Please correct me.

21 MR. COLLINS: We can't stipulate to S.L.E.D.  
22 I don't know enough about it to stipulate.

23 THE COURT: Is Ms. Dixon involved in that?

24 MS. CAMPBELL: No, she is not in that chain.

25 THE COURT: Ms. Dixon was not in that chain?

1 MS. CAMPBELL: No. If you will give us just a  
2 second to regroup on that, we can eliminate, I think,  
3 the next ten witnesses.

4 THE COURT: So I can excuse this witness,  
5 Ms. Dixon?

6 MR. COLLINS: As far as I am concerned.

7 THE COURT: And as far as her testimony, I  
8 don't need to ask the jury anything. She is not  
9 testifying. You have no objections to the chain on  
10 those items. They are already in evidence, with the  
11 exception of gunshot residue?

12 MR. COLLINS: The items in evidence that were  
13 swabbed for D.N.A. processing and were actually tested  
14 by the Richland County Sheriff's Department, I believe  
15 that is -- beg the Court's indulgence -- that would be  
16 item 50, which also includes -- all three guns would be  
17 included because all three guns were swabbed.

18 Then all cartridge casings that were swabbed,  
19 which is -- they are different evidence numbers because  
20 you have evidence numbers from the City and evidence  
21 numbers from the ballistics that are different evidence  
22 numbers from the County. So it gets a little  
23 convoluted, but it's the 20 cartridge casings matched to  
24 the A.K.

25 Of course, there was a swab taken from that

1 too. We stipulate to the chain of custody for the  
2 cartridge casings matching the A.K.47. We stipulate to  
3 the chain of the A.K.47. We stipulate to the chain for  
4 the S.K.S.

5 We stipulate to the chain for the S.A.R. 3,  
6 which is the .223. We stipulate to the chain for all  
7 the .40-caliber cartridge casings found at the scene.  
8 We stipulate to the .45-caliber cartridge casings found  
9 at the scene.

10 Items I-24 through I-28, cartridge casings --  
11 is the way it's listed -- the swab is item number 54,  
12 but there was a swab from cartridge casings 24 and 28.  
13 Basically all the cartridge casings found at the scene  
14 that were swabbed, we stipulate to the chain of that,  
15 along with the others.

16 MS. CAMPBELL: Your Honor, there may be an  
17 easier way. Is it anything that was submitted for  
18 ballistics or D.N.A. testing at the County? There is  
19 one projectile that was recovered from one of the cars.  
20 It's not in evidence yet, 128. It's not in evidence yet  
21 because I didn't put the officer up on that.

22 MR. COLLINS: On that one I don't want to say  
23 because it was not found until about a week later.

24 THE COURT: Is she in that chain?

25 MS. CAMPBELL: I don't know. I have to go

1 check, Your Honor.

2 (Pause.)

3 MS. CAMPBELL: As an addition, Your Honor,  
4 there is another pistol that was found in an unrelated  
5 case which matched some of the ammunition at the crime  
6 scene that I would think he would -- I would assume you  
7 stipulate to this.

8 MR. COLLINS: We will stipulate to the  
9 .45-caliber handgun that was matched to the shell  
10 casings at the crime scene.

11 MS. CAMPBELL: My understanding is what he is  
12 stipulating to is everything that was submitted for  
13 ballistics, except for this one item, 128. Would that  
14 be a correct assessment?

15 MR. COLLINS: That's correct.

16 MS. CAMPBELL: In addition to that, the  
17 gunshot residue kit?

18 MR. COLLINS: I cannot stipulate to the  
19 gunshot residue kit because I don't have that  
20 information about where --

21 MS. CAMPBELL: If I could, Your Honor, have a  
22 few seconds. Hopefully I can get the two chains down on  
23 those items.

24 THE COURT: Sure.

25 MS. CAMPBELL: That will cut out a number of

1 our witnesses today. We do have two more witnesses  
2 downstairs that can testify that are in custody that  
3 aren't codefendants. We could settle their records  
4 really quickly if we need to.

5 THE COURT: One of them is Ms. Johnson?

6 MS. CAMPBELL: One of them is Ms. Johnson.

7 THE COURT: What about her lawyer?

8 MS. CAMPBELL: I can see if I can get her real  
9 quick.

10 THE COURT: Who is the other witness?

11 MS. CAMPBELL: Lamanda Smith. She is in  
12 custody in Fairfield County on unrelated charges.

13 THE COURT: Does she have a lawyer?

14 MS. CAMPBELL: I do not know. I can check on  
15 that. Everybody in this case has a lawyer. Most of the  
16 rest of our witnesses are from law enforcement.

17 THE COURT: If this cuts out all of your chain  
18 witnesses, with the exception of the gunshot residue and  
19 the bullet from the vehicle that was found at some later  
20 time, 128, how many more witnesses are you going to have  
21 left?

22 MS. CAMPBELL: Beg the Court's indulgence. We  
23 have one more lay witness that we can't put up until  
24 tomorrow because he couldn't be transported because we  
25 had so many brought over today. So about eight.

1 THE COURT: When are you going to finish?

2 MS. CAMPBELL: I would hope tomorrow.

3 THE COURT: What time tomorrow?

4 MS. CAMPBELL: Maybe mid-afternoon.

5 THE COURT: That was for their planning  
6 purposes. Well, rather than have y'all scrambling with  
7 Ms. Benevento and the others, the hour is late. The  
8 stakes are high. We will break for the evening.

9 MS. CAMPBELL: I apologize, Your Honor.

10 THE COURT: That's quite all right. You had  
11 your chain witnesses.

12 MS. CAMPBELL: And we had anticipated putting  
13 up a third codefendant today, but, of course, you saw  
14 that change.

15 THE COURT: That's fine. I will bring the  
16 jury out and release them, and we will start back at  
17 9:30 in the morning.

18 MS. CAMPBELL: Thank you.

19 THE COURT: Bring us our jury.

20 (The jury returns to the courtroom.)

21 THE COURT: Ladies and gentlemen, after  
22 conferring with the attorneys, which is not unusual, I  
23 have another matter to take up. I will not hold you  
24 captive any further tonight. I will release you for  
25 your evening recess.

1           I would remind you during this recess, do not  
2 discuss the case with anyone. Do not watch, listen to,  
3 or read any news reports about the case. Please  
4 remember my instructions not to do any research on the  
5 internet or any independent research on any matter.

6           Remember to keep an open mind and not begin  
7 your deliberations until you heard all the evidence, all  
8 the testimony, the closing arguments by the attorneys,  
9 and the instruction on the law by the Court.

10           I am sure by the end of trial y'all will be  
11 able to repeat that to me rather than me having to  
12 continue saying that to y'all. I realize I have told  
13 you several times now and will continue to do so  
14 throughout the course of the trial.

15           Thank you for your complete and undivided  
16 attention that you have shown to all the parties  
17 throughout the day. Thank you for your patience and for  
18 your work ethic.

19           With that being said, you are now released. I  
20 would ask you to please be back promptly at 9:30 in the  
21 morning, promptly at 9:30. I know you think perhaps one  
22 attribute of a South Carolina circuit court judge is  
23 they can't tell time.

24           Again, your time is very valuable to me. I  
25 will try to manage it better tomorrow. It has



1 absolutely nothing to do with the parties. They are  
2 working very hard and very diligently to continue the  
3 trial of this case. Thank you very much. I hope y'all  
4 have a pleasant evening. See you at 9:30 in the  
5 morning. You may now go with your bailiff.

6 (The jury is excused for the day at 5:43 P.M.)

7 THE COURT: Tomorrow, Sheriff and bailiffs, I  
8 want the doors locked when a witness is on the stand.  
9 Spectators can come and go between witnesses, between  
10 witnesses only. That does not apply to the staff of the  
11 attorneys.

12 Anything from the State before we take our  
13 evening recess, Solicitor?

14 MS. CAMPBELL: No, sir.

15 THE COURT: Mr. Collins?

16 MR. COLLINS: No, sir.

17 THE COURT: Thank you. Thank you very much.  
18 Court will be in recess until 9:30 in the morning. I  
19 hope y'all have a pleasant evening.

20 (Whereupon the proceedings were concluded for  
21 August 1, 2012.)

22 (The following proceedings are reported on  
23 August 2, 2012.)

24 THE COURT: Before we get started this  
25 morning, the first matter I would like to cover is the

1 courtroom itself. Again, I would reiterate anybody in  
2 the courtroom this morning that was not here yesterday  
3 afternoon, you can only move about or enter or exit the  
4 courtroom between witnesses. When a witness is on the  
5 witness stand, you may not enter; you may not exit.  
6 When that witness is released from the witness stand,  
7 you may exit at that time.

8 Mr. Bailiff or Sheriff, you can allow others  
9 to enter the courtroom at that time. At any time you  
10 are in the courtroom, you may not move about. Those  
11 instructions do not apply to the attorneys or to the  
12 attorney's staff or the officers assigned to the case.

13 Also, please recall the instructions: No cell  
14 phones. The best thing to do is leave your cell phone  
15 in your vehicle and make sure it's off if you have it in  
16 your possession. Cell phone, beeper or any other device  
17 of that type.

18 I have three notes from the jury. I have not  
19 reviewed these notes yet. One juror has vacation plans  
20 and was unaware that his service may extend through the  
21 end of the week. He had plans to leave Friday A.M. but  
22 may delay until Friday P.M. I will address that with  
23 the juror.

24 The next is the jurors indicate that during  
25 their luncheon recess exit and their evening exit, there