

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CASEY K. JONES, JR.

APPELLANT

APPELLATE CASE NO. 2017-002307

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER
COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

JAROD TARRELL BOSTICK
2015-GS-27-00-345, .00346, 00349

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CASEY K. JONES, JR.
2015-GS-27-00333, 00336, 00337

CO-DEFENDANT

CASEY K. JONES, SR.
2015-GS-27-00433, 00434, 00437

CO-DEFENDANT

AUGUST 25, 2017

TRANSCRIPT OF HEARING

RIDGELAND, JASPER COUNTY, SOUTH CAROLINA

BEFORE

HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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EXHIBITS

No exhibits were admitted.

1 BEGINNING 10:45 A.M.

2 BY THE COURT:

3 THE COURT: Come on up. Are any of them in lockup.
4 What about your client?

5 MR. KOGER: He's in Georgia, waiving his presence.

6 THE COURT: You're waiving it? You're waiving his
7 presence, right? He's incarcerated in Georgia, right?
8 Got it. Okay. Let's bring everyone in.

9 MS. JONES: And for Madam Court Reporter, these are
10 Indictments 2015-GS-27-43, 434, 437; 2015-GS-27-345,
11 346, 349; 2015-GS-27-333, 336, 337.

12 THE COURT: Come on around, sir. Come on around.
13 All right. Tell me, now, just so I understand, Casey,
14 Sr., how long has he been in jail?

15 MS. JONES: He has been in since September of 2015,
16 about 800 days, I believe.

17 THE COURT: All right. It feels like at least 800,
18 right?

19 DEFENDANT CASEY K. JONES, SR.: Yes, ma'am.

20 THE COURT: I figured as much. When are we trying
21 this case? I guess we're going to decide that once I
22 grant or deny the motion.

23 MS. JONES: Yes, your Honor.

24 THE COURT: Okay. I need someone to give me a
25 background. Can you just go ahead and give me the facts

1 of this case, just so I understand. You have got to be
2 Jones, Jr.; you have got to be Jones, Sr. And your
3 client, you say you're waiving his presence here.

4 MR. KOGER: That's correct.

5 THE COURT: And his name is?

6 MR. KOGER: Jarod Bostick. Jarod Bostick, your
7 Honor.

8 THE COURT: Tell me the facts of this case.

9 MS. JONES: Briefly, your Honor, this happened back
10 in June of 2015. Jeremiah Wilson was the victim in this
11 case. He lived at this residence. There were four
12 other juveniles at the home during the time of this
13 incident. Mr. Wilson sold crack cocaine, so as part of
14 his business, he had surveillance cameras around his
15 home. The cameras are later obtained, but what happens
16 is, the first one into the home comes up. And then
17 finally, the second, the third. They come to the front
18 door. They began talking to Mr. Wilson. It appears
19 they know each other. At one point, one of the
20 individuals who the State contends is Mr. Bostick, pulls
21 out a gun, and Mr. Wilson is forced inside, followed by
22 Mr. Bostick, Mr. Jones, Jr. Mr. Jones, Sr. is the third
23 to enter the home. All three have guns on them.

24 At some point in the video, you see them each with
25 the gun in their hand.

1 THE COURT: Okay.

2 MS. JONES: Once inside the home, they essentially
3 rob him and shoot and kill him.

4 THE COURT: Do you know who the shooter is?

5 MS. JONES: We believe we do. I believe it was Mr.
6 Bostick, actually.

7 THE COURT: Okay.

8 MS. JONES: But as to the individuals, two of the
9 juveniles in the home say they are being held in a back
10 bedroom. They gave a description, and that description
11 meets the description of Mr. Jones, Jr.

12 THE COURT: Okay.

13 MS. JONES: And they actually describe -- and the
14 first individual, they say, is the shooter, and his
15 description fits that of Mr. Bostick.

16 THE COURT: Okay.

17 MS. JONES: The other two juveniles are hiding in
18 the closet during the shooting. They don't know who the
19 shooter is.

20 THE COURT: And where's Mr. Jones, Sr.

21 MS. JONES: He's in the front with Mr. Bostick.

22 THE COURT: Okay. All right.

23 MS. JONES: And those are the facts. We get the
24 surveillance footage. We're able to see that. Then the
25 four juveniles are at the home. They're able -- they

1 tell us what happened inside the home.

2 THE COURT: Okay.

3 MS. JONES: And we know that Mr. Wilson was selling
4 crack cocaine.

5 THE COURT: He was? Did the juveniles say that?

6 MS. JONES: They say he was a reformed dealer, but
7 that's neither here nor there. They say, at the time,
8 he was not selling.

9 THE COURT: Selling. Okay.

10 MS. JONES: But he was known to have large
11 quantities of cash.

12 THE COURT: Okay. So that is what you're going to
13 do in proving the trial of this case is you're going to
14 show this video, obviously.

15 MS. JONES: Yes.

16 THE COURT: And show the testimony of what appears
17 to be --

18 MS. JONES: And I did, I provided each of the
19 Defense attorneys, as well as your Honor, a packet of my
20 motion, as well as the only statement that's been
21 provided by any of the individuals, any of the
22 defendants. This is a written statement by Casey Jones,
23 Jr.

24 THE COURT: Okay.

25 MS. JONES: The other two defendants declined

1 interviews. They did not speak to law enforcement.

2 THE COURT: Okay.

3 MS. JONES: And all this says is I get up in the
4 morning around 11:00 for work every day. I landscape
5 several yards until about 5:00, and then goes to my girl
6 house and Mom's house almost every day. That's it.

7 THE COURT: Okay.

8 MS. JONES: And there are no witnesses. The State
9 will be presenting or offering testimony that give
10 hearsay statements, that of them received during
11 statements from any of the co-defendants incriminating
12 another. There was one individual who did come forward
13 who I referenced in my motion. However, I will not be
14 using him as a witness.

15 THE COURT: Okay. And who was that?

16 MS. JONES: His name was Trey Graves.

17 THE COURT: Okay.

18 MS. JONES: You may or may not be familiar with
19 him. He's actually a federal inmate right now. He gave
20 information to SLED that he says he directly got from
21 the mouth of Mr. Jones, Jr.

22 THE COURT: Okay.

23 MS. JONES: Incriminating himself, as well as the
24 others.

25 THE COURT: Okay. Okay. So Mr. Graves is not

1 testifying. Okay. You all want to sever it. Tell me
2 why. Who filed the original motion?

3 MS. JONES: Mr. Newman.

4 MR. NEWMAN: I did.

5 THE COURT: I'm going to let you speak first, sir.

6 MR. NEWMAN: It surrounds the interview of Trey
7 Graves. In hearing what I'm hearing from the State,
8 based on their motion and what they're telling this
9 Court, I'm particularly disturbed. Mr. Brown came in
10 and had himself relieved because Mr. Graves, who he was
11 representing at the federal hearing, got himself
12 relieved because of that potential conflict. Now the
13 State's telling me they're not using Mr. Graves. Mr.
14 Brown, in resisting some of Mr. Jones, Jr's. fee dispute
15 petition that he filed, Mr. Brown claims he's still the
16 attorney of record in this case. And I was in court
17 when you orally ruled based on that conflict, and now
18 that conflict doesn't seem to exist. So I don't know
19 how to go forward here. I need to discuss it.

20 THE COURT: Have you been retained?

21 MR. NEWMAN: Have I been retained?

22 THE COURT: Yes.

23 MR. NEWMAN: I've been retained pro bono. I'm here
24 at this juncture pro bono.

25 THE COURT: Okay.

1 MS. JONES: I received notice that he was an
2 attorney and a request for Rule 5.

3 MR. NEWMAN: Yes, I sent all that. I'm not telling
4 you that. What I'm telling you is that Mr. Brown has
5 claimed to me that he is still attorney of record
6 because there is no order relieving him in this case. I
7 was here in the courtroom when you did that.

8 THE COURT: I don't have to do a written order. If
9 I verbally order from the Bench, he's off and you're on,
10 so. I just want to make sure that everyone knows where
11 they are.

12 MR. NEWMAN: I understand that. I want to clear
13 that up because I'm --

14 THE COURT: Well, Mr. Brown is mistaken, so you are
15 the attorney of record. It appears to me that Mr.
16 Graves is not testifying, and you're on now, is how I
17 take this.

18 MR. NEWMAN: I'm telling you whether I get paid or
19 not, I'm on, and I've told Mr. Jones that. And whatever
20 we work out in the future, we'll work out.

21 THE COURT: Okay.

22 MR. NEWMAN: And I'll be ready to go October 23rd.
23 There's no problems with that. I've got a calendar.

24 THE COURT: Do you have any basis to sever this
25 case?

1 MR. NEWMAN: It would be based mainly on Trey
2 Graves' statements, because Trey attributes statements
3 to Senior, allegedly made to him while they were in the
4 Charleston County Detention Center together. And of
5 course, I can't undo and I can't cross-examine that
6 conversation.

7 MS. JONES: I'm good with that.

8 MR. NEWMAN: I'll say if that appears to be the
9 only conflict, other than just a general prejudice of
10 getting tried together, then my motion is weak. I will
11 tell you that. I will, however, inform the Solicitor,
12 and I know the Court knows this, if it comes up during
13 the trial, *Bruton* and similar issues may be raised at
14 any time, even during the trial, and if something
15 appears to be a conflict in that, I certainly intend to
16 raise it.

17 THE COURT: Well, of course.

18 MS. JONES: And during the prep of this case, of
19 course, if I come across anything or somebody tells me
20 something new, I will bring it to the Court's attention,
21 and I will, on my own accord, agree to not try them
22 together.

23 THE COURT: Okay. Let me ask you this, do you have
24 any -- I'm not going to put that to you right now. If
25 we did any severing in this case, for some reason, if I

1 did find it was an issue, who would we try first?

2 MS. JONES: I believe it would be Senior, because
3 he has been incarcerated.

4 THE COURT: And I just appreciate that, because I
5 want to make sure. Well, okay. It sounds like at this
6 juncture we do not need to sever the case. I do not
7 think there are any *Bruton* issues, so we're going to go
8 forward. It's set first up for that October term of
9 court, correct?

10 MS. JONES: That's correct.

11 THE COURT: Once again, we're going to have to make
12 sure we have enough people because of the strikes.

13 MADAM CLERK: October 23rd?

14 MS. JONES: October 23rd. And I believe that's in
15 front of your Honor.

16 MR. NEWMAN: And there are a number of local
17 witnesses.

18 THE COURT: Okay.

19 MR. NEWMAN: I'm just letting the Court know.

20 THE COURT: Margaret, you're really going to have
21 to --

22 MS. JONES: Most of the witnesses are civilians,
23 and they know a lot of people.

24 THE COURT: All right. Margaret, thank you. Do
25 you two have any motions or --

1 MR. PLEXICO: Go ahead.

2 MR. KOGER: May it please the Court, your Honor. I
3 received notice that a motion for severance was being
4 heard today. I was involved in a murder trial in
5 Barnwell, but I thought for the sake of judicial
6 economy, I'd join in up here today. My client is
7 currently incarcerated over in Georgia on a probation
8 revocation, but I will be having a conversation, and he
9 wanted me to join in on this, this motion of severance
10 on general prejudice grounds. Of course, as educated by
11 the State, they are since going to be -- have heavy
12 reliability on the video and descriptions. We just,
13 under general practice ruling, we would just -- after
14 your Honor, instead of severing this case, it would be
15 more fair to my client if these three co-defendants and
16 two other co-defendants be tried separately, in a
17 separate trial.

18 THE COURT: Thank you. Mr. Plexico.

19 MR. PLEXICO: Your Honor, I think I have a unique
20 concern. When this actually happened, I reviewed the
21 video many times. You have two individuals that they
22 allege to be Casey, Jr. And Mr. Koger's client, come up,
23 there is a gun drawn; you see blue smoke. There is
24 entry into the house by those two individuals, not the
25 person they're alleging is my client. My client is

1 Johnny-Come-Lately. Now, I have always argued that I
2 felt the state arrested my client to force him in order
3 to defend himself to testify against his own son, which
4 was shocking to the conscious. It's just
5 unconscionable. For him to put on his defense, which he
6 does have an alibi defense, and we'll provide that at
7 the proper time, according to the rules -- he's going to
8 have to take this witness stand. If they are tried
9 together, he will be asked the question not only by the
10 prosecutor and the other two defense lawyers. And but I
11 have to put on a complete full defense, which he's
12 constitutionally entitled to; I would have to actually
13 ask him who those other people are, because that's the
14 only evidence we've really got is video. And if it's
15 not him, that would put my client in an unconscionable
16 position in order to exercise his constitutional rights
17 under due process to testify under the state and federal
18 constitution, and tell his side of the story. He
19 inevitably would have to testify against this own son,
20 if they are correct.

21 THE COURT: I don't know any case law that
22 prohibits that.

23 MR. PLEXICO: But your Honor, it's just -- that's
24 just shocking when it's a mere settlement in just
25 another trial to prevent such a thing. I just think

1 it's -- it's just not -- it's certainly -- I don't think
2 it's -- does shock the conscience.

3 THE COURT: If they're tried separately, they're
4 still going to ask him about the video; he's still going
5 to have to say it's his son; they're still going to be
6 able to have testimony given.

7 MR. PLEXICO: Perfect, because his son's not on
8 trial at that time.

9 THE COURT: It doesn't matter. They can still use
10 that testimony against him in a later trial.

11 MR. PLEXICO: He's not on trial at that time, but
12 the question is, does it compromise a specific right of
13 a *co-defendant*? And it's going to prevent the jury from
14 making a reasonable judgment about my client's guilt,
15 because it would so crush his right to testify and
16 present evidence.

17 MS. JONES: I think, your Honor, that's what the
18 *Smith* case covers. Even if they're going to point the
19 finger at each other, that's his right to testify. And
20 if he's going to point it at his son, then *Smith* says
21 that's okay; it's no prejudice to him.

22 MR. PLEXICO: But not a father-and-son situation.
23 This is unique. And this pushes the very essence of
24 decency that a courtroom should have in conducting it's
25 business.

1 THE COURT: Well, what I'll do is, I'll leave this
2 open just for the rest of today for someone to give me
3 any case law that can show this type of relationship of
4 a father and son, but I've got to tell you, I've never
5 seen it. But you know, we've tried many cases of
6 fathers and sons together, so.

7 MR. NEWMAN: Your Honor, the closest I can get to
8 you, and I'll try get the federal rule book. When
9 agents are confronted with these type of situations, you
10 know, in federal court, it's -- I'm going to look, but I
11 believe in the DOJ manual they either prohibit or
12 strongly dissuade husbands and wives, father and sons,
13 mothers and daughters from having to, as part of their
14 deal, rat each other out.

15 The other disturbing thing in this case is that I
16 get from the State is the juvenile eyewitness couldn't
17 pick any of these people and actually said it's another
18 guy. And the State is not calling that witness. So I'm
19 probably going to have to subpoena the juvenile.

20 THE COURT: Okay. Well, interestingly enough, I
21 don't know how Jones, Sr.'s going to identify the other
22 two people if anyone can't. Okay. That's just
23 presuming he could identify his son.

24 MR. NEWMAN: I don't know what Senior would testify
25 to.

1 THE COURT: I don't either, but father and son.
2 Like I said, I'll give you guys to 5:00 o'clock today.
3 You can email me, Mr. Plexico, and then I'll make a
4 ruling. I'll make a ruling as to all three, obviously.
5 I think your issue is pretty much over. Although, I
6 understand Mr. Plexico's argument. Anything you can
7 find as far as case law, just email it to me, okay?

8 MS. JONES: Absolutely.

9 THE COURT: Or to my law clerk, and I'll take a
10 look at it.

11 MS. JONES: Okay. Thank your Honor.

12 THE COURT: Thank you. I appreciate it. Okay,
13 we're going to get this case tried for Mr. Jones. He's
14 been in jail a long time.

15 MS. JONES: He has, your Honor.

END PROCEEDING 11:02 A.M.

CERTIFICATE OF REPORTER

AUGUST 25, 2017 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing August 25, 2017 Transcript of Hearing is a true and accurate record of the proceedings had on said date, in the case of State of South Carolina versus Jarod Tarrell Bostick, Case Numbers 2015-GS-27-00345, 00346, 00349; Casey K. Jones, Jr., Case Numbers 2015-GS-27-00333, 00337, 00336; and Casey K. Jones, Sr., 2015-GS-27-00433, 00434, 00437, Jasper County, Court of General Sessions; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter is attached to the original of this transcript requested by SCCID. Pursuant to SCACR 607, requests for copies of this transcript must be made to the court reporter. Unauthorized copying/emailing is prohibited.

Witness my signature June 11, 2018.

Wanda H. Rowe
 Wanda H. Rowe, CVR-M
 Official Court Reporter

ORIGINAL

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER
COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

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CO-DEFENDANT

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2015-GS-27-00433, 00434, 00437

CO-DEFENDANT

OCTOBER 17, 2017

TRANSCRIPT OF HEARING

BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

BEFORE

HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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EXHIBITS

CO-DEFENDANT CASEY K. JONES, JR.:

1 Item Identified as
Motion to Sever.....26

1 BEGINNING 1:05 P.M.

2 BY THE COURT:

3 THE COURT: Thank you. Please be seated. It's a
4 meeting of the Jasper Bar. So good to see everybody.
5 Did you all give Wanda a caption? Someone?

6 MS. JONES: I did, your Honor.

7 THE COURT: Perfect. All right. Is this the case
8 that's set for next week?

9 MS. JONES: It is.

10 THE COURT: Okay. So Ms. Concannon-Jones. Sorry.

11 MS. JONES: That's okay.

12 THE COURT: That's okay. It'll take awhile. I
13 understand this is Casey Jones, Sr.; I'm assuming Casey
14 Jones, Jr., possibly. And then, who was the third co-
15 defendant?

16 MS. JONES: Jarod Bostick.

17 MR. KOGER: Jarod Bostick, your Honor.

18 THE COURT: Okay. Jarod Bostick. If I were to
19 grant this motion, who would you try next week?

20 MS. JONES: It would have to be Senior.

21 THE COURT: Okay.

22 MS. JONES: He's the only one that's still in our
23 custody.

24 THE COURT: Oh. Where are the other two?

25 MS. JONES: They both were granted bonds. Mr.

1 Bostick, however, was picked up on a probation
2 revocation out of Georgia, and he is doing time in
3 Georgia. And Mr. Jones, Jr. is just out.

4 THE COURT: So, I how are you going to get both
5 next week?

6 MS. JONES: We already have transport in line for
7 Mr. Bostick and Mr. Junior, by Mr. Newman.

8 THE COURT: Okay. Okay. All right. So, Mr.
9 Plexico, you're taking the lead on this because you
10 represent Senior, correct?

11 MR. PLEXICO: It looks that way, Judge.

12 THE COURT: And I've read your motion. It's my
13 understanding, from reading your motion, that your
14 client has an alibi defense. And has that been served
15 and given to the State?

16 MR. PLEXICO: It has, your Honor.

17 THE COURT: Okay. And my understanding is you're
18 afraid if he takes the stand and gives his alibi
19 defense, that he will then be subject to cross-
20 examination by the State, shown the video, and asked, is
21 that your son in the video. Is that correct?

22 MR. PLEXICO: Yes, your Honor. And by co-counsel,
23 which I can't control.

24 THE COURT: And by co-counsel? Which co-counsel?
25 Bostick's?

1 MR. PLEXICO: All of them.

2 THE COURT: Your own client -- his attorney is not
3 going to ask whether or not that is him in the video.

4 MR. PLEXICO: Of course they would, because, if I
5 represented the son, what I would ask, that's not your
6 son, is it? And then, of course, the father's going to
7 say no.

8 THE COURT: Right. Okay.

9 MR. PLEXICO: Once he realized that, as my motion
10 says, he's going to decide not to take that witness
11 stand and not to be put in that position.

12 THE COURT: I understand what you're saying. Okay.
13 Okay.

14 MS. JONES: And your Honor, if I may?

15 THE COURT: Yes.

16 MS. JONES: Regarding the alibi defense.

17 THE COURT: Yes.

18 MS. JONES: I will be objecting to the alibi
19 defense at trial. I was just served with an unlocked
20 copy of it Friday. I submitted my reciprocal to Mr.
21 Plexico September 30, 2015. As your Honor knows, the
22 rule requires the ten days of notice. Theoretically,
23 they would have known about this alibi back then. More
24 recently, when we had the original motion to sever on
25 August 25th of this year, he brought up the same

1 argument at that time. Your Honor agreed with the
2 State. And based on the cases that I presented -- and I
3 have my original motion if you would like it, another
4 copy of it.

5 THE COURT: I don't need it.

6 MS. JONES: That there was no specific right that
7 was violated; that the case is to show that mutually
8 antagonistic defendants still can be tried together, and
9 there isn't a violation of any their rights. So I would
10 just argue that there is no specific right that's been
11 violated, and he hasn't shown any additional prejudice
12 than what he argued when we did this back in August.

13 THE COURT: When he did it in August, though, did
14 he even talk about an alibi witness?

15 MR. PLEXICO: Not at all, your Honor.

16 MS. JONES: Your Honor, he mentioned an alibi
17 witness, but at that time, I had not been provided with
18 the name of who that specific alibi witness would be.
19 He just told the Court he would be filing a notice of
20 alibi.

21 THE COURT: Okay.

22 MR. PLEXICO: I filed the notice of alibi within
23 the *South Carolina Rules of Criminal Procedure* as I
24 understand them, Judge, within the proper time frame.
25 Therefore, it's a valid -- it's going to be a valid

1 defense, in my opinion. And I just --

2 THE COURT: So, tell me, where was your client and
3 who's your alibi and where was he during this murder?

4 MR. PLEXICO: He was in North Carolina at the time,
5 with a Ms. Nicole Irene Smith, your Honor.

6 THE COURT: Okay. And my understanding is, the
7 video, what is it a video of where he --

8 MS. JONES: It is surveillance footage from cameras
9 from the front porch of the home. It shows three men
10 who the State contends are their three clients. First
11 one walks up, they have pleasantries with the victim on
12 the porch. This defendant is on his cell phone. We
13 contend that was Mr. Jones, Jr. And next, you see a man
14 in a white tee-shirt walk up. We contend that is Mr.
15 Bostick. Mr. Jones, Jr. is still on his cell phone. At
16 that point, Mr. Bostick pulls a gun out of the corner of
17 the video. Points it at the victim. You see the
18 victim's hand goes up. You at least see one hand go up.
19 They go in, the three of them go inside, and then here
20 comes Mr. Jones, Sr. off the porch and inside. They are
21 inside.

22 THE COURT: When you say here they come, can you
23 see their faces, or is this just their backs?

24 MS. JONES: No, you can see faces. I will say that
25 the face of Mr. Jones, Sr. is not as clear as the other

1 two.

2 THE COURT: Okay.

3 MS. JONES: But the other two are clear. And if
4 that was one of the arguments that Mr. Newman had, and
5 we can get to that when it's appropriate. They stay
6 inside for, I believe, eight or so minutes. Afterwards,
7 the three of them come out, each holding a gun, get into
8 the car they arrived in, and flee. You see the
9 juveniles come out. One of the juveniles actually
10 shoots a gun on the back porch. But that is the extent
11 of the video. There's no inside camera.

12 THE COURT: Okay. And that's where the shooting
13 event took place?

14 MS. JONES: Yes, your Honor.

15 THE COURT: Okay. Okay. Yes?

16 MR. PLEXICO: I believe I'm going to need to make
17 two points. *Sapiro* talks about the client's trial
18 rights, and he has a series of trial rights. In that
19 case, those were mainly *Bruton* issues that they were --
20 which, is essentially cross-examination that case
21 addressed. The Supreme Court talked about the
22 fundamental trial rights, and your right to testify
23 shouldn't be taken away from you through the
24 machinations of the state in how to structure a trial
25 that does involve co-defendants. Because of the unique

1 facts of this case, this compromises his specific trial
2 right that the Supreme Court talks about, and that's his
3 right to testify, and that's why it's important for a
4 severance to be granted. There is no other remedy. And
5 the video, first you have the two people who are already
6 on the porch. Apparently, you see blue smoke. They
7 rush inside. There's a break. Then, the third party
8 they allege to be my client, and I don't see how anyone
9 could honestly identify them as my client. With the way
10 they're holding their head down, I just don't think it
11 could be done. It's just a guilt by association. While
12 there are three of them, there are three guys sitting in
13 the chairs, and there's a relationship. So I just -- I
14 think it's just, you know, he's not going to testify.

15 THE COURT: What other evidence do you have against
16 Casey Jones, Sr. in this case?

17 MS. JONES: We have witnesses who have viewed the
18 video and surveillance stills taken from the video that
19 identified him. These people have previous
20 relationships with him, have known him for years, and
21 were immediately able to identify out of the video and
22 the stills.

23 THE COURT: Okay.

24 MS. JONES: And your Honor, just for a case cite, I
25 would refer to *State v. Smith*, 359 S.C. 275, the South

1 Carolina Supreme Court case from 1999 cited my original
2 motion. The Court held in that where the co-defendants
3 with mutually antagonistic defenses must still show a
4 specific prejudice. They shall be treated as normal co-
5 defendants who do not point the blame at each other.
6 And, your Honor, I think that's what we --

7 THE COURT: No one gave statements in this case,
8 correct?

9 MS. JONES: Mr. Jones, Jr. gave a statement not
10 incriminating anybody else.

11 THE COURT: Okay.

12 MS. JONES: It's essentially an alibi for him.

13 THE COURT: Okay. Okay.

14 MR. KOGER: Judge, may I please the Court?

15 THE COURT: Please.

16 MR. KOGER: This is in addition to the grounds set
17 forth by Attorney Plexico in the relation to the motion
18 to severe. My take on the situation, your Honor, is
19 that -- and Mr. Plexico made the decision that he was
20 going to put his client -- well, based upon ruling of
21 this hearing -- put his client on the stand. By Mr.
22 Plexico placing the client on the stand, it takes away
23 the right of last argument for my client, and possibly
24 takes away the right of last argument for Mr. Newman.
25 We would contend that the right to last argument is a

1 specific right that is compromised by having -- by
2 having the joint trial.

3 THE COURT: Do you have any case law that says
4 that?

5 MR. KOGER: Well, I have *State versus Mazon*, who
6 basically adopts *Arizona versus Fulminante*, that states
7 the right to opening and closing argument to the jury
8 has been described as a substantial right. And we would
9 argue that, as is *Arizona versus Fulminante*, lays out --
10 and I have a copy of it, your Honor, I have a copy of it
11 right here -- in *State versus Mazon*, it's a substantial
12 right. And they say that it's a specific right,
13 because, by Mr. Plexico's client possibly taking the
14 stand, it takes away my client's right for last
15 argument. If these trials were tried separately, then I
16 would have -- I wouldn't have any anticipation of
17 putting my client on the stand, nor putting forth any
18 type of evidence. So strategically, my client and I
19 would probably decide to strategically not put in any
20 evidence, and my client have the right of last argument
21 in this case.

22 THE COURT: Okay. Thank you. And you represent
23 Mr. Bostick, correct?

24 MR. KOGER: Yes, your Honor.

25 THE COURT: Thank you. Mr. Newman, what's your

1 thought?

2 MR. NEWMAN: Pleases the Court, your Honor. I kind
3 of have twin billing on this. I echo much of Mr. Koger
4 and what he said. You've seen me try a case before, and
5 I will tell you, I do not intend on putting up a witness
6 or any evidence in this case. I have evidence I'm going
7 to be able to get through cross-examination of third-
8 party guilt.

9 THE COURT: Okay.

10 MR. NEWMAN: And I kind of have a twin on the trial
11 rights, based on the way this case would go. What
12 you're going to get is three different photographs or
13 stills. They can watch the video, and that's fine, but
14 get different stills. The problem I have, much like
15 *Bruton*, because I can't cross-examine a photograph is,
16 you know, the classic *Bruton* question is that Steve
17 makes a statement that said Josh and Jarod and I robbed
18 a store, and the Court used to let it go and say Steve
19 and blank-and-blank robbed the store. Now, it has to be
20 redacted to only Steve admits he robbed the store, and
21 no reference to us, because the prejudice presumed that
22 we're the other two guys that are blank-and-blank. And
23 you have this here on different photographs that will be
24 introduced of each client. And what it is --

25 THE COURT: Is that from the video?

1 MR. NEWMAN: They're stills from the video.

2 THE COURT: I'm going to step down. You're fine.
3 I'm not afraid of them. I'm going to see, if you don't
4 mind. I'd like to take a look at the stills.

5 MR. NEWMAN: This is the super-enhanced still.

6 THE COURT: And this is allegedly who?

7 MR. NEWMAN: This is allegedly Junior.

8 THE COURT: This is allegedly Junior. Okay. Let
9 me see what you have for each of you all. I need to see
10 Mr. Bostick. Thank you. And obviously, the case for me
11 to start with, right?

12 MS. JONES: Yes. Those are the two of Jones, Jr.,
13 and that was the original, just so you can see the
14 difference.

15 THE COURT: Thank you. Okay.

16 MS. JONES: Mr. Bostick, Mr. Bostick, and there are
17 more. There are -- the FBI went through the video. And
18 I have numerous --

19 THE COURT: Okay. Okay.

20 MS. JONES: And these are -- claim to be enhanced,
21 but they don't look very enhanced.

22 THE COURT: Okay. I just wanted to see what you
23 all had. Okay. Let me ask you this. My concern, Mr.
24 Newman, to all of you all, is that if there was a
25 presumed prejudice by having family members having to

1 testify against their own family members, we could never
2 try a case where any of the defendants or co-defendants
3 were related, and we do that all the time, whether or
4 not it's father/son, whether or not it's first cousins,
5 whether or not it's family. I mean, that would be
6 inherent in so many of these cases.

7 MR. NEWMAN: That's not my argument, Judge.

8 THE COURT: Well, I understand. But I'm just --
9 but I'm talking about that first. Mr. Plexico.

10 MR. PLEXICO: That actually is not the case.. It's
11 very unusual. I cannot ever recall in almost thirty
12 years of practice having where my client will now
13 present an alibi, effectively, because he's on trial
14 with a family member. That's actually not a usual set
15 of circumstances.

16 THE COURT: I've tried a number of them.

17 MR. PLEXICO: Well, I mean.

18 THE COURT: So.

19 MR. PLEXICO: In thirty years of practice, it is
20 not usual that this happens.

21 THE COURT: You don't think it's common. Okay.
22 Okay. All right, Mr. Newman, you can keep going on your
23 case.

24 MR. NEWMAN: Thank you, your Honor. Based on the
25 varying degrees, there's an inherent possibility, if not

1 probability, that the prejudices, if a jury decided that
2 they can't tell who's in the Photograph 2 and 3, but
3 they can tell who's in Photograph 1, without passing on
4 that, who's ever the other two sitting there, it's got
5 to be the other two guys sitting at the Defense table,
6 because there's pictures of three people; we can only
7 identify one. And if it spills over to exactly like a
8 *Bruton* issue, fill in the blanks. The other two that we
9 can't tell whether or not it's them or not, if one gets
10 I.D.'d they all would get I.D.'d, and it dilutes not
11 only the burden of proof, but it allows for a judgment
12 on a spurious concept, much like *Bruton*, that you got
13 two blanks to fill in, and the obvious two people to
14 fill in the blanks are the two guys sitting next to the
15 one that they did identify.

16 Secondarily with that, because there is no live
17 witness to make any I.D. in this case, that enhances now
18 they're trying to make an I.D. off of what they see from
19 a video, and what they see from the video and stills
20 alone.

21 THE COURT: So none of the juveniles are testifying
22 in this case?

23 MS. JONES: All four of them are testifying.
24 However, none of them were able then to identify the men
25 who did this.

1 THE COURT: Okay.

2 MS. JONES: They didn't know them.

3 THE COURT: Okay.

4 MS. JONES: Nor were they provided six packs with
5 these defendants in them.

6 THE COURT: Okay.

7 MS. JONES: And I would like Mr. Newman --

8 THE COURT: That's okay.

9 MR. NEWMAN: Yeah. One of the juveniles actually
10 identified this fellow, Jamarcus Brisbane, as the one
11 who is supposed to be this guy. And so, that's -- and I
12 know we're not here to argue that here, but that would
13 be my argument, and I'm going to have a package for you
14 on why, because of specific facts, that there would be
15 the introduction of third-party guilt. It's not just
16 some other dude, you know --

17 THE COURT: Right.

18 MR. NEWMAN: -- specific name, to have a juvenile
19 identifying somebody he knows.

20 MS. JONES: I plan on asking Tareek about that, so
21 it'll come out. I can't hide that.

22 THE COURT: I'm not worried about it.

23 MR. NEWMAN: Okay.

24 THE COURT: Okay. Any other grounds for you, Mr.
25 Newman?

1 MR. NEWMAN: Yes, ma'am. And that's on the grounds
2 of the specific trial right, again, of losing --

3 THE COURT: The last argument.

4 MR. NEWMAN: -- the right to last argument. There
5 is a '72 case in South Carolina stating --

6 THE COURT: So are you putting up an alibi witness
7 defense or not? Are you?

8 MR. NEWMAN: No, ma'am.

9 THE COURT: You're not. Okay.

10 MR. NEWMAN: No. You've seen my try a case. I'll
11 go to hell and back not to have to put up a case.

12 THE COURT: Okay.

13 MR. NEWMAN: South Carolina does recognize it as a
14 trial right. In that case, it's not a per se rule if
15 you have to do that. You have to look at the facts of
16 each case to determine whether or not, in your
17 discretion -- and I hate to use that word because when
18 judges have discretion, you can go from zero to a
19 hundred on that. But it is a trial right. It is a
20 substantial trial right. The last time the Court of
21 Appeals or court in South Carolina had to look at it was
22 in 2011. And it was basically, we'd love to look at it,
23 but you know what you didn't do at trial, you didn't
24 raise the issue.

25 THE COURT: Okay.

1 MR. NEWMAN: So we've got in the '72 case,
2 procedure was markedly different back then, because, in
3 that trial, the co-defendants were indicted in a joint
4 indictment. There weren't separate indictments. It was
5 the same indictment. So Mr. Jones, Jr., we believe,
6 would be deprived of a substantial trial right, and his
7 argument is also based on the fact that this is our
8 complete defense to get to -- the state investigation in
9 this left so many holes up that that is how we are going
10 to attack that. And we want to attack that through
11 closing argument, rather than sit through one, two,
12 three closings, and then have the State go last. We
13 think we are particularly prejudiced, and those might
14 not even occur on the same day, depending on how, you
15 know, how our days run. So those are the twin things,
16 the *Bruton* issue, looks like a three-legged stool, I
17 guess, *Bruton*.

18 THE COURT: Has the Supreme Court -- has the U.S.
19 Supreme Court looked at it at all as far as losing last
20 right to argue?

21 MR. NEWMAN: I don't believe they have. I'm trying
22 to look in that area. Unfortunately, they don't rule on
23 state matters. In the federal system, a defendant,
24 specifically by statute, has no -- the government gets
25 to close whether you put up a case or not.

1 THE COURT: Right.

2 MR. NEWMAN: So I have not found anything from the
3 Supreme Court. It would be unlikely, because those
4 would be left to matters of the State --

5 THE COURT: Right.

6 MR. NEWMAN: -- state opinions. Thank you, your
7 Honor.

8 THE COURT: Yes?

9 MS. JONES: Your Honor, briefly, just to touch on
10 Mr. Newman's three, two -- three prongs. The
11 photographs likening that to a *Bruton* issue maybe would
12 have more weight if we didn't have the witnesses who are
13 going to look at these photos -- who have looked at
14 these photographs and looked at this video and said I
15 know that person, that is Casey Jones, Jr.; I know that
16 person, that's Jarod Bostick; I know that person, that's
17 Mr. Jones, Sr.; I've known them for five years, I've
18 known them for ten years, I'm a hundred percent certain.
19 I think that is a credibility issue, not necessarily a
20 *Bruton* issue. And those are the -- I had previously
21 mentioned some identification hearings. Those are the
22 hearings that the State has prepared for pretrial
23 motions.

24 The motion to sever here, I would argue that we
25 have three things that I need to -- that we need to be

1 able to accomplish here. Judicial economy, reducing the
2 burden on the witnesses. And you yourself heard that we
3 have juvenile witnesses. We have four juvenile
4 witnesses. Two of them are now 18 years old. We have a
5 16-year-old, and we have a 13-year-old. All three --
6 all four of them are here. They will be here. They are
7 willing to testify. They don't want to. They don't
8 want to go back through it. And I would hope that I
9 could only have to make them go back through that day
10 one time.

11 We have other family members that will be
12 testifying. We have two out-of-state witnesses that are
13 coming in, multiple witnesses from Columbia that are
14 coming in. This is not the sort of thing that it's easy
15 to just round up three different times. I understand
16 and I appreciate the various rights of the defenses are
17 arguing. However, I don't believe any of those are
18 specific constitutional rights that are being violated.
19 If that was the standard we'd lose last argument, no co-
20 defendant would ever be able to be tried together.

21 THE COURT: Exactly.

22 MS. JONES: And I just don't think that's the
23 standard that this court abides by. And I would ask
24 that they remain joint defendants, and you again deny
25 all three motions to sever.

1 MR. NEWMAN: And your Honor?

2 THE COURT: Yes, sir?

3 MR. NEWMAN: Addressing what the State just said is
4 not a per se rule when she says those defendants, co-
5 defendants, whatever, be able to be tried together.
6 That's not correct when -- you have to apply it to the
7 specific facts of this case. What the Solicitor said
8 about other people looking at these pictures and
9 identifying them, saying I know them, we're not there
10 yet. We've got a whole hearing on that --

11 THE COURT: Right.

12 MR. NEWMAN: -- whether or not that's the jury's
13 province or somebody's opinion, and we're not prepared
14 to address that today, and I'm sure the Court's not
15 prepared to hear that today. I just know that Mr.
16 Jones, Jr., will be losing a substantial trial right,
17 because, with the gaps the State has in it's evidence
18 and in it's investigation, his defense is ripe for
19 closing argument to be able to show to the jury the gaps
20 in the investigation, the *Powells versus Whitley* gaps,
21 things they did not do, and the main suspect that was
22 named on the scene that they did not investigate.

23 MR. KOGER: To briefly, your Honor, to follow up
24 with that, I thing in the courts after the point, I
25 think it's discretionary in your decision whether to

1 sever this case or not. I think this case is a little
2 different, because it seems like from the discovery
3 we've received and from comments by the Solicitor, that
4 this case is going to be heavily based upon
5 identification. And not to re-argue what Attorney
6 Newman argued, it would be different trying all three
7 together if we didn't have the major point being
8 identification, or maybe it was based upon physical
9 evidence and things of that nature. And losing that
10 right to last argument, again, is a very substantial
11 right for my client. I believe it's a very substantial
12 right for Attorney Newman's client for us to have that,
13 because that is basically our case to be able to attack
14 on what the State put forth in this particular case.

15 So I think in trying to make your decision whether
16 to sever these cases or not, I think it's a little
17 different since seeing the major piece of evidence would
18 be through identification, and all three of them sitting
19 here together.

20 THE COURT: Yes?

21 MR. PLEXICO: Your Honor, may I point out, we're
22 not talking about three trials; we're talking about two
23 trials. And the severance of my client is just -- it's
24 fundamental and necessary to protect his right to
25 testify, and not to compromise that right that the

1 Supreme Court has cautioned everybody about when you
2 have joint trials, this is what you need to make sure is
3 not happening. And the only -- I have no other remedy.

4 THE COURT: Well, I actually could say I'm not
5 going to sever the cases, and tell her that you can't
6 ask on the stand Senior whether or not, in the video, is
7 Junior.

8 MR. PLEXICO: But what about the defense lawyers?

9 MR. NEWMAN: What Mr. Plexico raises, and you are
10 correct, your Honor, in that sense, of the *Bruton*-esque
11 kind of thing, that can be raised at any time it becomes
12 apparent to the Court in that. And to address Ms.
13 Concannon-Jones and what she said, Mr. Koger and I have
14 a similarity of defense, so I agree with Mr. Plexico's
15 assessment. We would not ask, under the circumstances,
16 for necessarily a severance between each other, except
17 for on the fill-in-the-blanks rule. But otherwise, our
18 main thing is, and Mr. Koger's exactly correct, when you
19 have a case where there's no physical evidence, that's a
20 case that's ripe for closing argument.

21 THE COURT: Okay. I still think, though, I've got
22 to tell you, clearly, in federal court, the state always
23 get the last right to close, then, obviously, they don't
24 see it as a specific fundamental right. So again, I
25 don't see the Court ruling that leaves you your right to

1 close.

2 MR. NEWMAN: That's by statute.

3 THE COURT: And that's what I'm saying. It's by
4 statute, again. And I understand they put that in
5 place, but again, if the statute is illegal, and you
6 can't thwart a constitutional right by statute. So, if
7 they had done that, there would have been a
8 constitutional challenge to it.

9 MR. NEWMAN: But we have a constitution that offers
10 far greater protections than that thing on 700 Northwest
11 Street.

12 THE COURT: All right. Anything else?

13 MS. JONES: Your Honor, I just feel the State needs
14 the opportunity to present all the facts and
15 circumstances so the jury can reach the final
16 conclusion, and I can't do so without trying all three
17 together. The jury deserves to have that presented to
18 them at one time, and the State is ready to go forward
19 Monday on all three defendants.

20 THE COURT: All right. Let me do this. Let me
21 think about it this afternoon. I will let you all know
22 something by tomorrow morning at the latest. I know you
23 all are getting ready for trial, so let me just think
24 about it overnight, and we'll email you all. Okay?

25 MR. KOGER: Thank your Honor.

1 MS. JONES: Your Honor?

2 THE COURT: Yes?

3 MS. JONES: I will be -- I had mentioned earlier,
4 when we started this motion, I will be objecting to the
5 alibi defense based on notice, at the trial.

6 THE COURT: That's fine. You can do that.

7 MS. JONES: Just for everybody's edification.

8 MR. PLEXICO: I'm going to make my motion part of
9 the record, Judge.

10 THE COURT: Certainly. Thank you all. I'll let
11 you know something in the morning: Okay?

12 MR. NEWMAN: Yes, ma'am.

13 ITEM IDENTIFIED AS MOTION TO SEVER

14 MARKED CO-DEFENDANT'S EXHIBIT

15 NUMBER 1, ADMITTED AS EVIDENCE.

END PROCEEDING 1:33 P.M.

10-17-17- STATE V BOSTICK

CERTIFICATE OF REPORTER

CERTIFICATE OF REPORTER

OCTOBER 17, 2017 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing October 17, 2017 Transcript of Hearing is a true and accurate record of the proceedings had and exhibits admitted on said date, in the case of State of South Carolina versus Jarod Tarrell Bostick, Case Numbers 2015-GS-27-00345, 00346, 00349; Casey K. Jones, Jr., Case Numbers 2015-GS-27-00333, 00337, 00336; and Casey K. Jones, Sr., 2015-GS-27-00433, 00434, 00437, Jasper County, Court of General Sessions; that I am of neither kin, counsel, nor interest to any party hereto.

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Witness my signature June 13, 2018.


 Wanda H. Rowe, C.R.M.
 Official Court Reporter

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

Case No.: 2015-GS-27-0433; 0434; and 0437
2015-GS-27-0345; 0346; and 0349
2015-GS-27-0333; 0336; and 0337

State of South Carolina,
Plaintiff(s),

vs. Transcript of Record

Casey Jones, Sr.
Jarrod Bostick
Casey Jones, Jr.,

Defendant(s).

TRIAL TRANSCRIPT

October 23-27, 2017
Ridgeland, South Carolina

BEFORE:

The Honorable Carmen T. Mullen

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1 PRE-TRIAL PROCEEDINGS

2 (The following proceedings are held without a jury present:)

3 THE COURT: Thank you, sir. I appreciate it.

4 So we're going to be at ease then on everything
5 else other than the case we're going forward on this
6 morning; is that correct?

7 MR. JONES: Yes.

8 THE COURT: Okay. My intention this morning is we,
9 obviously are going to pull this first jury if I have
10 enough jurors, then Mr. Hollen, we're going to pull
11 your case.

12 Mr. Plexico, correct me if I'm wrong, are you the
13 attorney on the second case we're going to discuss?

14 MR. PLEXICO: I am, Your Honor. I'm happy to get
15 clothes for him. I'm going to need to inquire now. I
16 have some in my car, he didn't have any from the jail.
17 They may fit him, they may not. I don't know.

18 THE COURT: Okay. Thank you.

19 Okay. Depending on how many jurors we have
20 obviously because the strikes in this first case are
21 ten for the State and 20 for the defense. We'll see
22 what we've got.

23 Pardon? Okay.

24 Okay. All right. And obviously, you all decide
25 how you're going to split up the strikes, or do them

1 together.

2 MR. NEWMAN: We had discussions on that. We'll
3 get that worked out. I think what we're going to do is
4 kind of jointly, if we can agree or not agree on each
5 strike or not. We'll play it by ear, but I don't think
6 we'll have a problem with it.

7 THE COURT: Okay. And what order are we going in
8 today? Or are we going to kind of jump around, as far
9 as questioning. I just need to know if we're going to
10 continue to go in whatever order -- is it this way or
11 that way?

12 MR. NEWMAN: I think we're probably looking at
13 one, two, three.

14 THE COURT: And that's what I'm asking, is I'm
15 assuming you all have a purpose to it. I don't know
16 that.

17 Okay. I just wanted to make sure we're good to
18 go. Okay.

19 Anything you need to bring up to me? I know we
20 were hoping to do pre-trial this morning.

21 I'm going to step down for quick moment, just for
22 five minutes, but you have something that you can start
23 with this morning and go ahead.

24 There's an awful lot of people in the courtroom,
25 and so also when this jury comes in -- Margaret, where

1 do you want everybody to move to?

2 THE CLERK: To this side.

3 THE COURT: Everyone's going to have to move over
4 to the left-hand side, my left-hand side, so when the
5 jury comes in we're ready.

6 Margaret, what time do you want me to break so you
7 can bring in the jury panel? I know they're coming at
8 11.

9 THE CLERK: They're coming in at 11. I think I
10 already have some out there so. We can -- maybe about
11 ten to 11.

12 THE COURT: Ten till 11, we'll go ahead and do
13 that. Okay.

14 All right. So do you know what you want to take
15 up first, and what you have and ready to go right now
16 as far as any pre-trials?

17 MS. JONES: I do, Your Honor. I actually have
18 one, one of the identification hearings that I would
19 like to go ahead and handle. It would be bi-fold with
20 agent Agent McCallister and Agent Croft. He actually
21 has to be in Columbia this afternoon.

22 THE COURT: Absolutely. Okay. Well, then I'm
23 literally going to step down for five minutes, and then
24 we'll come back and we'll get him up there, okay, and
25 we'll take care of that.

1 MS. JONES: And, Your Honor, I am anticipating a
2 motion to sequester witnesses. I agree to it, so any
3 witnesses ---

4 THE COURT: Okay. Ladies and gentlemen, if you
5 are a witness in this first case involving Casey Jones,
6 Senior, Casey Jones, Junior, and Jarrod Bostick, you
7 are required to be sequestered in the case, which means
8 you need to step out. You are not to hear pre-trials
9 or any of the case. You will just be called in when
10 it's appropriate.

11 Ms. Jones, have you figured out as well --
12 obviously, your lead agent can be here. But if you
13 figure it out -- do you have someone that's going to be
14 able to get people in and out quickly, and get the
15 witnesses?

16 MS. JONES: Yes.

17 THE COURT: Okay.

18 So, anyway -- all right. So I'm going to step
19 down for five minutes, I will be back and we will go
20 from there. Okay?

21 MS. JONES: Thank you, Your Honor.

22 THE COURT: Okay. Thank you.

23 (Whereupon, the court was in recess.)

24 THE COURT: Ms. Concannon, what are we thinking?

25 I'm sorry. I'm calling you -- I'm sorry.

1 MS. JONES: Fine.

2 THE COURT: How long do you think --

3 MS. JONES: I anticipate calling 27 witnesses. I
4 honestly think it will take through Thursday. Because
5 I think we have three on the other side.

6 THE COURT: I understand. And, too, do you think
7 we're probably going to argue and charge till the
8 afternoon Thursday, or what are you thinking?

9 MS. JONES: I hope so. I hope so.

10 THE COURT: Okay. It could be Friday?

11 MS. JONES: Could be Friday morning, my goal is
12 Thursday.

13 THE COURT: All right. Well, Mr. Hollen, I got to
14 tell you, I really want to get the other case tried. I
15 told them that I'm trying it, so even if it's Friday
16 afternoon, we're going to try it. Okay?

17 MR. HOLLEN: That's fine.

18 THE COURT: All right. Mr. Plexico, we were just
19 talking scheduling with the second trial, the Bernard
20 Scott. If I have enough jurors this morning, I'm going
21 to go ahead and pull that jury as well, as we talked
22 about.

23 Regardless of when this case ends, Mr. Hollen has
24 said he has four witnesses in the Bernard Scott case.
25 And I don't know if you have any witnesses, but even if

1 we started Friday morning, we're going to start it. It
2 could be Thursday afternoon, I'm not sure. It would
3 depend on when this case ends obviously. But we're
4 going to get it tried. Okay?

5 MR. PLEXICO: Good enough.

6 THE COURT: Unless, again, this one goes late
7 Friday and then we'll have a whole another issue.

8 Does that sound good?

9 MR. PLEXICO: Yes, it does.

10 THE COURT: Okay. Thank you for trying two cases
11 back-to-back, Mr. Plexico. I appreciate that.

12 Let's go ahead and call our first witness then. I
13 know we have some witnesses to get out of here this
14 morning.

15 MS. JONES: Thank you, Your Honor. State calls
16 Agent Katie McCallister.

17 Thereupon,

18 KATIE MCCALLISTER

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

21 MS. JONES: Your Honor, we have no defendants in
22 the courtroom.

23 THE COURT: Some defendants would be nice. Where
24 are they?

25 MR. NEWMAN: Mr. Jones, come on up.

1 THE COURT: Come on up, sir.

2 This is Casey Jones, Junior?

3 MR. NEWMAN: Yes, ma'am.

4 THE COURT: All right. We're going to be at ease
5 just for a couple of minutes. Okay?

6 (Whereupon the court was in recess.)

7 DIRECT EXAMINATION

8 BY MS. JONES:

9 Q Agent McCallister, where are you employed?

10 A The South Carolina Law Enforcement Division.

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

12 A I'm a special agent in the Lowcountry region
13 investigative services.

14 Q Were you involved in the investigation in the case
15 we're here for today, the murder of Jeremiah Wilson?

16 A Yes.

17 Q Okay. In what capacity were you involved in that
18 case?

19 A I was the lead agent on the case.

20 Q Pursuant to that investigation, did you come into
21 contact with a surveillance video?

22 A I did.

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

24 THE COURT: You may.

25 MS. JONES: We are missing a defendant attorney,

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Your Honor.

2 THE COURT: He's in the restroom, I assume. Let's
3 sit tight for a minute.

4 Come on, Mr. Koger. We started without you.

5 MS. JONES: Thank you, Your Honor.

6 THE COURT: That's all right. She did her
7 preliminary. Mr. Koger knows that she's SLED, and that
8 she was investigating this, and here we go.

9 MS. JONES: Okay. Thank you.

10 Permission to approach, Your Honor?

11 THE COURT: You may.

12 BY MS. JONES:

13 Q Agent McCallister, I'm showing you what has been
14 marked for identification as Court's Exhibit 1. And can you
15 identify that?

16 A This is the video from the surveillance system.

17 Q Okay. And how are you able to determine that was
18 the video from the surveillance system?

19 A It has my initials and the date on it.

20 Q And is that the video that you used to show
21 potential witnesses in this case?

22 A Yes.

23 Q Okay.

24 MS. JONES: Permission to approach?

25 THE COURT: You may.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 BY MS. JONES:

2 Q I am -- Agent McCallister, I'm now going to hand
3 you Court Exhibits 2, 3, 4, 5, and 6. Can you identify
4 those, please?

5 A These are still photos taken from the system.

6 Q Okay. From what system?

7 A The surveillance system in the video.

8 Q Okay. And who provided you with those photos?

9 A SLED computer crimes.

10 Q Okay. And those are actual stills lifted off of
11 the video?

12 A Yes.

13 Q And with Court's 1, and then the following still
14 photographs, what did you do with those?

15 A We showed them to several people.

16 Q Okay. Who did you, yourself, personally show
17 these images and video to?

18 A Special Agent Jeff Croft with SLED.

19 Ms. Starsheika Scott, Mr. Craig Proctor King, Chief Collins
20 with Estill police department, Deputy Dominique Coleman with
21 the Estill police department.

22 Q And those are the ones that you personally
23 yourself showed either the stills or the video to?

24 A Yes, ma'am.

25 Q Okay. Hold on.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 MS. JONES: Your Honor, I can, for the Court's
2 information, play the video now, if you would like.

3 THE COURT: How long is it?

4 MS. JONES: Ten minutes.

5 THE COURT: Do you want to go ahead and play it
6 right now? Let's go ahead and play it, and if you
7 don't mind -- I mean, I just saw pictures of it. I
8 didn't see the whole thing. But if you don't mind, I'd
9 like see it now. So -- okay? And then --

10 MS. JONES: Okay.

11 (The video is played.)

12 MS. JONES: Your Honor, that is the portion of the
13 video where the stills were derived from, as well as
14 what we showed the witnesses, potential witnesses.
15 Usually we play it, and they do come out of the house
16 obviously, but that is the portion for identification.

17 THE COURT: And that's fine. Let's go ahead.
18 Okay?

19 BY MS. JONES:

20 Q So Agent McCallister, when you say you showed this
21 video to people, this, in fact, is the video you showed?

22 A Yes.

23 Q And why are you showing the video?

24 A We didn't know who they were.

25 Q Okay. How did you initially disseminate this

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 video?

2 A Initially, we had stills taken and put on a flier,
3 and disseminated to law enforcement throughout the state as
4 a request for information.

5 Q Okay. And did you eventually start getting some
6 sort of idea of who these men could possibly be?

7 A Yes.

8 Q Okay. And in that way, is that how you determined
9 who to individually show it to?

10 A Yes, ma'am.

11 Q I want to go specifically person by person.

12 You mentioned you showed it to Jeff Croft.

13 A Yes.

14 Q And who is that?

15 A He is a special agent with SLED.

16 Q Okay. And what did you show Investigator Croft --
17 Agent Croft?

18 A I showed him the stills and the video.

19 MS. JONES: And if we could show the Court the
20 stills, Bill. Thank you.

21 BY MS. JONES:

22 Q While he is loading those photographs, when you
23 were speaking to Agent Croft, what do you tell him when you
24 show him these photographs?

25 A I asked him if he would look at it and see if

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 there was anybody he knew.

2 Q Okay. And did he look at the photographs?

3 A He did.

4 Q And did you in any way give him any names of any
5 people before showing him the photographs?

6 A I did not.

7 Q And what did Agent Croft indicate to you?

8 A He identified Jarrod Bostick.

9 Q Okay. Was he able to give that person -- give
10 that photograph a name, a birth name or a street name, or
11 both?

12 A I believe he identified him by his full name,
13 Jarrod Bostick.

14 Q Okay. And did he indicate how he knew
15 Mr. Bostick?

16 A He did.

17 Q How is that?

18 A He's had previous experiences with Mr. Bostick.

19 Q How quickly did he identify that photograph as
20 Mr. Bostick?

21 A Almost immediately.

22 Q Okay. And did he indicate how certain he was that
23 that was, in fact, a photograph of Mr. Bostick?

24 A He was a hundred percent certain.

25 Q Well, how about the other two individuals, was he

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 able to identify them?

2 A He did not know them.

3 Q Okay.

4 MS. JONES: We seem to be having a dropbox
5 failure, Your Honor. I do have a hard copy that Your
6 Honor can look at.

7 THE COURT: Thank you.

8 BY MS. JONES:

9 Q And, Agent McCallister, those are, in fact, the
10 photos you showed to all of these witnesses, correct?

11 A Yes, ma'am.

12 Q Okay. Moving on from agent -- Agent Croft, who
13 else did you show -- show video or photos to?

14 A Ms. Starsheika Scott.

15 Q And who is she?

16 A She is Jeremiah Wilson's sister.

17 Q And did you show her the disc, or the still
18 photographs, or both?

19 A I believe it was just the stills.

20 Q Okay. And, again, the same stills as the Court's
21 exhibits?

22 A Yes.

23 Q And what did you say to her prior to showing her
24 these photographs?

25 A I asked her to look at it and see if there was

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 anyone that she knew.

2 Q And did you tell her a name?

3 A I did not.

4 Q Did you influence her?

5 A No.

6 Q Did you tell her by words or actions who to pick
7 out or what to say?

8 A No.

9 Q Okay. Did she identify anybody in those
10 photographs?

11 A She did.

12 Q Who did she identify?

13 A Jarrod Bostick and Casey Jones, Junior.

14 Q Okay. And can you just indicate with Court's
15 exhibit numbers what photographs she identified as to?

16 A Two, three, four, and five. She identified No. 2
17 as Casey Jones, Junior; No. 3 as Jarrod Bostick, and Mr.
18 Junior is also in that shot; No. 4, Mr. Jarrod Bostick; and
19 No. 5 is Jarrod Bostick.

20 Q Okay. She was unable to identify the third
21 individual?

22 A Yes.

23 Q Okay. And how did -- what was Ms. Scott's -- what
24 did she explain her relationship with these two individuals
25 as?

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 A She knew them through her brother, the victim,
2 Jeremiah Wilson.

3 Q And how certain was she, or how certain did she
4 appear that these were -- the names she was giving were
5 these people in the photographs?

6 A She was very certain.

7 Q Okay. Moving on from Ms. Scott, did you show the
8 photographs to a Craig King Proctor?

9 A I did.

10 Q Did you show him a video as well?

11 A I did.

12 Q And what did Mr. -- again, prior to you showing
13 him these photographs, did you influence him?

14 A No.

15 Q Did you give him names?

16 A I did not.

17 Q Did you -- did you in any way suggest what he'd do
18 when you showed him these photographs?

19 A No, ma'am.

20 Q Or the video?

21 A No.

22 Q And did Mr. Proctor identify anybody in the video
23 or the still photographs?

24 A He did.

25 Q And who did he identify?

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 A Jarrod Bostick and Casey Jones, Junior.

2 Q And what did he indicate was the basis for the
3 identification?

4 A He knew them from being from Estill and from
5 around Mr. Proctor's brother.

6 Q Okay. And how certain was he that the names he
7 was giving you were the men in the photograph?

8 A He was very certain.

9 Q Did you show the -- the video to a Chief Mark
10 Collins of Estill police department?

11 A I did.

12 Q And what did you say to him beforehand?

13 A Take a look at this and see if there's anybody you
14 know.

15 Q And you didn't influence him?

16 A No.

17 Q Did you give him a name or a group of names?

18 A No.

19 Q Did you suggest anything to him prior to watching
20 the video?

21 A No.

22 Q Does he watch the video?

23 A He did.

24 Q Does he identify anybody in that video?

25 A He identified Casey Jones, Junior and Jarrod

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Bostick.

2 Q And how quickly did he identify those two
3 individuals?

4 A Almost immediately.

5 Q And how certain did he appear of those
6 identifications?

7 A A hundred percent certain.

8 Q And what did he say was his prior knowledge of
9 these two individuals?

10 A He had had past experiences with the both of them.

11 Q Okay. Experiences, plural?

12 A Yes.

13 Q Okay. And finally, did you have an opportunity to
14 show the video to Officer Dominique Coleman, who was
15 formerly of the Estill police department?

16 A Yes.

17 Q And what did you say to her prior to showing her
18 the video?

19 A Take a look at this and see if there's anyone you
20 know.

21 Q Okay. And did she watch the video? Did she watch
22 the video?

23 A I believe she did, yes.

24 Q Did she identify anybody in the video?

25 A Casey Jones, Junior and Casey Jones, Senior.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Q Okay. What was her basis for this identification?

2 A She was familiar with them, their movements, their
3 habits, or the way Mr. Jones, Senior moved, and she was
4 absolutely certain.

5 Q Okay. Did you in any way influence her, suggest
6 to her, or provide names to her?

7 A No.

8 Q In every single one of these instances, you showed
9 it to one, two, three, four -- five separate witnesses, did
10 you give them a name?

11 A No.

12 Q Did you give them a street name?

13 A No.

14 Q Did you point to the photograph?

15 A No.

16 Q Did you point to the video?

17 A No.

18 Q Did you influence in any manner or suggest in any
19 way who these photographs depicted?

20 A No.

21 Q And all of the identifications were based off of
22 the video that we saw and those photographs in your hand
23 right now?

24 A Yes.

25 Q I have no further questions for this witness, Your

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Honor.

2 THE COURT: Okay. Mr. Plexico.

3 CROSS EXAMINATION

4 BY MR. PLEXICO:

5 Q Okay. All right. Why did you pick out -- how
6 many SLED agents do you know? Quite a few?

7 A Yes, sir.

8 Q Sixty, 75?

9 A Yes.

10 Q Why did you pick out Jeff Croft to show the video
11 to?

12 A He was there that day to assist me.

13 Q Okay. Did he see the video that day?

14 A He did.

15 Q This was the very day that it happened.

16 A No, it was several days' later. Once we got the
17 video back from computer crimes.

18 Q Okay. All right. Craig King Proctor, all right,
19 what led you to Craig King Proctor to show him the video of
20 these boys?

21 A Captain Anthony Russell with the Hampton County
22 Sheriff's Office indicated that he had some information for
23 me, that Mr. Proctor did, and asked if I was willing to come
24 and speak with him.

25 Q Okay. All right. Now, Captain -- you had already

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 sent the video out to all law enforcement agencies including
2 Estill; is that correct?

3 A No, sir, just still photographs.

4 Q Okay. So you sent the still photographs out to
5 all law enforcement agencies in the state.

6 A Yes.

7 Q Okay. All right. And Estill had the still
8 photographs, too, correct?

9 A Yes.

10 Q All right. Now, what's the relationship between
11 Craig Proctor and Anthony Russell?

12 A I don't know.

13 Q Okay. All right. Were these disseminated on
14 television?

15 A No.

16 Q All right. Did -- had Craig King Proctor
17 previously been shown the photographs by anyone in law
18 enforcement in Hampton County?

19 A I don't know.

20 Q Okay. So you don't know if he's already been
21 pre-conditioned as to who law enforcement suspects it is,
22 and he's merely verifying their suspicions; is that correct?

23 A That's correct.

24 Q All right. Chief Collins, when did you interview
25 Chief Collins?

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 A Do you mind if I look at my report?

2 Q Please.

3 A It was July 2nd, 2015.

4 Q What date did you disseminate the photographs to
5 law enforcement? That was July 2nd, 2015?

6 A Yes, sir.

7 Q What date did you disseminate the photographs to
8 law enforcement?

9 A I don't have the exact date, but it was shortly
10 after the incident.

11 Q That would be -- the incident happened on June
12 3rd?

13 A Yes.

14 Q So that would be -- you would say you all had it
15 back, and it was an important matter, correct?

16 A Yes.

17 Q Would y'all have had the processing of the video
18 expedited?

19 A No, I don't -- I think we just asked them to do it
20 as quick as they could. I don't think we told them to rush
21 it.

22 Q Okay. All right. But you did tell them to do it
23 as quick as they could?

24 A Yes.

25 Q And would you say by July 5th that you all had

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 that out to other law enforcement agencies?

2 A Yes.

3 Q And that's in view of the dangerousness y'all
4 regarded the situation?

5 A Yes.

6 Q Okay. All right. Now, according to law
7 enforcement training and normal protocol, when y'all send
8 out alerts are law enforcement officers trained to look at
9 those on a daily basis as part of their job in order to
10 assist law enforcement in being efficient throughout the
11 state?

12 A I can't speak for every officer, whether they look
13 at them or not.

14 Q Okay. All right. So what time did you -- what
15 date did you get information you needed to talk to Chief
16 Collins?

17 A I don't remember the exact date.

18 Q Okay. Did you make a note about the exact date?

19 A I don't believe so.

20 Q Did Agent Croft ask you to talk to Chief Collins
21 or did Chief Collins call you himself? How did that contact
22 go about?

23 A I think by the time that I met with Chief Collins,
24 we had had some information that the gentlemen could be from
25 Estill, which is what led us to Estill police department.

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 Q Okay. When did you interview Dominique Coleman,
2 another officer there?

3 A It was the same day as Chief Collins, I believe,
4 July 2nd.

5 Q Okay. Were they interviewed in tandem the same
6 morning?

7 A Sir?

8 Q Were they interviewed in tandem the same morning?

9 A Yes.

10 Q Okay. All right. So they knew why they were
11 there, correct?

12 A No. I randomly showed up, I didn't call ahead.

13 Q All right. Who did you show up with?

14 A I was alone.

15 Q Okay. All right. But you knew who they waiting
16 to see you. Had you called and told them that you were
17 coming to talk to them?

18 A No.

19 Q How did you know they were working that day?

20 A I took a shot.

21 Q Okay. All right.

22 MR. NEWMAN: I'm sorry. I didn't hear that.

23 MR. PLEXICO: She took a shot.

24 MR. NEWMAN: Okay.

25 BY MR. PLEXICO:

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 Q If Jeff Croft had seen the video -- and he saw
2 that how quickly? You think by July 5th?

3 A Jeff viewed it on June 8th, 2015.

4 Q Did y'all make any attempts to contact the Estill
5 police department in order to -- and he at that time -- let
6 me withdraw that. Let me --

7 At that time, he said he recognized Jarrod
8 Bostick, correct?

9 A Yes.

10 Q Jarrod Bostick is known to live in Atlanta and in
11 Estill, South Carolina?

12 A Yes.

13 Q All right. Did y'all make any attempt to contact
14 local law enforcement in that area to see if Jarrod Bostick
15 was around?

16 A Not at that time.

17 Q Okay. All right. Did you videotape or audio
18 record any of the interviews with the officers or the lay
19 people that you have just mentioned?

20 A No.

21 Q Okay. All right. Did you have a form that you
22 used to read over before you showed them the stills and/or
23 the videos?

24 A I did not.

25 Q Okay. All right. Do y'all have a form that you

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 usually use when you show someone a line-up that enhances
2 the possibility that there's no pressure on them if they
3 can't ID?

4 A When we show a line-up, not just a still
5 photograph.

6 Q Okay. Ms. Coleman's identification of Casey
7 Jones, Senior, she identified him, one, by the shoes; is
8 that correct?

9 A Yes.

10 Q All right. And she said that she identified him
11 by his gait; is that correct?

12 A Yes.

13 Q Were those the two identification points that she
14 mentioned for him to you?

15 A Yes.

16 Q Okay. She had a short tenure at the Estill police
17 department; is that not correct?

18 A I'm not sure how long she was there.

19 Q Okay. All right.

20 MR. PLEXICO: I don't think I have anything
21 further. Thank you.

22 CROSS EXAMINATION

23 BY MR. KOGER:

24 Q Ms. McCallister, you testified to that June 8th,
25 that you showed both the stills and the photographs to Jeff

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 Croft?

2 A Yes, sir.

3 Q Okay. And I think you testified to that he
4 was the -- that he wasn't around. He was the first person
5 you approached with the stills, and -- that the stills and
6 the video?

7 A Well, he was assisting me that day, yes, sir.

8 Q Okay. On that particular day?

9 A Yes, sir.

10 Q Right. And he has been assisting you since this
11 allegedly happened on June 3rd?

12 A Yes.

13 Q Okay. Now, after he identified Mr. Bostick, did
14 y'all have a conversation on the basis how -- how he knew
15 Mr. Bostick?

16 A We did.

17 Q Okay. And what did that conversation entail?

18 A That Agent Croft had previously arrested
19 Mr. Bostick for murder.

20 Q Okay. And did he indicate to you in what county
21 and how many years ago?

22 A It was Barnwell County, and I don't recall the
23 time frame.

24 Q Okay. And did he mention to you whether he was
25 the lead investigator at that time, that particular case, or

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 he was involved in the investigation?

2 A I believe he was the lead investigator.

3 Q Now, you testified to that, I guess in the time
4 frame, the next person that was approached was Chief
5 Collins, July 2nd, 2015?

6 A Yes, sir.

7 Q Okay. All right. And once you approach him with
8 the stills and video, did you have a conversation with Chief
9 Collins in relation to Mr. Bostick?

10 A Not initially.

11 Q Okay. Not initially, not on July 2nd, 2015?

12 A Well, I approached him and said that I was working
13 a case out of Jasper, would he mind taking a look at some
14 video and some stills and see if there was anyone that he
15 knew.

16 Q So July 2nd, 2015 was the first time you
17 approached Chief Collins?

18 A Yes.

19 Q And once he identified Mr. Bostick on the video,
20 did you have a conversation that day with him about how he
21 knew Mr. Bostick?

22 A Yes.

23 Q Okay. And what was -- what did that conversation
24 entail?

25 A I believe it was simply that Mr. Bostick, being

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 from and around Estill, and I believe he had dealt with him
2 on some previous situations as a law enforcement officer. I
3 don't recall the exact nature.

4 Q How long, at that particular time, July 2nd of
5 2015, had Chief Collins been chief on all your law
6 enforcement in Estill area?

7 A I don't know.

8 Q Now, the next -- and I'm going in chronological
9 order. The next person that you approach was Ms. Scott on
10 July 17th, 2015?

11 A Yes.

12 Q Okay. All right. And how did you -- did she
13 contact you, or you was told to see her?

14 A I believe that she called me.

15 Q Okay. And I think the last one that you stated,
16 Mr. Proctor, that occurred October 9th, 2015?

17 A Yes.

18 Q Okay. And I think you testified to receiving
19 information through Anthony Russell?

20 A Yes.

21 Q Correct. Okay.

22 Now, you earlier stated that Mr. Croft was
23 assisting you on this investigation, on -- at least on that
24 particular day, on June 8th, 2015, correct?

25 A Yes, sir. He was there to help.

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 Q Okay. Did he continue to assist you in the
2 investigation?

3 A Off and on as I needed the help, yes, sir.

4 Q Okay. So do you know whether he spoke with Chief
5 Collins before you spoke with Chief Collins on July 2nd,
6 2015, since it was about 25 or 30 days, do you know
7 whether -- well, I'm sorry.

8 A I'm sorry. Go ahead.

9 Q No.

10 In his line of investigation, he was
11 assisting you on and off whether he spoke with Chief Collins
12 before you spoke with him on July 2nd, do you know?

13 A I don't know.

14 Q Okay. Do you know whether Mr. Croft spoke with
15 Ms. Scott before you spoke with them on July 17th?

16 A I don't think he did.

17 Q Okay. But you don't know for sure?

18 A Yes, sir.

19 Q And do you know whether Mr. Croft spoke with
20 Ms. Scott on -- before October 9th, before you received
21 information from Anthony Russell?

22 A I don't know.

23 MR. KOGER: Thank you. I have no further
24 questions.

25

CROSS EXAMINATION

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 BY MR. NEWMAN:

2 Q Good morning, Agent McCallister. My name is
3 Jarrod Newman.

4 A Good morning, sir.

5 Q Does SLED have any protocols or procedures in
6 identification cases?

7 A As far as what?

8 Q As far as setting a line-up, sending a six-pack
9 line-up, keeping witnesses segregated, reading them forms to
10 specifically tell them that the person we're looking for may
11 or may not be this person?

12 A We have affidavits for line-ups, but not for a
13 still photograph, where we're looking for information.

14 Q Okay. And since -- and I'll deal with the
15 Collins, colon, the officers. They did not witness the
16 crime; is that true?

17 A Yes, sir.

18 Q Okay. And they were not called upon to have any
19 special skills as law enforcement officers in an
20 identification, were they? In other words, they were just
21 lay witnesses, correct?

22 A Yes, sir.

23 Q Okay. And Starkeisha (sic) Scott, that was
24 Mr. Wilson's sister -- or is Mr. Wilson's sister?

25 A Yes. Yes, sir, I'm sorry, it was.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Where does she live?

2 A Sir?

3 Q Where does she live?

4 A I believe she lives in the Tillman area.

5 Q The Tillman area. Okay. And where had she seen

6 Mr. Jones, Junior?

7 A With her brother.

8 Q Where?

9 A There was a car lot here in the town of Ridgeland.

10 Q Car lot?

11 A She -- yes, sir. She was having trouble with her

12 car.

13 Q I'm sorry. What car lot was that?

14 A I don't remember the name.

15 Q And when did that encounter happen?

16 A I don't know the exact date.

17 Q Well, did you ask her?

18 A Yes, sir, I believe I did.

19 Q And what was her answer?

20 A Give me just one second.

21 Q Sure.

22 (Pause.)

23 A I don't believe she gave a date.

24 Q Did you ask her?

25 A I believe I would have, yes, sir.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Did she not remember a date?

2 A Yes, sir. I believe that she couldn't recall
3 exactly.

4 Q A month? A week? A year? Three years?

5 A I don't know.

6 Q And what were they doing at the car lot?

7 A I believe she had had some car trouble, and her
8 brother was picking her up or helping her deal with the car
9 trouble.

10 Q Okay. And which car lot?

11 A I don't remember the name. It's here in town
12 though.

13 Q In Ridgeland?

14 A Yes, sir.

15 Q All right. And Mr. Jones, Junior, she -- your
16 information is that her brother came and Mr. Jones was with
17 her brother?

18 A Yes, sir.

19 Q Was Mr. Bostick with them, too?

20 A I don't think so, no, sir.

21 Q Okay. And where had she seen Mr. Bostick before?

22 A I believe from around Estill.

23 Q You know that for sure or don't know?

24 A I recall that's what she said, from around the
25 Estill area.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Had she ever seen Mr. Bostick and Mr. Jones,
2 Junior at her brother's residence?

3 A I do not recall.

4 Q Okay. I didn't see it in the report. If she had
5 said that, you certainly would have noted it; would you not?

6 A Yes, sir.

7 Q Okay. So it's safe to assume that she didn't give
8 any information that she had ever seen them at Mr. Wilson's
9 residence?

10 A Yes, sir.

11 Q Did Ms. Scott give you any information when you
12 were interviewing her on her brother's drug trafficking
13 enterprise?

14 MS. JONES: Your Honor, I would object. I believe
15 that's beyond the scope of this particular hearing.

16 THE COURT: I'll give him a little bit of room.
17 Go ahead.

18 A I think she gave some general information on the
19 issue.

20 BY MR. NEWMAN:

21 Q Okay. But as to Mr. Jones, Junior, presumably
22 Mr. Bostick, the only information that she gave you is that
23 at some point in the past, she saw them with her brother in
24 a car lot in Ridgeland, but you don't know when, where, or
25 the car lot's name; is that correct?

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 A Yes.

2 Q What is the relationship between Captain Anthony
3 Russell and Craig King Proctor?

4 A I don't know.

5 Q And where does Mr. Proctor live?

6 A He lives -- I believe he's from the Estill area.

7 Q And what did Captain Russell -- how did he set you
8 up in being able to meet Mr. Proctor?

9 A He said that, I guess, Mr. Proctor had
10 information. Had told him that he had information on this
11 case and asked could I come speak with him, I told him that
12 I would.

13 Q Okay. And what information did Mr. Proctor have?

14 A He identified --

15 Q No. You say he had information. Did Proctor go
16 to Russell, or Russell go to Proctor?

17 A I don't know.

18 Q Okay. But Russell told you that Mr. Proctor had
19 information?

20 A Yes.

21 Q Had Captain Russell showed him any photographs
22 prior to you doing that?

23 A No.

24 Q And what information did Mr. Proctor have?

25 A He identified the two and then said that after the

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 shooting, he was running four-wheelers with a group of
2 people. Mr. Bostick and Mr. Jones, Junior were there. He
3 was surprised when he had learned what happened. And he
4 mentioned that Mr. Jones, Junior is Tray Graves' hit man.

5 Q Okay. And my question was, what information did
6 Captain Russell get from Mr. Proctor? You said Captain
7 Russell said that Mr Proctor had some information. What was
8 the information that Mr. Proctor had that he gave to Captain
9 Russell?

10 A I don't know specifically what he told Captain
11 Russell, I can just -- I just know what he told me.

12 Q You say "specifically," do you know any part of it
13 or you know nothing about it?

14 A I don't know.

15 Q Okay. How long had Mr. Proctor lived in or been
16 in the Estill area?

17 A I don't know.

18 Q Now, as I gathered that this is correct as to
19 Chief Collins and former Estill PD Coleman, you just took a
20 shot and showed up at the PD and they both happened to be
21 there.

22 A Yes, sir.

23 Q Okay. And if I got it right from questioning,
24 they were interviewed together, correct?

25 A No, I spoke with them separately.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Okay. I thought when you answered Mr. Plexico's
2 question, you said you talked to them in tandem.

3 A I misunderstood the question. I spoke with them
4 separately.

5 Q And how long had Ms. Coleman been an Estill police
6 officer?

7 A I do not know.

8 Q Where is Ms. Coleman from?

9 A I don't know.

10 Q All right. And these -- all these identifications
11 were off of what I'm going to call a single group of
12 photographs, correct?

13 A Yes.

14 Q All right. There were no alternatives of looking
15 at anybody else, correct?

16 A No, sir.

17 Q Did you show any photographs of Demarcus Brisbane?

18 A I did not, no.

19 Q And none of these statements were recorded?

20 A No.

21 Q None of them were videotaped?

22 A No.

23 Q And none of them were done by affidavit?

24 A No.

25 MR. NEWMAN: Beg the Court's indulgence. I think

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 I'm about finished.

2 THE COURT: Okay.

3 BY MR. NEWMAN:

4 Q Do you know whether or not Captain Russell
5 actually showed photographs to Craig King Proctor?

6 A I don't know if he did or not.

7 Q So he could have, you just don't know?

8 A He could have.

9 Q Okay. Thank you.

10 MS. JONES: I have no further questions for this
11 witness.

12 THE COURT: You may step down. Do you want to get
13 Croft up before -- /

14 MS. JONES: He's very quick, Your Honor. I know
15 that the jury is here.

16 THE COURT: Go ahead and call him in, yeah. I
17 know the jury's ready to go. Let's get him up fast
18 then.

19 Thereupon,

20 JEFF CROFT

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

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Agent Croft, you work for SLED?

DIRECT EXAMINATION OF J. CROFT BY JONES

1 A Yes, ma'am, I do.

2 Q And did you assist in this investigation we're
3 here for today?

4 A Yes, ma'am, I did.

5 Q At some point during the investigation, did Agent
6 McCallister show you some photographs as well as a video?

7 A Yes, ma'am, she did.

8 MS. JONES: Permission to approach?

9 THE COURT: You may.

10 BY MS. JONES:

11 Q Agent Croft, I'm going to show you what's been
12 marked as Court's 1 through 6. Can you please identify
13 those?

14 A Yes, ma'am. These would be the pictures and the
15 video which I was shown by Agent McCallister.

16 Q Okay. And how do you know that's the video you
17 were shown?

18 A It has my initials.

19 Q Okay. And that, in fact, is the video and the
20 photographs you were shown?

21 A Yes, ma'am.

22 Q What did she ask you to do prior to showing you
23 these photographs and video?

24 A She asked me to take a look at it and see if I
25 identified anybody -- could identify anybody on there.

DIRECT EXAMINATION OF J. CROFT BY JONES

1 Q Okay. At any point, did she give you a name of an
2 individual?

3 A I don't recall her ever giving me a name, no,
4 ma'am.

5 Q Okay. A street name or a birth name?

6 A I was told something like Bugs or something to
7 that effect.

8 Q Okay. Okay. And do you know an individual named
9 Bug?

10 A I know an individual with a nickname of that, yes,
11 ma'am.

12 Q Okay. What is that individual's street name?

13 A I'm sorry?

14 Q What -- not his street name, what is his birth
15 name?

16 A Jarrod Bostick.

17 Q Okay. And when she -- when she gives you this
18 name, does she in any way suggest on these photographs who
19 she believed that Bug is?

20 A No, ma'am. She asked me to take a look at it and
21 see if I could identify anybody on the video or the still
22 shots.

23 Q And were you able to identify anybody?

24 A Yes, I was.

25 Q And what photographs were you able to identify as

DIRECT EXAMINATION OF J. CROFT BY JONES

1 a particular person?

2 A Court's No. 4 is Jarrod Bostick. Court's No. 5 is
3 Jarrod Bostick. Court No. 3 is Jarrod Bostick.

4 Q Okay. Did you also identify an individual on the
5 video as being Jarrod Bostick?

6 A Yes, ma'am, I did.

7 Q Were you able to identify the other two
8 individuals shown on the video?

9 A No, ma'am, I do not know them.

10 Q How do you know Jarrod Bostick?

11 A I had previous dealings with Jarrod Bostick.

12 Q Can you go into a little bit of detail just for
13 this hearing, your prior involvement?

14 A Yes, ma'am. I previously worked for Barnwell
15 County Sheriff's Office, and back in 2007 we had an incident
16 took place, it was a homicide, where I assisted with the
17 investigation, actually did the investigation, and
18 Mr. Bostick was ultimately charged with that homicide.

19 Q Okay. Based on that, you had interactions with
20 Mr. Bostick back then during that investigation?

21 A Yes, ma'am.

22 Q Okay. And when you looked at these photographs
23 and this video, how quickly were you able to identify one of
24 the individuals as being Jarrod Bostick?

25 A Immediately.

DIRECT EXAMINATION OF J. CROFT BY JONES

1 Q And how certain are you that that individual is
2 Jarrod Bostick?

3 A I'm one hundred percent.

4 Q And how -- where are you basing this
5 identification off of?

6 A From my previous knowledge and site of knowing
7 Mr. Bostick.

8 Q Okay. You say you know him?

9 A Yes.

10 Q Okay. This happened in 2015, so you had known him
11 since 2007?

12 A Yes.

13 Q Okay. In between 2007 and 2015, did you see
14 Mr. Bostick?

15 A Yes, I did.

16 Q Could you -- do you see Mr. Bostick in the
17 courtroom today?

18 A Yes, ma'am, I do.

19 Q Would you please point him out?

20 A He is sitting on the far side by Mr. Koger.

21 MS. JONES: May the record reflect that the
22 witness did identify Jarrod Bostick.

23 And Agent Croft, I have no further questions for
24 you.

25 THE WITNESS: Thank you.

CROSS EXAMINATION OF J. CROFT BY PLEXICO

1 CROSS EXAMINATION

2 BY MR. PLEXICO:

3 Q You did not ID anyone else besides Jarrod Bostick;
4 is that correct?

5 A No, sir, I did not.

6 Q Okay. All right. So SLED Agent McCallister told
7 you that Bug was one of the people; is that correct?

8 A She did not. She asked if I knew anybody by that
9 nickname, and I was asked to come look at video and
10 pictures, and asked to see if I could recognize anybody on
11 there.

12 Q What date did that happen?

13 A That I looked at the video?

14 Q What date were you told this and requested to look
15 at the video?

16 A I was requested to look at the video, I think it
17 was June the 8th.

18 MR. PLEXICO: I don't have anything further.

19 THE COURT: Okay. Mr. Koger.

20 CROSS EXAMINATION

21 BY MR. KOGER:

22 Q Agent Croft, so Agent McCallister asked you on
23 June 8th or before do you know someone named Bugs?

24 A The nickname Bugs came up. I'm not exactly sure
25 when the nickname came up. I know I was asked to look at

CROSS EXAMINATION OF J. CROFT BY KOGER

1 video and see if I could identify anybody at that particular
2 time. I did travel over here to Jasper County, took a look
3 at the video and some still shots, and immediately
4 recognized Jarrod Bostick.

5 Q And Bugs came up prior to you reviewing still --

6 A Again, I'm not sure exactly when the nickname
7 arose, or came up, but I do know that I was asked to look at
8 video.

9 Q Okay. And you were asked to come to Jasper on
10 that day to view the stills and to view the video, right?

11 A I'm pretty sure it was day of June 8th, yes, sir.

12 Q Okay. And what was your role since, or what had
13 been your role since that time in investigating this here?

14 A I've not had any other involvement other than
15 assisting Ms. McCallister with picking up paperwork or doing
16 something like that. As far as interviews or anything like
17 that, I've not participated in anything. I did travel to --
18 I think it was North Carolina to pick up one of the
19 individuals that was in custody in North Carolina to bring
20 back here.

21 Q Did you speak -- in your limited role in this
22 investigation, did you speak with any other law enforcement
23 officer about knowing Mr. Bostick from Barnwell County?

24 A From Barnwell County?

25 Q Well, that you had dealings with him in Barnwell

CROSS EXAMINATION OF J. CROFT BY KOGER

1 County ten years ago?

2 A I've not spoken to anyone concerning Mr. Bostick,
3 in this case, with anybody in Barnwell County, no, sir.

4 Q Okay. In this case, no law enforcement officers?

5 A I did speak to other law enforcement officers, and
6 I did show the still shots and showed the video.

7 Q Okay. Which other officers in this case did you
8 speak with as far as knowing Mr. Bostick from your time as
9 investigator with the Barnwell County Sheriff's Office?

10 A I spoke to Mr. Loadholt out of Yemassee, was shown
11 the pictures and also the video.

12 Q And who --

13 A I don't recall ever showing them to anybody else.

14 Q Did you speak with Chief Collins from Estill?

15 A I don't think I did.

16 Q Did you speak with Deputy Anthony Russell?

17 A I don't think I did.

18 Q So what you can recall is that you spoke with
19 Mr. Loadholt from the Yemassee police department?

20 A Yes, sir. I actually met Mr. Loadholt in Estill,
21 South Carolina.

22 Q And you discussed your prior dealings with
23 Mr. Bostick?

24 A I did not discuss anything with him. I showed him
25 the pictures and asked him could he pick anybody out of the

CROSS EXAMINATION OF J. CROFT BY KOGER

1 pictures.

2 MR. KOGER: Thank you. That's all the questions I
3 have.

4 CROSS EXAMINATION

5 BY MR. NEWMAN:

6 Q The 2007 charge in Barnwell County, you were the
7 investigating officer in that case, and I believe it was a
8 murder case?

9 A I was one of several guys that were working on
10 that case, yes, sir.

11 Q Were you not, in fact, that one that arrested
12 Mr. Bostick?

13 A I was the one that arrested Mr. Bostick.

14 Q Okay. You were you the one that took the warrant
15 out on Mr. Bostick?

16 A I don't recall if I signed it or not. I don't
17 recall that.

18 Q Okay. But you were the investigating officer?

19 A Yes, sir.

20 Q And as a result, those charges were dismissed;
21 were they not?

22 A They were dismissed, but not as a result of any
23 investigation.

24 Q Did he have some kind of political connections or
25 something? What are you talking?

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 A I'm sorry?

2 Q You said they were dismissed, but not as a result
3 of the investigation.

4 A They were dismissed with leave to reinstate per
5 the Solicitor.

6 Q Okay. Okie doke.

7 And you met with Officer Loadholt in the
8 Yemassee police department?

9 A Yes, sir, I did.

10 Q Okay. And how did you come to meet with him?

11 A I contacted him on his cell phone, asked him if he
12 could meet with me. I had some still shots I'd like to show
13 him. I was informed that he used to work in the Estill
14 area, and we were trying to identify the parties in the
15 pictures.

16 Q All right. And what did Mr. Loadholt have to add?

17 A I'm sorry?

18 Q What did he have to say?

19 A He met me in Estill, at the barbershop, it was
20 pouring down rain. He was shown still shots of the --
21 stills that was pulled from the video, sitting in my car out
22 in front of the barbershop. And he did identify Mr. -- both
23 Joneses, Casey Jones, Senior and Junior. He asked -- he
24 said that the Senior looked like Mr. Jones, he requested to
25 see the video or requested -- said if he could see him walk,

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 that he would be able to tell a little bit more. I
2 contacted Captain Ryan Neal with SLED, also, Katie
3 McCallister was over here in Jasper. Asked them would it be
4 appropriate to show the video. I obtained my laptop
5 computer out of my trunk and put the video in, and at that
6 time, he identified Casey Jones and Casey Jones, Senior.

7 Q Okay. And do you know why Officer Loadholt is not
8 being called as a witness in this case?

9 A I can't answer that, sir.

10 Q Do you know if it's because he says what you just
11 testified to didn't happen?

12 A I can't -- again, I can't answer that.

13 Q Now, did you keep any type of file or dossier on
14 Mr. Bostick?

15 A Such as?

16 Q Notes, field contacts, known associates?

17 A I contacted -- as far as this case goes, I
18 contacted Agent McCallister, advised her that -- well, I was
19 there, she was there when I viewed it, that that was Jarrod
20 Bostick.

21 Q Did you understand my question?

22 A Did I take notes regarding this instant --

23 Q Did you keep any kind of dossier, field contacts,
24 known associates, street information? Did you keep any of
25 that throughout the years on Mr. Bostick?

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 A There is a case file, so, yes, sir, there is
2 information.

3 Q Which case -- what is the case file title of it?

4 A It's a homicide out of Barnwell County.

5 Q So, is that -- it's still an open file?

6 A It's not an active file, but it is an open file.

7 Q Okay. And do you regularly update that file, and
8 have you updated that file from 2007 to 2015?

9 A No, sir, I have not. It's probably got some
10 updates in it since 2007, but I've not in the last few
11 years, no, sir.

12 Q Did any of those updates include the information
13 I'm asking you? Field contacts? Street encounters? Known
14 associates?

15 A I don't think so, no, sir.

16 Q And you have no information on that, do you?

17 A Sir?

18 Q On known associates, field contacts, you have no
19 information on that, correct?

20 A Not over the last few years, no, sir.

21 Q Okay. Well, when is the last time you did?

22 A Again, back in '07, I investigated or assisted,
23 several people were involved in that case, with a homicide
24 which occurred in Barnwell County. During those years,
25 following that up to the charges, there was a number of

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 investigations done, a number of interviews done. It was at
2 sometime later, the Solicitor's office decided to dismiss
3 the case with leave to reinstate. Since that time, I no
4 longer work with Barnwell County, it is a Barnwell County
5 case, I don't have any involvement with it.

6 Q My question is, your involvement.

7 A I -- I do not.

8 Q And what you know. I asked you about field
9 contacts, known associates, information on the street,
10 things like that.

11 A No, sir.

12 Q Okay.

13 MR. NEWMAN: That's all I have, Your Honor.

14 THE COURT: Okay. Anything further?

15 MS. JONES: Nothing further.

16 THE COURT: All right. You may step down, sir.

17 Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: All right. Let me touch base with
20 Margaret. I need all of you that are over here to move
21 this way.

22 And can I see the attorneys?

23 (Off-the-record discussion held.)

24 (The jury enters the courtroom.)

25 THE COURT: Good morning, ladies and gentlemen.

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 It is a pleasure to see you all. My name is Carmen
2 Mullen. I am the resident circuit court judge, one of
3 two, in the 14th Judicial Circuit, which includes not
4 only Jasper County, but also Beaufort, Hampton,
5 Allendale, and Colleton Counties.

6 Ladies and gentlemen, it is my pleasure this week
7 to be holding a term of criminal court here in Jasper.
8 And I will tell you that we have run up against
9 something that's only happened a couple of times in my
10 ten years on the bench. I appreciate you coming very
11 much, but apparently some of your co-jurors did not
12 show up as is required. I intended on pulling at least
13 one jury today, and hopefully two. But it looks like
14 that I'm going to have a difficult time just pulling
15 the one jury.

16 So ladies and gentlemen, what I'm going to have to
17 do is send the sheriff to round up those people who did
18 not send their summons back in. So, again, I want to
19 thank you for being here, and tell you that we
20 appreciate you being here. And thank goodness, you
21 don't have to come back with an escort.

22 But I am going to have to ask you all, ladies and
23 gentlemen, to return today at 3:00, where we're going
24 to go ahead and hopefully pull this jury. That's going
25 to allow me some time to go find some of your fellow

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 co-jurors and make sure that they are here.

2 I need a certain number of people, ladies and
3 gentlemen, to be able to pull my jury. And right now,
4 I'm very close to that number, and I just don't think
5 I'm going to be able to do it.

6 So with that said, ladies and gentlemen, I am
7 going to have to go ahead and excuse you. But I will
8 tell you this. I need every last one of you back this
9 afternoon. And we will give you till three.

10 Ladies and gentlemen, I need to ask that you all
11 be back at 3:00 p.m. today, where hopefully, I'm going
12 to be able to pull a full jury. That is my goal,
13 ladies and gentlemen. So, again, go about your
14 business for the remainder of today.

15 I will tell you this, one of two things is going
16 to happen. Either I'm going to be able to pull this
17 first jury, and that case is expected to last through
18 Thursday or potentially Friday. Or, if I don't have
19 enough jurors to pull that jury, I may pull a different
20 jury in the case that's expected to be very short.

21 So one way or the other, ladies and gentlemen, I'm
22 going to need you to be back here today at 3:00 p.m.
23 All right?

24 So, again, I appreciate you being here. It's
25 unfortunate we can't just get this jury pulled and get

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 done. The case wasn't expected to start until tomorrow
2 morning anyway, so that just gives me some time to
3 round up some people. But we'll see you all back at
4 3:00 p.m. And, again, ladies and gentlemen, thank you
5 all for being here, and we'll see you back at three.

6 Okay. Thank you.

7 (The Jury panel exits the courtroom at 11:45 a.m.)

8 THE COURT: All right. Here is what I propose we
9 do. I've decided to wait till three, just to give us a
10 little more time, and maybe round up a few more people.

11 Okay?

12 So you're calling Chief Deputy Moore; is that
13 correct?

14 MR. NEWMAN: I already have. He's on his way
15 over.

16 THE COURT: Perfect. Okay.

17 Margaret is going to get the list. They all need
18 to be here at 3 o'clock, and I don't know how many
19 there could potentially be.

20 What I first propose to do is this, just if this
21 is fine with you all. Obviously, we have lots of
22 pre-trials to getting through.

23 Do you want to break for lunch now for an hour,
24 grab a bite and everybody come back and just keep for
25 pre-trials between now until three? Or do you want to

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 run for a little bit? You tell me what you want to do.

2 And Brian and, Mr. Plexico, too, if for some
3 reason I don't have enough jurors to be able to pull
4 this case, I should have enough to be able to pull
5 Bernard Scott's case. So that will go ahead -- and if
6 we can't pull this trial, we will pull that one, and
7 that will start in the morning, as well.

8 Mr. Plexico, is that okay with you?

9 MR. PLEXICO: That's fine, Your Honor.

10 THE COURT: Thank you. Anyone have any thoughts?
11 What do you think? You want to just go ahead and
12 break? I would like to break now just to give
13 Ms. Bostick a chance to go through her list, give, you
14 know, Chief Deputy Moore as many names as we can, let's
15 round up as many as he can. Let's do this.

16 By the clock out there, let's all be back at 1
17 o'clock or roughly 1 o'clock. Is that okay with
18 everyone? And we'll go ahead -- does that allow them
19 to -- does that give you enough time to them set up for
20 this -- to roughly have the custody set? Okay? Is
21 that okay? Is that enough time?

22 OFFICER: Absolutely, Your Honor.

23 THE COURT: Okay. Let's do that. And I need
24 everyone back, all security back here at 1 o'clock,
25 too, as well, and we'll go from there. Okay?

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 Now, Margaret, you tell me what you need me to do
2 and -- I mean, I can enter an order, I can do whatever
3 I need to do for Deputy Moore. Is he there? There's
4 already subpoenas, right?

5 THE CLERK: Yes.

6 MR. NEWMAN: May it please the Court, Your Honor.
7 As a -- I think they cured your problem with Chief
8 Morris. They also have on the list, Corporal Gary
9 Sons, Deputy Thompson, Deputy Bailey, and Deputy Elvin
10 Wright as listed witnesses. I would ask they not
11 participate in transport and/or notification of jurors.

12 THE COURT: Okay. Is there anyone else we can cut
13 off the list, if they're working and can help?

14 MS. JONES: Elvin Wright can be cut off, he's
15 actually been in the courtroom. And Tameika Bailey can
16 come off.

17 THE COURT: I'm sorry. Elvin Wright. And, I'm
18 sorry, who was the second one?

19 MS. JONES: Tameika Bailey.

20 THE COURT: Okay. Tameika Bailey is already off.
21 Okay.

22 MS. JONES: And Thompson actually no longer works
23 for the Sheriff's Office.

24 THE COURT: Okay. I just can't have any persons
25 that might testify in this case picking jurors up. I'm

CROSS EXAMINATION OF J. CROFT BY NEWMAN

1 sure y'all understand that. I hope they do. We'll
2 make sure everyone understands that.

3 Come up here for a second, Mr. Hollen.

4 (Off-the-record discussion held.)

5 THE COURT: Okay. All right. We're going to be
6 at ease. And let me just see all the attorneys back in
7 chambers. I think you can go ahead and take the
8 gentlemen that are still in custody. They can go back.
9 Go ahead and take them to jail.

10 And I'm going to need whatever deputies I have
11 here that are going to be able to go round up some
12 people to be back. So -- okay?

13 (Whereupon the court was in recess.)

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CASE CAPTION

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

3

4 Case No.: 2015-GS-27-0433; 0434; and 0437

5 2015-GS-27-0345; 0346; and 0349

6 2015-GS-27-0333; 0336; and 0337

7 State of South Carolina,

8 Plaintiff(s),

9 vs.

Transcript of Record

10 Casey Jones, Sr.

Jarrold Bostick

11 Casey Jones, Jr.,

12 Defendant(s).

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15

PRE-TRIAL TRANSCRIPT

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17

18

October 23, 2017

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Ridgeland, South Carolina

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22

23 BEFORE:

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The Honorable Carmen T. Mullen

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APPEARANCE PAGE

APPEARANCES

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10-23-2018 PRE-TRIAL PROCEEDINGS

1 (The following is testimony taken on the 23rd day of
2 October, 2017, beginning at 1:18 p.m. as part of a pre-trial
3 hearing, prior to jury selection.)⁷

4 PRE-TRIAL PROCEEDINGS

5 THE COURT: I wanted to make sure, Bernard Scott,
6 if I can't pull one for this case, I definitely want to
7 go with that one because there will be less strikes.
8 Is he here?

9 DEPUTY: Yes, ma'am.

10 THE COURT: Okay, great. All right, we were
11 waiting on Mr. Plexico and Mr. Hall. Here they are,
12 perfect.

13 MR. HALL: I was retrieving Mr. Plexico.

14 THE COURT: Perfect. And the good thing, a rain
15 storm is coming through between 2 and 2:30, so I'm sure
16 that that will help with our turn-out numbers. With
17 that said, let's continue with where we were. Did you
18 have any witnesses for that hearing?

19 MS. JONES: I have the rest of the identification
20 witnesses, so there are a handful of them.

21 THE COURT: Perfect. Keep going.

22 MS. JONES: The State calls Officer Dominique
23 Coleman.

24 Thereupon,

25 DOMINIQUE COLEMAN

DIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS. JONES

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

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Thank you, Officer Coleman. Where do you work?

6 A I work in Rock Hill.

7 Q Okay. Prior to working in Rock Hill, where did
8 you to work?

9 A Estill Police Department.

10 Q How long did you work with Estill Police
11 Department?

12 A Eighteen months.

13 Q And during your tenure at Estill PD, what were
14 some of your duties?

15 A I was a patrol officer, so answering calls for
16 service; routine patrol around town.

17 Q Okay. Were you ever asked by Agent McAllister
18 with SLED to look at the video and some photographs?

19 A Yes, ma'am.

20 MS. JONES: Permission to approach.

21 THE COURT: You may.

22 BY MS. JONES:

23 Q Officer Coleman, I'll show you what's been marked
24 as Court's 1 through 6. If you can identify those.

25 A This is the video that I was shown and some still

DIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS. JONES

1 shots from that individual.

2 Q Okay. And how do you know that is actually a copy
3 of the video that you were shown?

4 A I viewed it this morning.

5 Q Are your initials on that to indicate that?

6 A Yes, ma'am.

7 Q That is actually the video that you were shown?

8 A Yes, ma'am.

9 Q When you viewed that video, who showed it to you?

10 A Agent McAllister.

11 Q And what did she say prior to showing you this
12 video?

13 A They were attempting to identify the subjects that
14 were seen in the video.

15 Q Okay. Did she supply you with a name?

16 A Yes.

17 Q And what was that name?

18 A It was three names given to me.

19 Q Okay. Did you know these names?

20 A I knew two of them, actually, in dealing with
21 them. And the other one I had heard as well in town.

22 Q Okay. After she gives you this name, does she in
23 any way suggest that these men on this video are in fact the
24 names that she had given you?

25 A She said that she was trying to identify them and

DIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS. JONES

1 those were the names that she had gotten.

2 Q Okay. With that information, do you view the
3 video?

4 A Yes.

5 Q When you view the video, do you recognize anyone?

6 A I recognize two of the subjects.

7 Q And who are the two subjects that you recognized?

8 A Casey Jones Junior, Casey Jones Senior.

9 Q Okay. And do you see either of those individuals
10 in the stills as well?

11 A Yes, ma'am.

12 Q For the court reporter's information, what numbers
13 are the court exhibits of those?

14 A Number two, number six, and Mr. Casey Jones Junior
15 is also in number three.

16 Q Okay. Did you recognize the third individual in
17 that video?

18 A No, ma'am.

19 Q Okay. So you didn't provide a name for that
20 individual?

21 A No, ma'am.

22 Q When you viewed this video, how certain are you
23 that the two that you identified as Senior and Junior are
24 Senior and Junior?

25 A I'm certain.

DIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS. JONES

1 Q Okay. Would you say 100 percent?

2 A Yes, ma'am.

3 Q How quickly were you able to identify them?

4 A Almost immediately.

5 Q Okay. And what -- how -- can you go into a little
6 bit more of your prior dealings with both Junior and Senior?

7 A Well, Estill is a small town. We get to know a
8 lot of our people pretty well. And I recognize both of them
9 from more so just seeing them around town. I have not had
10 any criminal dealings, per se, with either one of them, but
11 I do know both of them.

12 Q What in particular about their appearance or
13 mannerisms were you able to pick up on on the video that
14 helped in your identification?

15 A Well, Mr. Casey Jones Junior's complexion, facial
16 structure, and his gait, his walk, as well, as his father's
17 walk. Body build. Just in seeing him walk around town a
18 lot of times, got to know him pretty well. I spent a lot of
19 time working in Estill.

20 Q Okay. How certain are you that the individuals in
21 that video are Casey Jones Junior and Casey Jones Senior?

22 A I'm positive.

23 Q Okay. Do you see either Mr. Junior or Mr. Senior
24 in the courtroom today?

25 A Yes, ma'am, both of them.

DIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS. JONES

1 Q And can you please identify them for the Court?

2 We will start with Senior.

3 A Senior is in the gray shirt and Junior is in the
4 greenish-yellow shirt.

5 Q Okay.

6 MS. JONES: May the record reflect that the
7 witness did identify both of the defendants.

8 I have no further questions for you right now.

9 Thank you.

10 MR. PLEXICO: May it please the Court.

11 THE COURT: Yes, sir.

12 CROSS EXAMINATION

13 BY MR. PLEXICO:

14 Q You said you had no criminal dealings with either
15 of the people in two, six, and three; is that correct?

16 A Correct.

17 Q All right. So, do you have any record of any
18 contact that you ever had with Casey Junior or Casey Senior?

19 A I do not have any record of it.

20 Q Okay. Where are you from?

21 A Where am I from?

22 Q Yes.

23 A I was raised in Sumter.

24 Q Sumter, South Carolina?

25 A Yes, sir.

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 Q So, what were the months that you were in, in
2 Estill, South Carolina?

3 A June 2014 to September 2015.

4 Q And you had not occasioned Estill before that
5 time?

6 A No, sir.

7 Q Where were you living at that time?

8 A I was living in Hampton.

9 Q For the entire tenure of your time at the Estill
10 Police Department?

11 A Except the first probably month.

12 Q Where did you live the first month?

13 A Columbia, South Carolina.

14 Q So, what are your duties as police officer? Kind
15 of go over your day with me. When you first get there, what
16 is the first thing that y'all do?

17 A We all do, basically, like a pass-on. We pass on
18 information from the previous shift and then we go out and
19 begin our duties as patrol officers.

20 Q All right. Do ya'll take lunch breaks and breaks?

21 A Not exactly. You are still answering calls.
22 Sometimes you have to throw away your meals or whatever the
23 case may be to respond to your calls for service.

24 Q What hours did you work?

25 A At that time it depended. I was mostly on the

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 evening shift. We worked 12-hour rotations. Sometimes I
2 worked 12 hours during the day, sometimes 12 hours during
3 the evening. The last three months that I worked in Estill
4 I worked 18-hour shifts.

5 Q Can you give me any specific date and time that
6 you saw Casey Junior?

7 A A specific date and time that I saw him?

8 Q Yes.

9 A No, sir.

10 Q Can you give me a specific date and time that you
11 saw Casey Jones Senior?

12 A No, sir.

13 Q Can you tell me the number of times that you saw
14 Casey Jones Junior?

15 A There was numerous times during my tenure as a
16 police officer in Estill.

17 Q What is numerous?

18 A More than three.

19 Q Okay. All right. Now, you never had any criminal
20 dealings with him?

21 A No.

22 Q All right. Now, when you spoke with Agent
23 McAllister, what did she tell you exactly?

24 A Exactly what she told me, I don't remember.

25 Q Well, paraphrase it.

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 A She came to me and said that they had video, that
2 they were trying to identify subjects and that they believed
3 that the subjects were from Estill and she named three
4 subjects.

5 Q And she named the three subjects as being who?

6 A Casey Jones Senior, Casey Jones Junior, and Mr.
7 Bostick, Jarrod Bostick.

8 Q Now, did she talk with you with Chief Collins?

9 A No, he was not there when I spoke to him.

10 Q Where was he?

11 A He was off duty.

12 Q Do you know when she spoke to Chief Collins?

13 A I don't.

14 Q What time did she speak to you?

15 A I'm not sure of the exact time.

16 Q Okay. Does the person that you identified -- who
17 did you identify in number two?

18 A Casey Jones Junior.

19 Q Okay. Who did you identify in number six?

20 A Casey Jones Senior.

21 Q And number three?

22 A Casey Jones Junior is the second subject
23 photographed.

24 Q Okay. So, when you looked at the video, you
25 didn't identify anybody from the video; is that correct?

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

- 1 A I did.
- 2 Q Did you see the pictures first or the video first?
- 3 A Video.
- 4 Q Okay. So you watched the video first?
- 5 A Yes.
- 6 Q Okay. All right. Did y'all record that?
- 7 A Record?
- 8 Q Watching the video.
- 9 A Not to my knowledge, no, sir.
- 10 Q Okay. All right. So, your identification of
- 11 Junior, I believe, you wrote in your statement -- you wrote
- 12 a statement; is that correct?
- 13 A Yes, sir.
- 14 Q It was a full and accurate statement?
- 15 A Yes, sir.
- 16 Q And that was everything that you noted at the
- 17 time; is that correct?
- 18 A Yes, sir.
- 19 Q You identified Senior by his gait?
- 20 A Yes, sir.
- 21 Q And by the low-cut tennis shoes that he's wearing?
- 22 A Yes, sir.
- 23 Q Did you at any time go and try to retrieve the
- 24 low-cut tennis shoes that he's wearing?
- 25 A No, sir.

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 Q All right. So, those are the two features that
2 you identified my client, who is Casey Jones Senior, that is
3 what you identified?

4 A Yes, sir.

5 Q All right. And that is the only features that you
6 identified; is that correct?

7 A Yes, sir.

8 Q His gait and the fact that the person had on
9 low-cut tennis shoes?

10 A Yes, sir.

11 Q Okay. Is there any other -- any other -- because
12 you can't see the face, correct, from the video?

13 A No, sir.

14 Q Okay. So, you are not basing your identification
15 or looking at -- you are not basing your identification of
16 Casey Jones Senior by looking at his face; is that correct?

17 A Correct.

18 Q Okay. There's no other -- I think that I have
19 asked this, but there's no other feature or anything that
20 you can think of, aside from the two factors that you have
21 mentioned, that added your identification of the subject as
22 Casey Jones Senior; is that correct?

23 A Just mannerisms that I observed in watching him as
24 he walks around town.

25 Q This is what I'm asking: You said the gait and

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 the sneakers?

2 A Uh-huh.

3 Q Now you are saying mannerisms?

4 A Meaning the way that he walks?

5 Q Meaning the gait.

6 A Yes.

7 Q Not specific mannerisms, but the gait?

8 A Yes, sir.

9 Q Just the way that the person walked?

10 A Yes, sir.

11 Q When you reviewed the video, wasn't that person
12 actually running?

13 A Yes.

14 Q Okay. So, you never actually saw the person in
15 the video walking; is that correct?

16 A No, sir.

17 Q So doesn't that give you pause about your
18 identification?

19 A No, sir.

20 MR. PLEXICO: I don't have anything more at this
21 time.

22 CROSS EXAMINATION

23 BY MR. KOGER:

24 Q Ms. Coleman.

25 A Yes, sir.

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 Q July 2nd, 2015, was that your first time being
2 involved in this case?

3 A Yes, sir.

4 Q Okay. You had not talked to any member of law
5 enforcement prior to July 2nd, 2015?

6 A Not regarding this case, no, sir.

7 Q Okay.. Now, Ms. Coleman, you mentioned that when
8 Agent McAllister approached you, that she gave you three
9 names, correct?

10 A Yes, sir.

11 Q All right. And you testified that you know that
12 you, at least with Mr. Bostick, that you heard -- you heard
13 of him, correct?

14 A Yes.

15 Q All right. Did you -- were you familiar with his
16 appearance?

17 A No, sir.

18 Q Okay. And you did not identify anyone else the
19 video or stills?

20 A No, sir.

21 Q Did you have any other involvement with the case
22 once you made these identifications?

23 A No, sir, that was it.

24 MR. KOGER: Thank you.

25

CROSS EXAMINATION

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 BY MR. NEWMAN:

2 Q What date was it when you were asked to look at
3 the video and photographs?

4 A I don't remember the exact date. I just got it
5 from the gentleman I just spoke to.

6 Q Okay. Where did you look at these photographs or
7 videos?

8 A Estill Police Department.

9 Q Okay. And who was with you when you were doing
10 this identification process?

11 A Agent McAllister and another gentleman.

12 Q Who was the other gentleman?

13 A I don't remember his name.

14 Q Is he a police officer?

15 A Yes.

16 Q Did he, likewise, make an identification?

17 A No, he came with Agent McAllister.

18 Q Oh, okay. And was your Chief there?

19 A No, he was not.

20 Q Where was he?

21 A Off duty.

22 Q Okay. Now, let me make sure that I do have this
23 correct. You were not able to make an identification based
24 on the video, correct?

25 A I was.

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 Q Oh, so, you made the identification based on the
2 video?

3 A Yes, sir.

4 Q Okay. And that was from facial structure and a
5 gait and walk?

6 A Yes.

7 Q Okay. What is distinctive about Casey Jones
8 Junior's gait and walk that you remember it so well?

9 A He walks with his toes pointed outwards slightly.

10 Q Okay.

11 A And then just his build in general that I
12 recognized from seeing him.

13 Q He was pixilated?

14 A Sir?

15 Q He was pixilated?

16 A Yes.

17 Q Okay. Were you asked to participate in any type
18 of search warrant at his home?

19 A No, sir.

20 Q Okay. And where is his home?

21 A I'm not sure.

22 Q Do you know whether or not on these, quote,
23 numerous times that you had seen him, whether during that
24 time period he was actually living in Estill?

25 A I'm not 100 percent sure that he was living in

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 Estill at that time.

2 Q Would it surprise you to know that he was living
3 in Beaufort?

4 A No.

5 Q Or you don't know?

6 A I didn't know. I mean, it doesn't -- I mean, we
7 saw him from time to time. I never saw him at one specific
8 place or anything like that to say that he did reside in
9 Estill.

10 Q Okay. Have you ever had any conversations with
11 Casey Jones Junior?

12 A I can't say for 100 percent sure.

13 Q You don't remember whether you have actually
14 spoken with him?

15 A I never -- that is what I am saying, I never had
16 any criminal dealings with him. I may have seen him in the
17 street from time to time when I was patrolling and spoke to
18 him. But never any conversations that I can remember, as
19 far as me as an officer.

20 Q Did you ever see him in a vehicle?

21 A Yes.

22 Q What kind of vehicle did he have?

23 A He drove different vehicles.

24 Q Can you recall any of them?

25 A I remember one to be a small red sedan. That is

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 about it.

2 Q Do you -- I think that I know the answer to this
3 question due to the size of Estill, but did you do any of
4 your grocery shopping in Estill when you lived there?

5 A I didn't live in Estill.

6 Q You lived in Hampton?

7 A Yes, sir.

8 Q So, when you were off duty did you hang out in
9 Estill?

10 A No, sir.

11 Q That is usually what the officers do, isn't it,
12 because you have to patrol the town?

13 A I mean, it depends on the size of the city or town
14 that you are in, but I didn't reside there so I'm not from
15 that area.

16 Q Sorry. What was the population of Estill?

17 A At that time I think that it was about 3,000 or
18 3500.

19 Q 3500?

20 A Uh-huh. (Indicating affirmatively.)

21 Q Have you ever had a conversation with Casey Jones?

22 A Waved at him in passing.

23 Q Why would you wave at him?

24 A He was a citizen of the town I worked in.

25 Q Would it be fair to say that you typically wave at

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 people if they make eye contact with you?

2 A Yes, sir.

3 Q Even in Hampton?

4 A Yes, sir.

5 Q So, you don't recall ever speaking with Junior or
6 Senior?

7 A No, sir, not offhand.

8 Q Where does Casey Jones Junior work? Where was he
9 working at the time?

10 A I'm not sure.

11 Q The times that you had seen Casey Jones Junior,
12 was he with anybody or by himself?

13 A I have seen him with people. I have seen him
14 alone.

15 Q Who were the people that he was with?

16 A Other people from Estill. I don't remember names
17 offhand.

18 Q Would you be able to identify them?

19 A Possibly.

20 Q Okay. If I have got your testimony straight,
21 another one of the citizens from Estill, Mr. Bostick, you
22 don't know him or have ever seen him?

23 A No, sir.

24 Q When you did the identification, did you do a
25 written report?

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 A A report, no. I wrote a statement.

2 Q Okay. Other than the five photographs and the
3 video, were you asked to look at pictures of any other
4 suspects or any other persons?

5 A No, sir.

6 Q And did Agent McAllister make an appointment to
7 come see you?

8 A I don't remember.

9 Q But were you called in to the police department or
10 did you happen to be there, or do you remember the
11 circumstances at all?

12 A I am not 100 percent sure. I was on duty but I
13 don't remember if I was called in or if an appointment was
14 made.

15 Q Do you remember if you were wearing your uniform?

16 A I was.

17 Q Okay. Would that likely tell us that you were
18 probably on duty?

19 A Yes, sir.

20 Q If I got your testimony straight, who was your
21 Chief at that time?

22 A At that time it was Keith Parks.

23 Q It was who?

24 A Keith Parks.

25 Q Okay. And who is Collins?

CROSS EXAMINATION OF DOMINIQUE COLEMAN BY MR.
PLEXICO

1 A He was the Deputy Chief.. He is now the Chief.

2 Q And was he with y'all that day?

3 A No, sir.

4 Q Was he on duty that day?

5 A He may have been earlier in the day. I was on my
6 shift, which would have been the evening shift and he was
7 not there.

8 Q He could have been, you didn't see him?

9 A No.

10 MR. NEWMAN: One moment..

11 MS. JONES: Just a couple.

12 MR. NEWMAN: Let me check one moment.

13 MS. JONES: Sorry.

14 THE COURT: That is Okay.

15 (Pause.)

16 MR. NEWMAN: Thank you, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. JONES:

19 Q Officer Coleman, you mentioned that you wrote a
20 statement?

21 A Yes, ma'am.

22 Q If I showed you that statement, would that help to
23 refresh your recollection of exactly how you identified
24 these individuals?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF DOMINIQUE COLEMAN BY MS.
JONES

1 Q If you could just read it to yourself.

2 (Pause.)

3 Q Thank you, Officer Coleman. After reading that
4 statement, what did you base your identification off of for
5 Casey Jones Junior; aside from his walk, what else did you
6 base it off of?

7 A The -- his skin complexion, his haircut, and his
8 facial structure.

9 MR. NEWMAN: I am sorry?

10 Q Could you repeat, please?

11 A Skin complexion, facial features and hair cut.

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

14 THE COURT: Anything further? You may step down.

15 THE WITNESS: Thank you.

16 MS. JONES: The State calls Chief Collins.

17 Thereupon,

18 MARK COLLINS

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

21 DIRECT EXAMINATION

22 BY MS. JONES:

23 Q Chief Collins, where are you employed?

24 A Estill Police Department, town of Estill.

25 Q I called you Chief; are you the Chief of Estill

DIRECT EXAMINATION OF MARK COLLINS BY MS. JONES

1 Police Department?

2 A The Chief of Police, yes, ma'am.

3 Q Thank you. How long have you been with EPD?

4 A Since October 2013.

5 Q When you started in 2013, in what role were you in
6 the department?

7 A I was the Deputy Chief.

8 Q How long -- okay. How long have you been in law
9 enforcement?

10 A Since 1996.

11 Q Did you have an opportunity on July 2nd, 2016, to
12 review a video at the request of Agent McAllister?

13 A I did.

14 Q Okay.

15 MS. JONES: Permission to approach?

16 THE COURT: You may.

17 BY MS. JONES:

18 Q Handing you what's been marked as Court's 1, can
19 you recognize that?

20 A I do.

21 Q And what is that?

22 A That is the videotape that I looked at with my
23 initials on it.

24 Q You indicated that that is a true and accurate
25 copy of a video that you watched two years ago?

DIRECT EXAMINATION OF MARK COLLINS BY MS. JONES

1 A Correct.

2 Q Prior to watching this video, what does Agent
3 McAllister say to you or ask of you?

4 A That day, she came in and she notified us that
5 there was a crime that took place in Jasper County and they
6 believed that the individuals that were responsible for the
7 crime resided in our area, and asked if we looked at some
8 pictures could we identify the subjects.

9 Q Okay. Did you look at still photographs as well?

10 A Yes.

11 Q I am going to hand you what's been marked as
12 Court's 2 through 6. Could you please identify those?

13 A When she came in, the first picture that she
14 showed me was of Jarrod Bostick.

15 Q Did she show you the video or stills first?

16 A The still photos first.

17 Q Okay. And after reviewing the stills, you then
18 watched the video?

19 A Correct.

20 Q And were you able to identify anybody from the
21 stills or the video?

22 A From the stills.

23 Q Okay. And who were you able to identify?

24 A Mr. Jarrod Bostick and Mr. Casey Jones Junior.

25 Q Okay. And what Court exhibits did you use to

DIRECT EXAMINATION OF MARK COLLINS BY MS. JONES

1 identify Jarrod Bostick?

2 A This one is number four and --

3 THE COURT: Who is that of?

4 THE WITNESS: Mr. Jarrod Bostick.

5 THE COURT: Okay.

6 A And Court Exhibit No. 2, which is Mr. Casey Jones
7 Junior.

8 Q Okay. And how certain were you of your
9 identification of those two individuals?

10 A Of Mr. Jarrod Bostick, we had a case with him that
11 was going through general sessions and I had just looked at
12 his warrant that had his picture on it probably about a week
13 prior, so I was certain on him. Mr. Casey Jones Junior, I
14 was absolutely certain of him. I have had many dealings
15 with him and been in court with him.

16 Q Okay. The third individual on this video, were
17 you able to identify that person?

18 A No, I didn't know who that was.

19 Q Okay. You didn't give any sort of name for that
20 person?

21 A No, I did not.

22 Q While you were being shown these photographs and
23 video, was Agent McAllister influencing you, telling you who
24 to identify, telling you what names to give, any of those?

25 A None, never.

DIRECT EXAMINATION OF MARK COLLINS BY MS. JONES

1 Q Did you identify these individuals of your own
2 accord?

3 A Certainly did.

4 Q How certain are you of your identification of
5 Jarrod Bostick?

6 A Positive.

7 Q How certain are you of your identification of
8 Casey Jones Junior?

9 A Positive.

10 Q Okay. How long do you think -- if you could go
11 into a little bit of your relationship with Jarrod Bostick
12 and Casey Jones Junior.

13 A Mr. Bostick, we had a case in reference to him.
14 It was an attempted murder case. Some young ladies were in
15 a vehicle, they were driving around. They stated that he
16 drove up beside them. Supposedly whoever the owner was of
17 the vehicle that they were driving around in he had some
18 kind of argument with or ongoing problem with, and he shot
19 the vehicle up. We did the warrants for him. Between that
20 and I had an officer that used to work for me, David
21 Deloach, tried to arrest him one day at the Mini Mart, a
22 fight ensued and he escaped. So, we dealt with him.

23 Mr. Casey Jones Junior, in our town we had
24 dealt with him on some bench warrant issues, some
25 burglaries, also resisting arrest and running from the

DIRECT EXAMINATION OF MARK COLLINS BY MS. JONES

1 police. And just seeing him at the Town Hall to pay on
2 fines on his tickets.

3 Q Okay. Would it be safe to say that you have had
4 multiple interactions with both of these individuals?

5 A Yes, ma'am.

6 Q Okay. And you knew them on sight from these
7 pictures?

8 A Yes, ma'am.

9 MS. JONES: I have no further questions at this
10 time. Thank you.

11 (CROSS EXAMINATION

12 BY MR. PLEXICO:

13 Q Tell me about your -- well, what -- at the time of
14 2015, what was your role then?

15 A I was Deputy Chief of Police.

16 Q Okay. Does that take you off of the road and put
17 you in the office?

18 A Our town is small, but I'm mostly in the office,
19 but on the road from time to time.

20 Q At that time as Deputy Chief, were you mainly on
21 the road or mainly in the office?

22 A Mainly in the office.

23 Q Okay. But you also went out and did patrols; is
24 that correct?

25 A Correct.

CROSS EXAMINATION OF MARK COLLINS BY MR. PLEXICO

1 Q All right. And sometimes y'all are short on
2 officers, being a small town, budget problems, that sort of
3 thing?

4 A Yes, sir.

5 Q Do you go out and do patrols then when they are
6 needed?

7 A Yes.

8 Q You actually do a lot of patrolling in that small
9 town, correct?

10 A When you say "patrolling," the fact of answering
11 calls and things of that nature, no, I don't -- I answer
12 some calls, but I'm not a primary to answer calls. I'm
13 riding around in the community.

14 Q In 2013 when you started, though, you were
15 answering calls and doing --

16 A Correct, yes.

17 Q Okay. And so that role continued into 2015?

18 A Correct.

19 Q Okay. So, you were spending a lot of time out on
20 the road in a small town observing people and that sort of
21 thing?

22 A Yes, sir.

23 Q And you also always went to court?

24 A Up until then, not general sessions court. I was
25 always in --

CROSS EXAMINATION OF MARK COLLINS BY MR. PLEXICO

1 Q Town court?

2 A Yes, sir. Yes, sir.

3 Q Okay. All right. And you said that you had not
4 seen the third individual before; is that correct?

5 A I could not ID him, no.

6 Q Okay. So, you never recalled seeing him at all in
7 any place in the town of Estill; is that correct?

8 A Up until that time, I could have but I didn't
9 recognize who he could have been in that photo, no.

10 Q So you have no recollection of him at all?

11 A No.

12 Q That's correct?

13 A Right, correct.

14 Q To be fair, when you look at the video of the
15 third person, you can't see the face of that person,
16 correct?

17 A Correct.

18 Q Okay. So, this is the same as your memory, when
19 you looked at the memory in 2000 -- when you looked at the
20 video in 2015 and the still pictures, with regards to the
21 third individual, you could not discern that face; is that
22 correct?

23 A That's correct.

24 Q And that is due to the quality of the video and
25 the angle, that sort of thing?

CROSS EXAMINATION OF MARK COLLINS BY MR. PLEXICO

1 A Yes, sir.

2 Q Would you expect any other person to be able to
3 see that, to discern --

4 MS. JONES: Objection, Your Honor.

5 THE COURT: Sustain. That calls for speculation.

6 BY MR. PLEXICO:

7 Q All right. So -- now, were you off work when
8 Agent McAllister called you?

9 A I was in my office.

10 Q Okay. All right. Who did she come with?

11 A I don't believe that she came with anybody; I
12 believe that she came by herself, I believe.

13 Q She wasn't with SLED Agent Jeff Croft, a white
14 male, gray hair?

15 A I can't remember. I don't believe so.

16 Q Okay, all right. And she told you that she
17 thought that the people in the video were from the Estill
18 area?

19 A Correct.

20 Q And did she tell you that they were told that they
21 believed that it was Jarrod Bostick, Casey Jones Junior and
22 Casey Jones Senior?

23 A No, she never told me anything other than the fact
24 that the crime committed was in Jasper County. She believed
25 that the individuals lived in Estill and she wanted to see

CROSS EXAMINATION OF MARK COLLINS BY MR. PLEXICO

1 if we could ID them. And that was it until she showed me
2 the pictures.

3 Q Did she give you any other instructions?

4 A No.

5 MR. PLEXICO: Okay, I don't think I have anything
6 further.

7 CROSS EXAMINATION

8 BY MR. KOGER:

9 Q Chief Collins, was July 2nd, 2015, the first time
10 that you were involved in this particular case?

11 A Yes.

12 Q You had not talked to anyone with law enforcement
13 before that time?

14 A No.

15 Q Okay. Now, you mentioned a charge that you were,
16 as a deputy, investigating Mr. Bostick; what year was that
17 again?

18 A I guess that it might have been 2014, I'm
19 guessing.

20 Q 2014. And you were still a deputy at that time,
21 right?

22 A Deputy Chief.

23 Q All right. What was the ultimate disposition of
24 those charges?

25 A I want to say that the young lady chose not to

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 cooperate and I believe that they may have nolle prossed it,
2 I believe.

3 Q Okay. So, to the best of your knowledge, it is
4 not pending?

5 A Correct.

6 MR. KOGER: I have no further questions.

7 CROSS EXAMINATION

8 BY MR. NEWMAN:

9 Q At that time in July 2015 and prior to that, who
10 did the investigations in Estill?

11 A Before we got there, I believe the officers or
12 whoever the Chief of Police was did the investigations. I'm
13 not certain of what happened before I came in 2013. After
14 we got there in 2013, pretty much it was either Chief Parks
15 or myself.

16 Q All right. And if I got your testimony correct,
17 you said that you know Casey Jones Junior from either
18 burglaries or investigating burglaries?

19 A Correct.

20 Q Okay. Did you investigate those yourself?

21 A Well, you had officers that responded, and between
22 the Chief and I, we went over the facts of the case, got
23 statements from people and whatnot. So, I mean, you are
24 talking about at least three people, the Chief, myself, and
25 the officer who would be investigating it.

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 Q All right. And these burglaries, I assume -- are
2 there multiple burglaries?

3 A There were several. I think that one was
4 down-rated to receiving stolen goods where you had to pay a
5 fine. There was some other ones that were old.

6 Q And you were involved in those?

7 A Excuse me?

8 Q You were involved in those?

9 A If you say "involved," I was the one that read the
10 reports and checked over them, things of that nature.
11 Actually responding and processing scenes and things of that
12 nature, no.

13 Q Okay. So, would it be fair to say that you have
14 never interviewed Casey Jones?

15 A No, I had on a kidnapping charge that was remanded
16 down to a assault and battery third, we spoke to him on
17 several occasions.

18 Q Okay. And when you say "we," that was you and
19 who?

20 A Chief Parks.

21 Q Where did the interview take place?

22 A At the Town Hall in the back in the courtroom.

23 Q Was Mr. Jones under arrest?

24 A I can't remember. I don't believe he was. I
25 think it was he was giving his statement about the incident,

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 I believe.

2 Q Okay. Did he make a recorded statement?

3 A I can't remember.

4 Q Did he make a written statement?

5 A That, I don't know. I can't remember.

6 Q Was he arrested as a result of the statement?

7 A Eventually he was.

8 Q Eventually?

9 A Yes.

10 Q And when would that have been, when would be the
11 approximate arrest date?

12 A I can't -- I don't have that file in front of me.
13 I can't tell you that.

14 Q You said that he had numerous bench warrants?

15 A Yes, just like the receiving stolen goods, you go
16 to court, you have to pay the fine. He didn't pay the fine
17 in a timely manner they did a bench warrant. Officers had
18 to go out there and find him, you know. He had a few bench
19 warrants out there.

20 Q Okay. And if I subpoenaed the town of Estill I
21 would be able to find these bench warrants, correct?

22 A Correct.

23 Q Okay. Who would I direct those to, you?

24 A Either that or the court. Judge McKenney is the
25 presiding judge over municipal court in the town of Estill.

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 Q But on those bench warrants, it doesn't sound like
2 you participated in any of those arrests?

3 A No.

4 Q And if I have your testimony straight, please
5 correct me if I am wrong, you can't identify who Casey Jones
6 Senior is?

7 A No.

8 Q Don't know the name?

9 A I don't know him, no.

10 Q Outside of the kidnapping that turned out to be
11 some kind of simple assault, the resisting arrest, did you
12 participate in that arrest?

13 A I don't -- no, the officers -- I can't remember
14 which ones, they got him. Supposedly there was some kind of
15 chase or something like that where he fell on the railroad
16 tracks or something.

17 Q Okay. But you were not involved in that?

18 A No.

19 Q Have you ever been to Casey Jones Junior's
20 residence?

21 A I have driven by.

22 Q Where is that?

23 A On Keen Street or Keen Avenue.

24 Q Keen Avenue?

25 A Keen Avenue. Yes.

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 Q You don't happen to know the address?

2 A No.

3 Q Have you ever seen Mr. Jones driving a vehicle,
4 Jones Junior driving a vehicle?

5 A I have seen him drive like one time. What kind of
6 car he was in, I can't say. I can't remember offhand.

7 Q Where was that? Where did you see that?

8 A That was in the town of Estill. It was just a
9 quick glance. I believe the he turned the corner, maybe
10 like a block or two away from his house but . . .

11 Q And when was that?

12 A Sir, I mean, you are talking about years ago. I
13 don't . . .

14 Q Okay. So, you have never stopped Mr. Jones?

15 A No.

16 Q Or just a term, I'm kind of outdated, but you
17 never conducted a field interview?

18 A No.

19 Q Or written any reports on contact?

20 A No.

21 Q Field contact with Mr. Jones?

22 A No.

23 Q Do you know any of his associates, who he hangs
24 out with?

25 A No, I'm not a road officer. I can tell you that I

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 read the reports, I see what information is on the reports.

2 If you are asking, can I give you firsthand knowledge like I
3 got out with him on the street corner because they were
4 drinking a beer and he was with Buddy and Joe, no, I can't
5 do that.

6 Q Okay. So, you don't know of anybody who he may
7 associate with?

8 A I am sure that I can look in the reports and find
9 out. But to say firsthand knowledge I know who he hangs out
10 with, no, I can't tell you that.

11 Q Do you know if he has any children?

12 A I believe that there's a little girl in the home.
13 I'm not sure if it is his child or not. I am not sure.

14 Q And what does his residence look like?

15 A It is a little brick house that sits off of the
16 roadway on the right-hand side of the road.

17 Q Right-hand side. You have to help me out a little
18 bit, driving which direction?

19 A If I'm driving down the road, it is on the
20 right-hand side.

21 Q So, if you were driving down, did you say Keen?

22 A Keen Avenue.

23 Q Keen Avenue. Do you know whether or not Mr. Jones
24 Junior walks with a limp?

25 A He had a weird, I guess you want to call it, step

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 I guess. If he was injured or not, I don't know. But he's
2 got a weird little hobble, if you will.

3 Q A hop?

4 A Hobble.

5 THE COURT: Hobble, if I'm correct. Is that
6 correct? H-O-B-B-L-E.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: That's what I thought I heard you say.

9 THE WITNESS: Correct.

10 THE COURT: Okay.

11 BY MR. NEWMAN:

12 Q Which leg does he favor?

13 A I just told you he has a hobble. I didn't say
14 limp. He's just got a particular way that he walks, like a
15 shuffle, like a duck walk if you will.

16 Q Okay. Are you basing your identification on that,
17 or what you see from the photographs?

18 A I can't identify a walk in a still, so it was just
19 off of his face.

20 Q And so I'm correct, bench warrants would have been
21 from the town of Estill?

22 A Correct.

23 Q Any general sessions bench warrants?

24 A Not that I know of.

25 MR. NEWMAN: I believe that I'm done.

CROSS EXAMINATION OF MARK COLLINS BY MR. KOGER

1 MS. JONES: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. JONES:

4 Q Chief Collins, you identified Casey Jones Junior
5 and Jarrod Bostick?

6 A Yes, ma'am.

7 Q Do you see either or both of them in the court
8 today?

9 A Yes, Mr. Bostick and Mr. Jones Junior.

10 (Pointing.)

11 Q Okay.

12 MS. JONES: Let the record reflect that he did
13 identify those individuals. Other than that, I have
14 nothing further.

15 THE COURT: Okay. You may step down.

16 MS. JONES: The State calls Starsheika Scott.

17 Thereupon,

18 STARSHEIKA SCOTT

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

21 DIRECT EXAMINATION

22 BY MS. JONES:

23 Q Ms. Scott, who is Jeremiah Wilson to you?

24 A My brother.

25 Q May I ask you a couple of questions? Did you have

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 an opportunity to speak with Agent McAllister about this
2 case?

3 A Yes.

4 Q Okay. And she asked you to look at some pictures?

5 A Not at first. When we first met with her, when
6 they called us in to let us know who they was looking for.

7 Q But eventually she does ask you to look at some
8 pictures?

9 A Yes, she did.

10 MS. JONES: Permission to approach?

11 BY MS. JONES:

12 Q Ms. Scott, I am going to show you some
13 photographs, Court's 3, 4, 5 and 6. Okay. I know that you
14 are a little nervous. Do you recognize those photographs?

15 A I don't really know this one too much.

16 Q Well, first I just want to ask you, are those the
17 pictures that Agent McAllister showed you?

18 A Yes.

19 Q Okay. I can take those from you, if you would
20 like.

21 Before Agent McAllister shows you these
22 pictures -- do you need a second?

23 (Pause.)

24 A I'm okay.

25 Q Before Agent McAllister shows you those pictures,

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 what does she say to you?

2 A Well, first time we met them, I mean met up with
3 them, she basically said who they were looking for or
4 whatever, so I really -- you know, I really didn't say too
5 much because I really didn't know, you know, what made
6 her -- well, she said -- she didn't really say, but I didn't
7 know what made them, you know, pick them out or whatever.

8 And then I got tagged in a post on Facebook
9 and me personally, you know, I wanted to know because that
10 is my brother. And I sent it to her and I asked her -- I
11 sent it to her and she started asking me questions. And
12 then she asked me, Could I come down to look at some
13 photographs or whatever. And when I came down or whatever,
14 she basically asked me -- or she was like, You might see
15 your brother coming to the door or whatever, if you see a
16 picture or something she said. But she -- the first picture
17 that she showed me of the hat. I mean, I couldn't really
18 recognize him, a little bit. And then when she showed me
19 the second picture of Bug or whatever, I recognized that was
20 him because he has --

21 (Pause.)

22 A I just wanted to know why. That is all that I was
23 asking.

24 Q Ms. Scott, I understand this is very difficult for
25 you. I'm going to ask you about a name that you just said.

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 Bug?

2 A Bug.

3 Q Bug with a B?

4 A Yes.

5 Q Okay. Do you know his real name?

6 A Jarrod.

7 Q Okay. Do you know his last name?

8 A Not really. I just don't. I mean, no.

9 Q Okay. How did you know this person?

10 A I used to be in Estill. Well, I still go to
11 Estill or whatever, but I don't be around like that. And he
12 used to be in the same area as me. I never had a problem
13 with him. He was a cool person. And that is why I was
14 like, you know, when he tagged me in it I really wanted to
15 know because at the end of the day everybody have to prove
16 their innocence or whatever. And that is my brother and I
17 deal with a lot.

18 Q Okay. Ms. Scott, I understand your frustration
19 right now, your feelings that you are going through. How
20 did you know -- how many times do you think that you had
21 seen Jarrod or Bug?

22 A Multiple times.

23 Q Okay. Did you recognize him -- when you looked at
24 these photographs, how quickly were you able to recognize
25 that one of these people was this Bug person?

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 A Yes, I recognized him as soon as I seen the
2 picture.

3 Q Okay. And --

4 MR. NEWMAN: Identify the exhibit number.

5 MS. JONES: I'm going to.

6 BY MS. JONES:

7 Q I am going to have to show you the pictures one
8 more time, Ms. Scott, so you can tell me which person in
9 these photographs is the person that you are referring to as
10 Bug, okay.

11 A Yes, ma'am.

12 Q And if you could tell -- there are stickers on the
13 bottom, if you could tell us what sticker you are referring
14 to. Okay, what number is that?

15 A Three.

16 Q Okay.

17 A Four. And five.

18 Q Okay. Okay, thank you, Ms. Scott. How certain
19 are you that that is -- that these pictures are the person
20 that you know?

21 A A hundred percent sure.

22 Q Okay. And I'll ask you one more question about
23 this person. Do you see them in the courtroom today?

24 A Yes.

25 Q Can you please point to him?

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 A Right there (pointing).

2 MS. JONES: May the record reflect that she did
3 identify the defendant.

4 BY MS. JONES:

5 Q Were you able to identify the man in Court's
6 Exhibit No. 6?

7 A No.

8 Q No, you don't know this person?

9 A Never seen him before.

10 Q Okay. You don't know that person?

11 A No.

12 Q You never identified that person?

13 A No.

14 THE COURT: Is that no for the record?

15 A No.

16 MS. JONES: Thank you, Ms. Scott.

17 BY MS. JONES:

18 Q And I am going to hand you back Court's Exhibit
19 No. 2. For defense attorneys, it is the man with the hat.

20 A Okay.

21 Q You were shown that photograph as well, correct?

22 A Yes.

23 Q And you identified that person, didn't you?

24 A I couldn't really see the face, but the beard
25 part.

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 Q Okay.

2 A Up 'in here.

3 Q Okay. Who did you tell Agent McAllister that
4 person was?

5 A I told him that it was Casey.

6 Q Okay. Do you know Casey's last name?

7 A No, I don't know his last name. I only seen him
8 like one time. I seen him, him and Poochie was together.
9 Me and my brother was going to pick up my car and my brother
10 asked him, Where y'all be going at, I know y'all boss man, I
11 know y'all going to be here. And all I, I remember Poochie
12 and I remember him having gold in his mouth and facial hair.
13 That is why I was like, facial hair. But that was it.

14 Q Okay. How long do you think that this
15 conversation was that you --

16 A It wasn't that long, because they was pulling out
17 and we was pulling in. He was in a Tahoe and they was
18 pulling a trailer behind it and we was pulling in because I
19 was going to pick up my car.

20 Q But you remember that person's face?

21 A Yes, I looked and I asked my brother who it was.
22 He was like, Why are you being nosy. I said, I am not, I am
23 just asking. He said, Well, that is KC and I left it at
24 that.

25 Q Okay. And you told Agent McAllister that was KC

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 -- the man that you know as KC?

2 A Yes.

3 Q Okay. And --

4 A I actually saw a picture at one time, I don't
5 remember when but he had the hat on. It was on a Facebook
6 picture.

7 Q Okay. Before --

8 A But not the hat or whatever. Well, the hat. It
9 was like a facial picture and I told him at the time that I
10 was just once -- you know, once I started seeing him more or
11 whatever it like came to me, but I knew Bug. I don't know
12 him like that because he never been to my brother's house.
13 I have been around Bug, I never been around him until they
14 pulled up.

15 Q Okay. But based on the one time you saw a man you
16 know as KC, is that what you were basing your identification
17 off of?

18 A Yes, and the gold, yes.

19 Q Okay.

20 A Well, and the facial.

21 Q You recognize his facial --

22 A Yeah, the beard, up in here.

23 Q Just the beard or the beard and the facial
24 features?

25 A Up in here, his nose.

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY MS. JONES

1 Q Okay.

2 A Because it's like dark.

3 Q Okay. I know that you have seen him since then?

4 A Yes.

5 Q But prior to that it was based on that encounter?

6 A Yes.

7 Q Okay. And do you see the individual in the
8 courtroom today that you know as KC?

9 A Over there to the left.

10 Q Okay.

11 MS. JONES: May the record reflect she did
12 identify Casey Jones Junior.

13 Okay, Ms. Scott, I will take that picture back
14 from you. Thank you.

15 Beg the Court's indulgence.

16 (Pause.)

17 MS. JONES: Ms. Scott, I have no further questions
18 for you. Thank you.

19 THE COURT: Mr. Plexico.

20 CROSS EXAMINATION

21 BY MR. PLEXICO:

22 Q In regards to the person that you said that you
23 saw on three, four, and five. And here is three and four.
24 In regards to that individual, did you make the statement
25 that you knew him and that he was cool?

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. PLEXICO

1 A Yes, that is why it shocked me. When they first
2 showed me who they were looking for, it shocked me because,
3 I mean, he never came off at me wrong. He never had -- came
4 at my brother wrong. I thought that there was, you know, no
5 problems. I mean, I have been around his family. I mean --

6 Q I'm confused. You said he was a cruel person?

7 A Cool person.

8 Q Cool, C-O-O-L?

9 A C-O-O-L.

10 Q On what is this that you said he tagged you?

11 A Yes, he tagged me on Facebook on a post.

12 Q When was that?

13 A Sir?

14 Q When was that?

15 A I don't remember the date, but I sent it to

16 Ms. McAllister.

17 Q Okay. Was that prior to this, or after this?

18 A It was when they were looking for him, I guess.

19 And I basically said -- I even said in the news article that

20 I was not pointing fingers, because at the end of the day

21 they didn't ever show me the footage of him at the house,

22 until he tagged me and then she called me down there and she

23 showed me the camera. Well, she didn't show me -- well, she

24 showed me the pictures on the camera off of the computer.

25 Q Did you ever say you had a problem with him?

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. PLEXICO

1 A No, I never had a problem with him.

2 Q Okay. And in regards to this individual, you said
3 that you had no clue?

4 A No, I don't know who that is.

5 Q That would be Item No. 6, all right. And you
6 lived in Estill at the time?

7 A Did I live in Estill? No, I used to. I lived in
8 Hampton County at that time. I used to go to Estill. I
9 used to be in Estill, I been in these people's house. I
10 dated someone from Estill. I have friends in Estill.

11 Q So, you spend a lot of time in Estill?

12 A Yes, I spend a lot of time in Estill.

13 Q You have never seen this person?

14 A No, I can't even see that picture. I don't know
15 who that is.

16 MR. NEWMAN: Reference number?

17 MR. PLEXICO: That would be number six.

18 I have nothing further.

19 THE COURT: Mr. Koger.

20 MR. KOGER: No questions for this witness.

21 THE COURT: All right. Mr. Newman.

22 CROSS EXAMINATION

23 BY MR. NEWMAN:

24 Q I just have a few questions for you, and I
25 apologize I was not quite able to hear some of your things,

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. NEWMAN

1 so I may be asking you questions that you have already been
2 asked. I apologize.

3 A That is fine.

4 Q Do I have it right that this Bug tagged you on
5 Facebook?

6 A Yes, sir.

7 Q Okay. And I'm sorry, I don't do any social media.
8 What does that mean; is that like a friend request or what
9 is that?

10 A No, it was in a status, like you can tag people
11 in -- if you want to say their name, you put their name in
12 it. That was basically putting me in it and it came under
13 my post so I can see it and view it and see what it said.

14 Q Okay.

15 A Yes, sir.

16 Q I apologize, not to sound ignorant on this, but I
17 am. Once you are tagged, you would be able to look at
18 something that Bug posted?

19 A Yes, sir.

20 Q That would give you access to be able to see it?

21 A To see it, yes.

22 Q If somebody was having a birthday or something,
23 you would be able to read that message?

24 A Yeah, if he tagged me in it I can see it, but if I
25 scroll down without him tagging me in it I can see it like

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. NEWMAN

1 that. But he tagged me in it, so I can go straight to it.
2 and see what it is about.

3 Q Okay. Did Casey tag you?

4 A No, sir.

5 Q Did you have access to Casey's Facebook page, or
6 do you even know if he had one?

7 A No, sir, I didn't even know him like that. I only
8 seen him one time when I was going to get my car with my
9 brother.

10 Q And he was in a Tahoe?

11 A Yes, sir, a gold Tahoe.

12 Q Okay. Where was he seated?

13 A He was driving and Poochie was on the passenger's
14 side.

15 Q I am sorry?

16 A Poochie was on the passenger's side.

17 Q And you have got to help me out with that one.

18 A Poochie is the guy that was working with him at
19 that time, I guess.

20 Q Okay. What is Poochie's name?

21 A I just know him by Poochie. I don't know him by
22 nothing else.

23 Q What does Poochie look like?

24 A He is brown. He had a hat on that day. And I had
25 seen him, because he used to cut my brother grass. He been

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. NEWMAN

1 to my brother's house. But he was coming by.

2 Q Okay. So, the one that you thought was KC the one
3 time that you saw him, he was driving?

4 A Yes, he was talking to my brother.

5 Q Okay.

6 A They was joking or whatever. He was talking to my
7 brother. He had gold in his mouth.

8 Q Okay. He had what?

9 A Gold teeth in his mouth.

10 Q Okay. And Poochie was in the front passenger's
11 seat?

12 A Yes, sir.

13 Q And the fellow that you called Bug was where?

14 A He wasn't there.

15 Q Oh, he wasn't?

16 A No, I never stated that he was in that truck. I
17 just said KC and Poochie was in the truck, the Tahoe.

18 Q That is all, anybody in the back?

19 A I didn't see. They had the windows up. It was
20 dark, so I guess not.

21 Q I take from it that the Tahoe had tinted windows?

22 A Yes, sir.

23 Q And where did this happen at?

24 A It happened across from DJs. I don't know the
25 name of the place. DJs in Ridgeland, the place right across

CROSS EXAMINATION OF STARSHEIKA SCOTT BY MR. NEWMAN

1 from there.

2 Q Okay. And do you remember when this was?

3 A I don't remember.

4 Q You do not remember?

5 A No, sir.

6 Q It was winter, summer?

7 A It was -- I don't remember. I guess that it was
8 summer because they was cutting grass. Yes, summer. Nobody
9 is cutting grass in the winter. Well, they do, but I don't
10 know.

11 Q Morning, noon, afternoon, evening?

12 A Probably was evening.

13 Q Evening?

14 A Because we was going to pick up my car because I
15 dropped it off to the guy that fix cars over there.

16 Q Okay. All right. So, if I have it, the guy that
17 you call KC, you saw one time at some point in the past in
18 the evening time seated in a car, correct?

19 A Yes, Tahoe.

20 Q Tahoe?

21 A Yes.

22 Q Gold?

23 A Gold.

24 Q Thank you.

25 MS. JONES: The State calls Craig King Proctor.

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 Thereupon,

2

CRAIG KING PROCTOR

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

4 was examined and testified as follows:

5

DIRECT EXAMINATION

6 BY MS. JONES:

7

Q Mr. King Proctor, double name?

8

A Yes, ma'am.

9

Q Okay.

10

THE COURT: You need to sit up, sir, and speak

11

loudly.

12

Q Do you remember speaking with this lady, Agent

13

McAllister, back in 2015?

14

A Yes, ma'am.

15

Q Okay. And when she came -- where did you speak

16

with her?

17

A At McDonald's.

18

Q Okay. She came there to talk to you?

19

A Yes, ma'am.

20

Q What did she want to talk to you about?

21

A The case that is going on.

22

Q Okay. When did she --

23

MR. NEWMAN: I cannot hear him.

24

A I said the case that is going on now.

25

Q Okay. That would be the murder of Jeremiah

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 Wilson?

2 A Yes, ma'am.

3 Q When she comes there, did she show you things to
4 look at?

5 A Yes, ma'am.

6 Q Okay. Did she show you pictures and a video?

7 A Yes, ma'am.

8 Q Okay. Before she shows you these pictures and
9 video, what does she say to you?

10 A I don't remember.

11 Q Okay. Do you remember if she told you the names
12 of who she was looking for?

13 A No, ma'am.

14 Q No, she didn't?

15 A I said that I don't remember. I don't remember.

16 Q Okay.

17 MS. JONES: Permission to approach?

18 THE COURT: You may.

19 BY MS. JONES:

20 Q Okay.. Mr. King Proctor, I'm going to show you
21 what's been marked as Court's Exhibit 1. Do you recognize
22 that?

23 A Yes.

24 Q What is that?

25 A A CD, DVD evidence.

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 Q Okay. Did you watch this prior to coming in here
2 and testifying?

3 A Yeah.

4 Q You have to speak up.

5 A I said yes.

6 THE COURT: You need to speak up, sir.

7 THE WITNESS: I said yes.

8 MR. NEWMAN: May I reposition myself into the jury
9 box?

10 THE COURT: No, but you can go closer that way if
11 you want.

12 MR. NEWMAN: I'm having a hard time hearing.

13 MS. JONES: You are going to have to speak up.

14 BY MS. JONES:

15 Q Okay. What was this a video of?

16 A What was going on, I guess, in the court -- in the
17 case.

18 Q Okay.

19 A Jeremiah on the front porch.

20 Q Okay. Is this the video that Agent McAllister
21 showed you two years ago?

22 A Yes.

23 Q And how do you know; are those your initials on
24 the disc?

25 A Yes.

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 Q Okay. I'm now going to show you State's 2 through
2 6. Can you look at those please?

3 (Pause.)

4 BY MS. JONES:

5 Q Did you have a chance to look at those
6 photographs?

7 A Yes.

8 Q Are those the same photographs that she showed you
9 two years ago?

10 A Yes.

11 Q Okay. When you were shown those pictures back in
12 2015, were you asked to identify those people?

13 A Yes.

14 Q Okay. And were you able to identify any of those
15 people?

16 A Ma'am?

17 Q Were you able to identify anybody in those
18 photographs?

19 A (Nods in the negative), no.

20 Q Do you recognize anybody in those photographs?

21 A No, not on these, these pictures here, no.

22 Q Okay. In 2015, did you identify anybody in those
23 photographs?

24 A In the video, I guess. This right here, you can't
25 really see nothing.

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 Q Okay. In the video, did you identify anybody?

2 A Two people that I know, kind of know of.

3 Q Okay. Who did you identify from the video?

4 A Jarrod and Casey.

5 Q Okay. And how do you know, start with Jarrod; how
6 do you know Jarrod?

7 A Through my brother.

8 Q Okay. Are you from Estill?

9 A No.

10 Q Does your brother live in Estill?

11 A Yeah.

12 Q Okay. How many times you think you have seen
13 Jarrod?

14 A Not that much.

15 Q Okay. But you knew his face?

16 A Yes.

17 Q You are going to have to use your words and speak
18 up.

19 A Yeah. Yes, ma'am.

20 Q Okay. How long do you think that you have known
21 Jarrod?

22 A Not long.

23 Q Okay. But you recognized him?

24 A Yeah.

25 Q Okay. KC, like the letters KC. Okay, how do you

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 know KC?

2 A Through my brother.

3 Q Again, the Estill connection?

4 A (Nods in the affirmative).

5 Q How many times do you think that you have seen KC?

6 A Not that much.

7 Q Okay. Enough that you can recognize his face?

8 A Yes.

9 Q Yes?

10 A Yes.

11 Q Okay. When you are looking at that video, do you
12 identify the third person?

13 A No.

14 Q You don't know that person?

15 A No.

16 Q Okay. When you are looking at that video, how
17 quickly do you recognize Jarrod Bostick and KC?

18 A Quick.

19 Q Quick?

20 A Yes.

21 Q How certain are you that those gentlemen in that
22 video are actually Jarrod and KC?

23 A A hundred percent.

24 Q A hundred percent. Okay, and one final question.

25 Do you see Jarrod Bostick in the courtroom today?

DIRECT EXAMINATION OF CRAIG KING PROCTOR MS. JONES

1 A Yes.

2 Q Can you please point to him?

3 A (Pointing.)

4 Q Okay. May the record reflect that the witness did
5 identify Jarrod Bostick.

6 And do you see the man that you know as KC?

7 You can stand up if you need to.

8 A Yeah.

9 Q Okay. Can you point to him, please?

10 A (Pointing.)

11 Q May the record reflect that the witness did point
12 to --

13 MR. PLEXICO: I didn't see where he was pointing.

14 MS. JONES: Can you say what color shirt does he
15 have on?

16 THE WITNESS: Green.

17 MS. JONES: Okay. May that is -- may the record
18 reflect that he did identify Casey Jones Junior.

19 And if I can get those from you, I have no further
20 questions from you.

21 THE COURT: Mr. Plexico?

22 MR. PLEXICO: I don't actually have anything of
23 this witness.

24 THE COURT: All right. Mr. Koger.

25 CROSS EXAMINATION

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 BY MR. KOGER:

2 Q Mr. Proctor, so you cannot make an identification
3 from the actual pictures?

4 A No.

5 Q Okay, all right. And you looked at the pictures
6 two years ago, correct?

7 A Yes.

8 Q But as of today, you cannot make any type of
9 identification from the pictures?

10 A No.

11 Q Okay. Now, you say that your brother stayed or
12 stays in Estill?

13 A Yes.

14 Q Okay. He is older or younger?

15 A Younger.

16 Q Okay. And you don't stay in Estill?

17 A No.

18 Q Okay. During this time frame, how often did you
19 visit your brother?

20 A Say about every other month or something like
21 that.

22 Q Excuse me?

23 A Every other month or something like that.

24 Q Okay, all right. And did you have occasion to see
25 Jarrod Bostick every other month when you we went to Estill?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 A Not every other month, but I seen him around.

2 Q You seen him around?

3 A Yes, like at a gas station or something like that.

4 Q But you testified here today that you didn't know
5 him that much?

6 A Yeah.

7 Q Okay. Y'all were not associates or friends or
8 anything?

9 A Huh?

10 Q Y'all were not associates or friends or anything?

11 A When I see him, I say, What is up. That is it.
12 Just on the road.

13 Q Y'all didn't hang out or anything?

14 A Hang out? As far as where I used to chill out, if
15 he came to his house.

16 Q But y'all didn't go clubbing together or go places
17 together?

18 A No.

19 Q Okay.

20 MR. KOGER: Thank you. I have no further
21 questions.

22 THE COURT: Mr. Newman.

23 CROSS EXAMINATION

24 BY MR. NEWMAN:

25 Q Mr. King Proctor, where are you from, sir?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

- 1 A Ridgeland.
- 2 Q Huh?
- 3 A Right here in Ridgeland.
- 4 Q Right here in Ridgeland?
- 5 A Yes.
- 6 Q When did your brother move to Estill?
- 7 A That is where he's from.
- 8 Q That is where he is from?
- 9 A Yeah.
- 10 Q This is a younger brother?
- 11 A Yeah.
- 12 Q How old is he?
- 13 A Twenty-five.
- 14 Q How old are you?
- 15 A Twenty-six.
- 16 Q Is he a full brother or half brother?
- 17 A Half brother.
- 18 Q Okay.
- 19 A Same daddy, different mama.
- 20 THE COURT: Sorry, what you did you say?
- 21 A Same father, different mother.
- 22 Q What is your brother's name?
- 23 A Semen Myer.
- 24 Q Semen Myer?
- 25 THE COURT: Semen Myer?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 A Semen Myer Craig Gadson.

2 THE COURT: Spell that.

3 THE WITNESS: C-R-A-I-G Gadson.

4 BY MR. NEWMAN:

5 Q Craig Gadson, G-A-D-S-O-N?

6 A Yeah.

7 Q And when you were speaking, you said that you
8 recognized that that was Jeremiah's porch?

9 A Yeah.

10 Q Okay. Or you associated, or were you associated
11 with Mr. Wilson and his drug trafficking enterprise?

12 A His what?

13 Q His drug trafficking enterprise.

14 A I don't know nothing about that.

15 Q Okay. How often did you go to Mr. Wilson's house?

16 A I only went there once, when I went to get my
17 little cousin's daughter.

18 Q And who was that?

19 A The youngest one, by Gelinda. I can't really
20 remember her name, I haven't seen her since.

21 Q And whose daughter was that?

22 A Gelinda, his daughter, the youngest one.

23 Q Gelinda's daughter?

24 A Yes.

25 Q You have only been over there once?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 A Yes.

2 Q How did you know Mr. Wilson?

3 A He's got kids with my cousin.

4 Q Who is your cousin?

5 A Gelinda.

6 Q Okay. On the date and time of the shooting, were
7 you at the house?

8 A No.

9 Q Or in the area?

10 A No.

11 Q How did you hear about the shooting?

12 A News.

13 Q Okay. And, in fact, there was -- right after this
14 there were names going about that Jamarcus Brisbane was
15 involved in this, was there not?

16 A I don't know.

17 Q Do you know Jamarcus Brisbane?

18 A No.

19 Q How about Devondre James?

20 A No.

21 Q So, you had only been to Mr. Wilson's house once
22 to pick up Gelinda's little daughter?

23 A Yes.

24 Q Where were you taking her?

25 A To the park with my Godson.

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 Q And when was that?

2 A Two years ago. That was two, three years ago,
3 something like that.

4 Q Two to three, that is about the best that you can
5 pin it down?

6 A I don't know the date. Not that long ago.

7 Q Okay. And where exactly in Estill did you see
8 Mr. Jones?

9 A One time riding through Estill, and that is it, or
10 a few times riding through down where my brother stay at.

11 Q Okay. Have you ever seen Mr. Jones in Ridgeland?

12 A Probably at Pluto, probably, yes, prior to that.

13 Q Can you tell me the circumstance of that?

14 A Of what?

15 Q When you say you probably saw him in Ridgeland?

16 A I said probably at Pluto, the club, the strip
17 club.

18 Q Pluto?

19 A Yes.

20 Q Unfortunately I'm not familiar with it. And when
21 was that?

22 A A long time ago. Before this case, I can say
23 that. Probably before the case, I probably seen him in
24 there.

25 Q Okay. And who was he with?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 A Hissself.

2 Q Okay. And you are not able to make any
3 identifications from the photographs, correct?

4 A Huh-uh. (Indicating negatively.)

5 Q And who did you first tell that you might be able
6 to identify or attempt to identify some people?

7 A The lady that is sitting right there.

8 Q She came to you?

9 A Yeah.

10 MR. NEWMAN: Beg the Court's indulgence.

11 (Pause.)

12 BY MR. NEWMAN:

13 Q How did she know to come to you?

14 A Don't know.

15 Q Do you know Captain Anthony Russell from the
16 Hampton Sheriff's Office?

17 A No.

18 Q Never met him; don't know him at all?

19 A Probably seen him when we was -- I was going
20 through my case, but I don't remember.

21 Q Going through your case; what case?

22 A I got court in Hampton.

23 Q You got charges pending?

24 A Yes.

25 Q What are you waiting on court for?

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 A Sir?

2 Q What were the charges; what are you waiting on?

3 MS. JONES: Objection, no relevance to the hearing
4 that we are here for today.

5 BY MR. PLEXICO:

6 Q What are you charged with? What are you waiting
7 on?

8 A Marijuana.

9 Q Do you smoke marijuana?

10 A Yeah.

11 Q Any of the times that you claim to have seen
12 Mr. Jones, like at Club Pluto, were you smoking marijuana?

13 A No.

14 Q So, when do you smoke marijuana; you don't smoke
15 it when you go clubbing?

16 A Is this a historical question or something?

17 Q I am sorry?

18 A You trying to be funny or something about me with
19 the marijuana?

20 Q No, you say that you have been charged with
21 marijuana.

22 A I say I smoke it.

23 Q You say that you smoke marijuana and I am asking
24 you --

25 A Yeah, you trying to be funny about it. I don't --

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 Q Well, I see no humor in it. What I'm trying to
2 ask you --

3 A I smoke marijuana.

4 Q I understand that. I'm trying to ask you, you
5 said that you saw Mr. Jones at Club Pluto one time.

6 A Yes.

7 Q Yes or no?

8 A Yes.

9 Q Okay. My question to you, when you were at the
10 strip club, had you smoked marijuana?

11 A No.

12 Q Okay. So when you go clubbing, you don't smoke.
13 When do you smoke marijuana?

14 A Seriously?

15 Q Well, you are making an identification and I would
16 like to know that at any time that you saw Mr. Jones,
17 whether or not you were under the influence of marijuana or
18 anything else. And you don't seem to want to answer that
19 question.

20 THE COURT: Sir, you need to answer the question.

21 A I smoke marijuana everyday. Thank you.

22 Q Everyday?

23 A Yes.

24 Q Are you high now?

25 A No.

CROSS EXAMINATION OF CRAIG KING PROCTOR BY MR. KOGER

1 Q Did you smoke this morning?

2 A No.

3 Q Everyday but today?

4 A Yeah.

5 Q Okay.

6 MR. NEWMAN: That is all that I have, Judge.

7 Thank you.

8 THE COURT: Okay.

9 MS. JONES: I have nothing further for this
10 witness. And, Your Honor, I would like to remind
11 Mr. King Proctor, he is still under subpoena and he
12 needs to remain at the courthouse for the remainder of
13 the day until he's released.

14 THE COURT: Okay.

15 MS. JONES: The State calls Richard Johnson.

16 THE COURT: How many left?

17 MS. JONES: Agent Johnson and one more.

18 THE COURT: Okay.

19 Thereupon,

20 RICHARD JOHNSON

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

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Agent Johnson, you work with SLED, correct?

DIRECT EXAMINATION OF RICHARD JOHNSON BY MR. JONES

1 A Correct.

2 Q Did you assist Agent McAllister in this case?

3 A Yes, ma'am.

4 Q Did you have the opportunity to interview a man by
5 the name of Willie Newton?

6 A Yes, I did.

7 Q Okay. Permission to approach?

8 THE COURT: You may.

9 BY MS. JONES:

10 Q Agent Johnson, I'll hand you Court's 3 through 6.
11 If you would look at those and tell me if you can identify
12 those photographs. And to correct myself, that should be
13 Court's 2 through 6. I believe that I said 3 through 6.

14 Do you recognize those photographs?

15 A Yes, ma'am.

16 Q What are those photographs?

17 A These are photographs -- pictures that was taken
18 from the camera system of the home of Jeremiah Wilson.

19 Q Okay. Do you have -- sorry?

20 A Still photos.

21 Q Okay. Did you have an opportunity to show those
22 photos to an individual named Willie Newton?

23 A Yes, ma'am.

24 Q Where did that happen?

25 A At the Hampton County CID office, Sheriff's

DIRECT EXAMINATION OF RICHARD JOHNSON BY MR. JONES

1 Office.

2 Q What did you tell Mr. Newton prior to showing him
3 the photographs?

4 A I asked him if he had any information in terms of
5 Jeremiah's death. He didn't. I then showed him these
6 photographs to see if he recognized any of the people in the
7 photographs.

8 Q Okay. In what manner did you show him these
9 photographs?

10 A It was on my cellphone.

11 Q Okay. Did he indicate that he recognized anybody
12 in these photographs?

13 A Yes, he did.

14 Q Who did he recognize?

15 A The two gentlemen. I think that it was Casey
16 Jones Junior and Casey Jones.

17 Q Okay. Did you give him these names prior to him
18 identifying these photographs?

19 A No, ma'am.

20 Q In any way did you influence him or suggest to him
21 who to identify?

22 A No, ma'am.

23 Q Or what names to give to you?

24 A No, ma'am.

25 Q How -- did he indicate his relationship with the

DIRECT EXAMINATION OF RICHARD JOHNSON BY MR. JONES

1 Joneses?

2 A Yes, he knew the Joneses because of a landscape
3 business he had been working with with Trey Graves.

4 Q Okay. Did they work together in that business?

5 A Yes.

6 Q Okay. How quickly, once you showed him those
7 photographs, how quickly was he able to identify the
8 Joneses?

9 MR. NEWMAN: Your Honor, I have an objection to
10 this more in terms of confrontation and hearsay. I
11 just need to understand that he may say that this man
12 made an identification, but I'm not able to cross
13 examine that identification or test the strength of
14 that. I'm not sure if that testimony is proper.

15 THE COURT: Right now this is a proffer as to what
16 he can testify to, and that is admissible. So, go
17 ahead.

18 BY MS. JONES:

19 Q How quickly?

20 A It was pretty quick.

21 Q For the court reporter's information, in those
22 Court's exhibits in front of you, which ones did he identify
23 as who?

24 A The -- said it was the first one, the first male
25 and -- and well, Exhibit. 6 and the exhibit I think that it

DIRECT EXAMINATION OF RICHARD JOHNSON BY MR. JONES

1 was 3 -- not 3, Exhibit 4 I think was the one that he
2 identified. Casey Jones Junior as the first male, and Casey
3 Jones.

4 Q As the final photograph?

5 A Yes, sir.

6 Q I think that you said that it was 6?

7 A Actually I think that it was 2 with the skull and
8 cap on.

9 Q Skull and cap he identified as who?

10 A I think that it was Junior -- Senior.

11 MR. PLEXICO: I don't understand his answer.

12 MS. JONES: Okay, let me hold -- may I approach,
13 Your Honor?

14 THE COURT: Yes.

15 BY MS. JONES:

16 Q Agent Johnson, he didn't identify the man in the
17 white t-shirt, did he?

18 A No, he did not.

19 Q Okay. I'll take those pictures out of here. Did
20 he identify the man in Court's 2 with the hat on?

21 A Yes.

22 Q Who did he identify that person as?

23 A I believe he identified that person as Casey Jones
24 Junior.

25 Q Okay. And Court's '6. Did he identify that

DIRECT EXAMINATION OF RICHARD JOHNSON BY MR. JONES

1 person?

2 A As Senior. Casey Jones Senior:

3 Q Yes, he did. Oh, okay. He didn't know who this
4 person was, the third person?

5 A No, he did not.

6 Q Okay. Did you influence him, suggest to him,
7 force him to make these identifications?

8 A No.

9 MS. JONES: I have no further questions. Thank
10 you.

11 THE COURT: Mr. Plexico.

12 MR. PLEXICO: I don't have anything.

13 THE COURT: Mr. Koger.

14 CROSS EXAMINATION

15 BY MR. KOGER:

16 Q Agent Johnson, according to your time with him, he
17 didn't identify Jarrod Bostick?

18 A If that's the one with the white shirt on, no, he
19 did not.

20 MR. KOGER: Thank you.

21 THE COURT: Mr. Newman.

22 CROSS EXAMINATION

23 BY MR. NEWMAN:

24 Q Agent Johnson, how did you come into contact with
25 Willie Newton?

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. NEWMAN

1 A I was looking for Willie Newton in response to
2 another homicide that I had been working and I tracked him
3 through his phone, some phone records that I had gotten.
4 And I spoke with some of the officials from Hampton County
5 Sheriff's Department and they told me where I could locate
6 him at.

7 Q Okay. And where did you locate him?

8 A At Hampton County Detention Center. I had him
9 brought over to the Hampton County CID.

10 Q You had him brought over; was he under arrest?

11 A Not by us.

12 Q Was he under arrest by anybody?

13 A Yes, sir.

14 Q By Hampton County?

15 A Yes, sir.

16 Q And what was Mr. Newton -- his charge was -- is he
17 still pending charges?

18 A I'm not certain.

19 Q Was he pending charges at the time that you
20 interviewed him?

21 A Yes, sir.

22 Q Do you know whether or not he had counsel?

23 A I don't know, but I advised him of his rights.

24 Q Okay. And do you know the circumstances of his
25 pending case in Hampton County?

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. NEWMAN

1 A Not fully.

2 Q Do you know what he was charged with?

3 A I am not certain. I know that it had something to
4 do with drugs.

5 Q So, he was an informant in another case in Hampton
6 County that was involved -- that you were involved out of
7 Hampton County?

8 A No, he wasn't -- if he was an informant, I wasn't
9 aware of that, not with Hampton County.

10 Q Okay. I am sorry, but I thought that you said
11 that he had information on another murder case that you were
12 involved in?

13 A No, I said I tracked though -- on another murder
14 case by phone records that I thought he would have had
15 information on.

16 Q Okay. Was he involved in that murder?

17 A No.

18 Q Did he have information for you on that murder?

19 A Yes, sir, I think he did, yes, sir.

20 Q Okay. And you showed him the photographs via a
21 cellphone, correct?

22 A That's correct.

23 Q Do you have the -- you said that you read him his
24 rights; do you have the Miranda form that he signed?

25 A It should be in the file. I don't have access --

CROSS EXAMINATION OF RICHARD JOHNSON BY MR. NEWMAN

1 I don't have that with me.

2 Q But you remember filling out a form?

3 A Yes, sir, I did.

4 MR. NEWMAN: Okay. Thank you. Not being able to
5 talk to Willie Newton, I don't have any further
6 question, Judge.

7 THE COURT: Okay. Anything further?

8 MS. JONES: No, Your Honor.

9 THE COURT: Okay. Agent, you may step down, sir.
10 We are going to go ahead and take a quick break.

11 Margaret said she thinks that we have extra people
12 coming, and obviously if the State doesn't exercise all
13 of their strikes we could have enough people still.
14 So, my plan is to qualify the jury, and after
15 qualifications we will go from there and try to strike
16 the jury, okay. We will be at ease until 3.

17 (Brief recess at 2:53 p.m.)

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CROSS EXAMINATION OF RICHARD JOHNSON BY MR. NEWMAN

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 17th day of January, 2019.

Mona L. Manley /s/

MONA L. MANLEY

Official South Carolina Court Reporter

Circuit Reporter for the 14th Circuit

(850) 893-6662

mmanley@sccourts.org

CROSS EXAMINATION OF J. CROFT BY NEWMAN

JURY SELECTION

1
2 THE COURT: Hello again, ladies and gentlemen. I
3 wish that it didn't have to be this way, but it looks
4 like we did gather a few more people. At this time, I
5 hope that we will be able to pull the first jury in
6 this trial that is set for this week. For anyone who
7 is here, I'm Carmen Mullen and I am one of the two
8 resident judges here in the 14th circuit. I'm holding
9 a week of criminal court here.

10 At this time, I'll go through the qualification
11 processes. What is most important for you. The first
12 case that I intend on trying, we believe that we are
13 going to begin at 9:30, 10:00 in the morning and we are
14 hopeful that it'll wrap up, potentially, Thursday
15 afternoon or Friday morning.

16 So, ladies and gentlemen, if any of you have
17 weekend plans, you don't need to be concerned, you will
18 be out of here. Don't be concerned about that. But,
19 however, ladies and gentlemen of the jury, I do need
20 enough people to choose this jury from.

21 If you need to respond, stand, give me your juror
22 number and then go ahead and respond, if you would, to
23 my questions. All right?

24 And Margaret, can we do this just by number?

25 THE CLERK: Yes, that is fine.

Jury Selection

1 THE COURT: Do they have their numbers?

2 (Jury indicates.)

3 THE CLERK: I can give it to them as they stand.

4 THE COURT: Okay. Never mind.

5 All right. Ladies and gentlemen, we are going to
6 call your name and your number. So once you hear your
7 name, remember your number. Okay?

8 All right. With that said, ladies and gentlemen,
9 is there any member of the jury panel who is not a
10 citizen of the United States? If so, please stand.

11 (No response.)

12 THE COURT: Is there any member of the jury panel
13 who's not a resident and citizen of Jasper County? If
14 so, please stand.

15 (No response.)

16 THE COURT: Is there any member of the jury panel
17 who's unable to read, write, speak, or understand the
18 English language? If so, please stand.

19 (No response.)

20 THE COURT: Ladies and gentlemen, is there any
21 member of the jury panel who has less than a sixth
22 grade education or its equivalent? If so, please
23 stand.

24 (No response.)

25 THE COURT: Is there any member of the jury panel

Jury Selection

1 who is unable, because of mental or physical infirmity,
2 unable to render efficient jury service, and you
3 brought a doctor's note with you? If so, please stand.

4 Sir, your name and juror number.

5 JUROR: Matt Baldwin.

6 THE CLERK: It's old Al Graves.

7 THE COURT: And, Mr. Graves, did you bring a
8 doctor's note with you?

9 JUROR: I didn't bring a note, but I have my
10 medication.

11 THE COURT: You have your medication. Well, what
12 do you take, sir?

13 JUROR: Diabetes pills.

14 THE COURT: Okay. Sir, there are a lot of people
15 who are diabetic that serve on jury duty. We have
16 whatever you need to keep going, juice, candy. That is
17 typically not a reason to be excused from jury service.

18 I'm assuming you're either taken Januvia or
19 Metformin; is that correct?

20 JUROR: Yes, but --

21 THE COURT: Okay.

22 JUROR: My water pills.

23 THE COURT: Your what?

24 JUROR: I can't control my water.

25 THE COURT: You can't control your water.

Jury Selection

1 JUROR: Yes.

2 THE COURT: All right. Sir, well, if you do get
3 sat on the jury, I'm just going to ask that you just
4 raise your hand when you need to take a break, and we
5 can take a break. Okay?

6 I appreciate it. Thank you.

7 Ladies and gentlemen, has any member of the jury
8 panel been convicted by guilty plea or trial in a state
9 or federal court of record of a crime punishable by
10 imprisonment for more than one year, and your civil
11 rights have not been restored by pardon or amnesty? If
12 so, please stand.

13 JUROR: You want me to pull it out since I was 13?

14 THE COURT: Yes, sir.

15 JUROR: Felony conviction in Georgia for DUI.

16 THE COURT: For driving -- first offense?

17 JUROR: Habitual violator.

18 THE COURT: Habitual. So you had a third or
19 higher?

20 JUROR: Yes, ma'am. I was sentenced to three
21 years, I spent like -- served one.

22 THE COURT: Okay. All right. Sir, I need to go
23 ahead and excuse you, but I appreciate you being here.
24 Thank you.

25 THE CLERK: Your name again?

Jury Selection

1 JUROR: Juror 43.

2 THE COURT: Sir, and I apologize. I didn't
3 realize we had some jurors over here.

4 Sir, your name and juror number.

5 JUROR: My name is Nicholas Warchal, Number, I
6 believe, 59.

7 THE CLERK: 208.

8 THE COURT: Yes, sir.

9 JUROR: Driving while suspended in Georgia that I
10 actually have court for tomorrow.

11 THE COURT: Okay. Well, I can get you excused
12 from court, but that's also not a felony in any way.
13 So we're glad to have you and have you stay here.
14 Okay?

15 If you do get picked on this case, do you have the
16 paperwork with you?

17 JUROR: I just had -- I just reinstated by license
18 for tomorrow. I've got a picture of my ticket that
19 says that I have --

20 THE COURT: Perfect. If you get picked on this
21 case, I need you afterwards to come and see me so I can
22 start calling down there. Okay? Where in Georgia are
23 you? In Savannah?

24 JUROR: No. It's Wilkes County. Washington.

25 THE COURT: Okay. Just be quiet. Like I said, if

Jury Selection

1 you get chosen on this jury, you absolutely come see me
2 afterwards. Okay? And I'll make sure you're taken
3 care of and excused. Okay? All right, sir.

4 Yes, sir. I'm sorry.

5 JUROR: I got a felony of aggravated assault.

6 THE CLERK: Juror No. 34.

7 JUROR: Oh, Charlton Bynum.

8 THE COURT: Is that correct?

9 THE CLERK: Yes.

10 THE COURT: All right. Sir, you are excused.

11 Thank you.

12 Yes, sir.

13 JUROR: Well, back in 1996, I got served with
14 trafficking weapons.

15 THE COURT: All right. Sir, what is your number?

16 THE CLERK: Ninety-two.

17 THE COURT: No. 92. All right. Sir, you are
18 excused as well. Thank you.

19 Anybody else?

20 Yes, sir.

21 JUROR: October, 25 years ago. Does that matter?

22 THE COURT: It doesn't matter, but you look like
23 you must have been very young when that occurred. So
24 if it happened when you were a -- in your youth, it
25 does not count.

Jury Selection

1 Sir, what's your number?

2 JUROR: Ten.

3 THE COURT: Pardon?

4 All right. Sir, I'm going to excuse you as well.

5 Thank you.

6 JUROR: (Inaudible.)

7 THE COURT: Thank you, sir, for being here. What
8 was your number? Ten?

9 JUROR: Yes, ma'am.

10 THE COURT: Thank you, sir. All right.

11 Then what have we got?

12 (No response.)

13 THE COURT: Ladies and gentlemen, is any member of
14 the jury panel a clerk or deputy clerk of court,
15 constable, sheriff, or other commissioned law
16 enforcement officer, probate judge, county
17 commissioner, magistrate, or other county officer or
18 employed within the walls of any courthouse? If so,
19 please stand.

20 (No response.)

21 THE COURT: Is there any member of the jury panel
22 who has previously served on jury duty up here in
23 circuit court, not city court or magistrate court or
24 federal court, during the last calendar year? If so,
25 please stand.

Jury Selection

1 (No response.)

2 THE COURT: Has anyone been a member and served as
3 a Jasper County grand jury during the past several
4 years? If so, please stand.

5 (No response.)

6 THE COURT: Ladies and gentlemen, we now move to
7 what are called jury exemptions. State law provides
8 for exemptions to jury service. An exemption does not
9 mean you are not qualified to serve, it means you may
10 choose not to serve.

11 But ladies and gentlemen, I need to be able to
12 pull a jury in this case. All right? So if you are at
13 all inclined to stay with me, please, I would love for
14 you to stay.

15 However, do I have anyone here who is 65 years of
16 age or older who does not wish to serve this week? If
17 so, please stand.

18 And I'm going to have to I.D. you, ma'am. You
19 look that good. Wow.

20 JUROR: Annie Moore.

21 THE COURT: What number?

22 THE CLERK: Number 60.

23 THE COURT: You are 65?

24 JUROR: 67.

25 THE COURT: Wow. You look fabulous. All right.

Jury Selection

1 You don't want to serve with me this week?

2 JUROR: No, I don't.

3 THE COURT: All right, ma'am. I will excuse you.

4 Anyone else?

5 (No response.)

6 THE COURT: And next exemption concerns prior jury
7 service. No person is required to serve as a juror
8 more often than once every three calendar years up here
9 in circuit court. So do I have anyone here who has
10 served in the last two years who does not wish to serve
11 with me this week? If so, please stand.

12 (No response.)

13 THE COURT: Ladies and gentlemen, those of you
14 that have served as grand jurors in the last five
15 calendar years may also be exempted. Do I have anyone
16 who has served on our grand jury in the last five years
17 who does not wish to serve?

18 (No response.)

19 THE COURT: The next exemption involves those of
20 you that have small children. And I respectfully ask
21 that you listen carefully to this question. It has
22 four parts, all of which must apply for you to be able
23 to claim this exemption to jury service.

24 You may be exempted from jury service if you have
25 a small child or small children under the age of seven

Jury Selection

1 for which you have a legal custody of that child or
2 children, and you have the physical, care, custody, and
3 control of that child or children. and then lastly, you
4 are unable to make adequate arrangements for that child
5 or children while you're performing jury duty.

6 Ladies and gentlemen, this question is for parents
7 who maybe are stay-at-home parents, who have no one
8 else to cover for them. If you take your child to
9 school or daycare, it is presumed you can do the exact
10 same thing during jury service. All right?

11 The most important thing for me, though, ladies
12 and gentlemen, is that if you need to be at daycare or
13 somewhere specific at a particular time, you have to
14 tell me if you get chosen on the jury, because I need
15 to make sure you can get there in plenty of time.

16 Okay?

17 So with that said, do I have anyone who needs to
18 claim this exemption? Because I certainly don't want
19 anyone's children to go unattended. But, again, all
20 four parts must have to apply for you to be able to
21 claim this exemption. Do I have anyone?

22 (No response.)

23 THE COURT: Okay. The next exemption involves
24 those of you that may be attending school at this time
25 or working in some capacity with a school. Now, if

Jury Selection

1 this exemption applies to you, what I can do is
2 transfer your jury service to a term of court that
3 doesn't conflict with your school responsibilities.

4 In other words, ladies and gentlemen, the holiday
5 break, the spring break, the summer break. All right?
6 So I can't permanently excuse you, but I can transfer
7 you, if necessary. But I got to tell you, if you got a
8 substitute teacher or you got someone to cover for you,
9 I'm going to ask that you stay with me. All right?

10 However, do I have anyone who is a full-time
11 student, school teacher, school crossing guard, school
12 bus driver, or who serves in any other school related
13 functions who is unable to serve on jury duty here this
14 week as a result of your school involvement? If so,
15 please stand.

16 Sir. Let's start with you. Your name and juror
17 number.

18 JUROR: I'm James K. Frazier.

19 THE COURT: What do you do, sir?

20 JUROR: I teach at Bluffton Middle School. I just
21 have a qualifying question. That is, will I be charged
22 vacation time for serving jury?

23 THE COURT: You should not be, sir. You should
24 not be. You should be paid your normal salary, and
25 should not be charged vacation time. This is your

Jury Selection

1 civic duty, sir. All right? Thank you.

2 Sir, your name and juror number.

3 JUROR: Barry Graves. I don't recall my juror
4 number.

5 THE CLERK: Ninety-three.

6 THE COURT: That's all right, Mr. Graves.

7 JUROR: The question I have is, I'm a part-time
8 EMT. And I have a certification class in the next
9 couple days, and I was wondering if I could have this
10 extended out?

11 THE COURT: Right now, I cannot, Mr. Graves. If
12 you'll sit tight. If I have enough people in the end,
13 potentially, but I can tell you as of right now I can't
14 excuse you. I understand your certification comes at a
15 particular time, but we're going to have to work with
16 you. Who do you work for specifically?

17 JUROR: I work for Jasper County (inaudible.) So
18 we have EMTs for that.

19 THE COURT: Right. You are the captain. Okay.
20 Sir. Thank you.

21 Ma'am, you are hidden back over there. Do you
22 work at a school?

23 JUROR: Yes, ma'am. I work at Hampton County
24 school district at an elementary school. I'm a first
25 grade teacher.

Jury Selection

1 THE CLERK: No. 102.

2 THE COURT: They got to have a sub for you.

3 JUROR: They did today.

4 THE COURT: They've got to keep having one.

5 You've just got to tell them you've got to be here.

6 I've got to have you as a potential juror. Just you

7 can tell your principal that if she gives or he gives

8 you any grief, just call me. And I'll call them.

9 JUROR: And another thing, my father is having
10 surgery on Wednesday, and I'm the only one. My sister
11 lives about two or three hours away, and I'm the only
12 one that's able to take him.

13 THE COURT: Where is the surgery at?

14 JUROR: I believe it's going to be at Beaufort
15 Memorial Hospital.

16 THE COURT: Okay. Is it just a day surgery? Do
17 you have to drive him there and bring him back?

18 JUROR: Yes, it is. It's going to be early in the
19 morning.

20 THE CLERK: All right. Give me your number again.

21 JUROR: One forty-two.

22 THE COURT: All right. Sit tight. Let me see
23 what I can do for you. Okay? I'm trying really hard
24 to be able to pull this jury, ladies and gentlemen. I
25 just need to have enough people willing to serve. So.

Jury Selection

1 I've got No. 142 down, and remind me what Mr. Graves's
2 number --

3 THE CLERK: Ninety-three.

4 THE COURT: No. 3 is Mr. Graves.

5 THE CLERK: Ninety-three.

6 THE COURT: Ninety-three. Okay.

7 Ladies and gentlemen, is there any member of the
8 jury panel who is employed with the Department of
9 Corrections at a penitentiary? If so, please stand.

10 (No response.)

11 THE COURT: Ladies and gentlemen, is there any
12 juror who performs services for a business, commercial
13 or agricultural enterprise that you're so essential to
14 the operation to that business or enterprise, that if
15 you're required to serve as jurors here this week, that
16 particular enterprise would have to close its doors?

17 Ladies and gentlemen, again, general inconvenience
18 is not enough. I understand you may be your boss's
19 only employee, or you may be the boss. Ladies and
20 gentlemen, as you can understand, I very much need to
21 pull a jury for the trial of this case. It is
22 scheduled to go forward this week, so I need to keep
23 everyone that I possibly can here with me this week.
24 Okay?

25 However, ladies and gentlemen, if you have extreme

Jury Selection

1 circumstances, and that would include maybe you were
2 having surgery this week that has been scheduled for
3 months or a month or so, or any other specific reason,
4 ladies and gentlemen, to excuse you, now is the time
5 for you to address me. Because after this I'm going to
6 ask you questions directly related to the first trial
7 that I'd like to pull. And, again, I need as many
8 people as possible to stay here and stay with me. All
9 right?

10 By a show of hands, do I have anyone that needs to
11 speak with me regarding their service? I see one, two,
12 three. Anyone else?

13 All right. Sir, do you have anything in addition
14 to what you've already told me?

15 JUROR: Yes.

16 THE COURT: All right. I'll have those four
17 people come get in line up here. Let me see what I can
18 do for you, and we'll just go from there.

19 (Discussion at the bench.)

20 Okay. What can I do for you? What's your name
21 again?

22 JUROR: Tamala Riley. I don't mind everything,
23 this is my first time, but I have a medical condition,
24 I have sleep apnea, narcolepsy. It comes and goes, if
25 I'm not on a machine like I'm supposed to. And I have

Jury Selection

1 to fall asleep. And I raise my grandson. And his
2 mother is a drug person and she is at home today. and I
3 would love to help you, but I have to know ahead of
4 time because of the situation with him. Sorry, I'm
5 breathing like I am.

6 THE COURT: That's okay. That's okay. Well, I
7 can tell you this. Unless you have custody of that
8 child --

9 JUROR: I'm in the process.

10 THE COURT: Well, if you don't have it already,
11 that's not an excuse for me to excuse you.

12 As far as the sleep apnea is concerned, I can
13 certainly make sure you stay awake. I know that's
14 hard, but that's -- and I appreciate that. I
15 understand. I would like to try to keep you if I can.
16 I'll let you know. But as of right now, I want to make
17 sure that your daughter is okay and make sure that she
18 can take care of the baby for the next however long; is
19 that correct?

20 I'm going to try to keep you with me. Okay?
21 Because I want to have you. Thank you.

22 Margaret, put her down as one of the ones.

23 THE CLERK: Juror No. 149, Patricia Simmons. It
24 was Mary Patricia Simmons.

25 THE COURT: Okay. She is having a rough time.

Jury Selection

1 The Juror is on crutches.

2 Hey Ms. Simmons, you look like you are in rough
3 shape.

4 Juror:

5 JUROR: Both knees. I have been going to the
6 doctor since June and they can't find out what is
7 wrong, I have another opinion on Thursday. I have pain
8 pills, but I couldn't take one today. it make me
9 drowsy.

10 THE COURT: I'm going to excuse you. Okay.
11 Hopefully you can get that taken care of. Thank you.
12 She is excused.

13 THE CLERK: One forty-nine. Mr. Graves is
14 ninety-four.

15 THE COURT: Yes, sir.

16 JUROR: I wish I could tell you, but I can't read.

17 THE COURT: Well, I don't think that there's
18 anything in this case that they need to read. There's
19 nothing in this case that you need to read.

20 JUROR: I work at Fort Gillem, and is it going to
21 be all week? I'm scratching for money.

22 THE COURT: Okay. Well, you clearly want off of
23 jury duty, so I'm going to go ahead and excuse you.

24 THE CLERK: Ninety-four is out.

25 JUROR: Thank you.

Jury Selection

1 JUROR: Sharone Brown, No. 30. I have a vacation,
2 a flight Thursday of this week, leaving at 8:30 in the
3 morning.

4 THE COURT: Where out of?

5 JUROR: Jacksonville.

6 THE COURT: Okay. I'll excuse you.

7 THE CLERK: Thirty is out.

8 THE COURT: Okay. How many am I down to?

9 THE CLERK: Fifty-one.

10 THE COURT: Okay. So, we are okay.

11 THE CLERK: Well, we got one to call up, 108.
12 Jenkins, Franklin Jenkins.

13 THE COURT: Could I have No. 108, Mr. Jenkins.
14 Franklin Jenkins. Come on up, sir. How are you? Come
15 on. I have a question for you. What is your date of
16 birth?

17 JUROR: [REDACTED]

18 THE COURT: Do you remember back a long time ago
19 did you have a --

20 JUROR: Yes.

21 THE COURT: Okay. I'll excuse you, but I
22 appreciate it. You're out. Okay?

23 THE CLERK: No. 108 is out.

24 THE COURT: Okay. Anyone else?

25 ATTORNEY3: No.

Jury Selection

1 THE COURT: We will see what we can do. Okay.
2 Solicitor, do you want to call your case, or do you
3 want me to do it?

4 MS. JONES: Your Honor, I can call it as quickly
5 as I can.

6 THE COURT: Go ahead.

7 Well, let me do this. Ladies and gentlemen, I'm
8 going to find this panel qualified. Now, what we're
9 doing is just calling the case officially for the
10 Court. We hope we can pull a jury in this morning --
11 or this afternoon, I'm sorry.

12 This is Solicitor Jones that's going to go ahead
13 and call the case, if you would.

14 MS. JONES: Thank you, Your Honor. State calls
15 Casey Jones, Junior, Indictment 2015-GS-2700333, 336,
16 and 337, the charges of murder, burglary in the first
17 degree, possession of a weapon during a violent crime.

18 State calls Jarrod Bostick, Indictment
19 2015-GS-27-0345, 346, and 349 for the charges of
20 murder, burglary in the first degree, and possession of
21 a weapon during a violent crime.

22 And finally the State calls Casey Jones, Senior,
23 Indictment 2015-GS-27-0437, 0433, and 0434. Again, for
24 the charges of murder, possession of a weapon during a
25 violent crime, and burglary in the first degree.

Jury Selection

1 THE COURT: Thank you. I've got the indictments,
2 Margaret. Thank you.

3 All right. Ladies and gentlemen, to begin, as you
4 understand, we're about to begin the trial of the case
5 entitled The State of South Carolina versus Casey
6 Jones, Senior, Casey Jones, Junior, and Jarrod Bostick,
7 each of which are charged on the bill of indictment
8 with the offenses of murder, burglary in the first
9 degree, and possession of a weapon during the
10 commission of a violent crime.

11 Ladies and gentlemen, the allegations in this
12 case, and they are just that, allegations, state that
13 this occurred on June 3rd, of 2015, and that a murder
14 and a burglary occurred at the residence of Jeremiah
15 Wilson.

16 Ladies and gentlemen, I am going to first ask the
17 State to introduce themselves, and who is at counsel's
18 table with them. And then, I'm going to ask the
19 attorneys over here on the Defense to introduce
20 themselves and their attorneys.

21 Ladies and gentlemen, what is vitally important in
22 this case, if you know any of these parties well,
23 either the lawyers, any of the potential witnesses or
24 investigators involved in the case, or the Defendants
25 in this case. All right? So Ms. Jones, I'm going to

Jury Selection

1 start with you.

2 MS. JONES: Thank you. Good afternoon. My name
3 is Mary Jones. I am a prosecutor here in Jasper
4 County, 14th Circuit. Seated with me throughout the
5 duration of this trial is Patrick Hall. He is also a
6 prosecutor here in Jasper County.

7 We also have Agent Katie McCallister with South
8 Carolina Law Enforcement Division, Investigator Bill
9 Carter with the Solicitor's office. Thank you.

10 THE COURT: All right. Thank you. And Mr.
11 Plexico, if you would please start, sir.

12 MR. PLEXICO: I'm Steven Plexico. I've been a
13 public defender here in Jasper County for close to 30
14 years. This is my client. Stand up.

15 THE COURT: And I'm going to ask each one of you
16 to stand and face the jury panel, if you would.

17 MR. PLEXICO: And this is Casey Jones, Senior,
18 this is my client.

19 THE COURT: Thank you, gentlemen.
20 Mr. Koger.

21 MR. KOGER: My name is Joshua Koger, Junior. I'm
22 from South Carolina. This is my client, Jarrod
23 Bostick.

24 THE COURT: Thank you, gentlemen.
25 Mr. Newman.

Jury Selection

1 MR. NEWMAN: Good afternoon, y'all. My name's
2 Jared Newman. I'm from over in Beaufort. I've been
3 practicing law down there as long as I probably want to
4 admit at this point. And this is Mr. Casey Jones.

5 THE COURT: Thank you.

6 All right. Ladies and gentlemen, my first
7 question is this: Is anyone related by blood,
8 connected by marriage, have a close personal
9 relationship, or a special friendship with any of the
10 attorneys trying this case, or the investigator, or
11 also the investigator with the Solicitor's office? If
12 so, please stand.

13 (No response.)

14 THE COURT: Ladies and gentlemen, additionally, is
15 there anyone on this jury panel related by blood,
16 connected by marriage, have a close personal
17 relationship, or a friendship with any of the
18 Defendants in this case? And that would be Casey
19 Jones, Senior, Mr. Jarrod Bostick, and then Casey
20 Jones, Junior. If so, please stand.

21 Ma'am, give me your name and juror number first.

22 JUROR: Lilly Doss.

23 THE CLERK: Sixty-four.

24 THE COURT: Who do you know?

25 JUROR: I don't know Mr. Bostick, I don't know Mr.

Jury Selection

1 Jones, Senior, though. But Casey Jones, Junior's
2 mother works for me.

3 THE COURT: All right. Currently works for you?

4 JUROR: She works for me, yes, ma'am.

5 THE COURT: All right. Ma'am, okay. I'm going to
6 go ahead and excuse you from the trial of this case.
7 But I am going to ask you to sit down and remain with
8 us. All right? Just in case I have to pull another
9 jury. Okay?

10 You don't need to answer any more questions in
11 regards to this case. Okay? Thank you, ma'am.

12 Anyone else?

13 (No response.)

14 THE COURT: Ladies and gentlemen, additionally,
15 the attorneys that you've met, I want to make sure that
16 no one here has ever been represented by any of these
17 attorneys, prosecuted by any of these attorneys, or
18 worked in any of their offices. If so, please stand.

19 (No response.)

20 THE COURT: Ladies and gentlemen, the next is a
21 list of potential witnesses in this case. And, again,
22 ladies and gentlemen, this is a potential witness list.
23 These people may not all be called. But, again, it is
24 a potential list.

25 And the question is going to be: Are you related

Jury Selection

1 by blood, connected by marriage, have a close personal
2 relationship, or special friendship with any of these
3 people? And most importantly, ladies and gentlemen, I
4 need to make sure that you can be fair and impartial in
5 the trial of this case if you get sat as a juror. And
6 if you happen to know one of these witnesses, I want to
7 make sure that you wouldn't give their testimony any
8 greater weight just because you know them. Okay?

9 So with that said, ladies and gentlemen, the
10 following is a potential list of witnesses. And if any
11 of these people in the courtroom, I'm going to ask that
12 you stand and face the panel. Okay?

13 Rusty Wells, Jasper County Emergency services.
14 And, ladies and gentlemen, the trial is not starting
15 until tomorrow morning, so none of these people were
16 told they had to be here today. Most of them, we're
17 just telling them to come in tomorrow, whenever they
18 need to testify.

19 So the next one is Andy Williams, a Jasper County
20 fire and rescue. Corporal Gary Sons, a Jasper County
21 Sheriff's Office. Detective Jeff Crosby with the
22 Hardeeville police department. Investigator Dylan
23 Hightower with the 14th Circuit Solicitor's Office.
24 Chief Mark Collins of the Estill police department.
25 Officer Dominique Coleman, who was formerly with the

Jury Selection

1 Estill police department. Special Agent Katie
2 McCallister, who, of course, is here.

3 Agent McCallister, if you would stand again.
4 Thank you.

5 Former Special Agent Jamie Johnson. Special Agent
6 Richard Johnson with SLED. Retired Special Agent David
7 Williams, formerly with SLED. Special Agent Michael
8 Lynch with SLED. Special Agent Jeff Croft with SLED.
9 Special Agent Catherine Leisy with SLED. Dr. Ellen
10 Reimer with the Medical University of South Carolina.
11 Jashaun H. of Ridgeland, South Carolina. Javonte
12 H. of Ridgeland, South Carolina. J'Amiah W.
13 of Ridgeland, South Carolina. Tyreek S. of
14 Ridgeland, South Carolina. Gelinda Heyward of
15 Ridgeland, South Carolina. Willie Newton of Pineland,
16 South Carolina.

17 Oh, I'm sorry, ma'am. I have missed both of you.
18 I apologize. I'm going to start with you in the red,
19 ma'am. Your name or juror number?

20 JUROR: Tammy Chaneyfield.

21 THE COURT: Ma'am, who do you know?

22 JUROR: Gelinda Heyward.

23 THE COURT: How do you know her?

24 JUROR: I married into the family.

25 THE COURT: You pardon?

Jury Selection

1 JUROR: Married.

2 THE COURT: You married into the family?

3 JUROR: Yes.

4 THE COURT: All right. And so what is the nature
5 of your relationship with her? Do you see her at
6 family functions?

7 JUROR: Yes.

8 THE COURT: I mean, do you talk to her a lot or --

9 JUROR: No, but we have a lot of family functions.

10 THE COURT: You have a lot of family connections?

11 JUROR: Yes.

12 THE COURT: Okay. Solicitor?

13 MS. JONES: (Shakes head.)

14 THE COURT: All right. Ma'am, I'm going to excuse
15 you from the trial of this case. If you would just
16 take your seat and stay with us again. You don't need
17 to answer anymore questions. Okay?

18 But I also don't want you to speak about the case
19 with anyone.

20 Ma'am, your name or your juror number, whatever
21 you know.

22 JUROR: Alfreda Deloach.

23 THE COURT: Ma'am, who do you know?

24 JUROR: I know Gelinda Heyward.

25 THE COURT: How do you know her?

Jury Selection

1 JUROR: She's my family.

2 THE COURT: She is as well. All right, ma'am.

3 I'm going to excuse you from the trial of the case.

4 However, again, take a seat and stay with us. Okay?

5 Sir, your name and juror number.

6 JUROR: Anthony Dombkowski. I don't remember my

7 number.

8 THE COURT: That's okay.

9 THE CLERK: Sixty-three.

10 JUROR: Dylan Hightower, he used to work for me as

11 the manager of Palmetto State Armory. I do have a

12 friendship with him.

13 THE COURT: Okay. Sir, I don't think he's going

14 to testify in the trial of this case.

15 Ms. Jones, is he? Or do you think he will have to

16 testify?

17 MS. JONES: I believe he will.

18 THE COURT: He will have to testify.

19 Sir, the question is whether or not you can be

20 fair and impartial in the trial of this case.

21 JUROR: I can. I can be.

22 THE COURT: And you've got to be sure. There is

23 no, "I think I can."

24 JUROR: No, I can certainly be.

25 THE COURT: Okay. I appreciate that, sir. Thank

Jury Selection

1 you.

2 Anyone else?

3 (No response.)

4 THE COURT: All right. I'm sorry. I left off
5 Tyreek S. . Gelinda Heyward of Ridgeland, South
6 Carolina. I think we did Willie Newton of Pineland,
7 South Carolina. Captain Harry Orr. Craig King
8 Proctor.

9 Ma'am, your name and juror number.

10 JUROR: Shandrika Burrison, I know Craig.

11 THE COURT: How do you know Craig?

12 JUROR: He my second cousin.

13 THE COURT: He's your second cousin? Ma'am, I'm
14 going to go excuse you from the trial of this case. If
15 you'd take your seat, I'd appreciate it.

16 Ma'am, who do you know?

17 JUROR: Craig King Proctor.

18 THE COURT: How do you know him?

19 JUROR: He is family, my father's family. They
20 live right across the street from where I live.

21 THE COURT: All right, ma'am. You can go ahead
22 and take a seat. I'm going to excuse you from the
23 trial of this case.

24 Ma'am, your name and juror number.

25 JUROR: Valicia Singleton, 180.

Jury Selection

1 MR. PLEXICO: What was the one before that?

2 THE CLERK: The one before that was 32.

3 THE COURT: Okay. Ma'am, you can go ahead and sit
4 down.

5 Ma'am, give me your name or number.

6 JUROR: Tiana Rivers.

7 THE COURT: And do you know your number?

8 THE CLERK: It's 173.

9 THE COURT: Who do you know?

10 JUROR: Craig is a close friend.

11 THE COURT: A close friend. All right. Ma'am,
12 I'm going to excuse you from the trial of this case as
13 well. You may be seated.

14 Sir?

15 JUROR: Do I need to stand?

16 THE COURT: Yes.

17 JUROR: I know Tyreek S.

18 THE COURT: You know Tyreek S. How do you
19 know Tyreek S. ?

20 JUROR: Went to school with him.

21 THE COURT: All right. So when did you graduate?

22 JUROR: Last year.

23 THE COURT: 2016?

24 JUROR: Yes.

25 THE COURT: All right, sir. I'm going to ahead

Jury Selection

1 and excuse you from the trial of this case. If you'll
2 just take a seat..

3 THE CLERK: What's his name again?

4 THE COURT: Sir, what is your name again?

5 JUROR: (Inaudible.)

6 Do you know have him on our list?

7 THE CLERK: Number 8. I'm sorry. Thank you.

8 THE COURT: Starsheika Scott, who is from Garnett,
9 South Carolina. John Fair of Pineland, South Carolina.
10 Starr Troy of the Hampton County Sheriff's Office.
11 Chad Smith of SLED. Anthony Imel, and Bryan Burrell.

12 Ladies and gentlemen, again, is anyone related by
13 blood, connected by marriage, have a close personal
14 friendship or special relationship with any of these
15 potential witnesses? If so, please stand.

16 (No response.)

17 THE COURT: Ladies and gentlemen, I also told you,
18 I know very little about this case, but I want to make
19 sure that no one has any independent knowledge. The
20 allegation is this, that this was burglary and a
21 shooting that occurred on June 3rd of 2015.

22 And can y'all tell me precisely where it was or
23 roughly the area that it was in?

24 Ms. Jones, that's fine.

25 MS. JONES: Oh, Clover Circle in Ridgeland.

Jury Selection

1 THE COURT: On Clover Circle in Ridgeland, South
2 Carolina.

3 MR. NEWMAN: Yes, ma'am. And there were a couple
4 witnesses off the --

5 THE COURT: And I apologize. Thank you. I've got
6 to grab a couple more.

7 Ladies and gentlemen, further on the witness list,
8 and I apologize, I stopped short. And if any of these
9 people are here: Irene Nicole Smith. Cleopatra
10 Cotton. Jamarcus Brisbane. Joe Loadholt. And
11 Javondra James.

12 Sir, who do you know?

13 JUROR: John Fair is my neighbor.

14 THE COURT: John Fair. Okay. How do you know
15 Mr. Fair?

16 JUROR: Through his entire family, watched him
17 grow up.

18 THE CLERK: Ninety-three.

19 THE COURT: He's not going to testify?

20 MS. JONES: (Shakes head.)

21 THE COURT: Sir, my understanding is he is not
22 going to testify in this case. So you can go ahead and
23 take a seat. We want to keep each witness we can,
24 although I -- if you can take your EMT certification, I
25 promise you I will get you there. Okay?

Jury Selection

1 All right. Anyone else? And I apologize, y'all.

2 MR. NEWMAN: No, ma'am. Yes, it's civil.

3 THE COURT: Good. Okay.

4 Ladies and gentlemen, again, I want to make sure
5 that no one has any independent knowledge about this
6 case whatsoever. Have you heard about it on the
7 street? On the news? In the newspaper? On the radio?
8 Anything along those lines?

9 Obviously this was a long time ago. But I need to
10 know if anyone has any independent information about
11 this case.

12 Sir.

13 JUROR: I know the victim.

14 THE COURT: All right. Sir, well, let me do this
15 then. I am going to excuse you from the trial of this
16 case. Finally. And I will go ahead and excuse you for
17 the week because I want to make sure you get your
18 certification. But thank you for being here.

19 What's his number, Margaret?

20 THE CLERK: Ninety-three.

21 THE COURT: All right. Good luck on your
22 certification test. Okay. Sir, I'm going to let you
23 go. You're excused. Okay? Thank you.

24 Anyone else?

25 (No response.)

Jury Selection

1 THE COURT: Ladies and gentlemen, is any member of
2 the jury panel related by blood or marriage to someone
3 who is a member of any law enforcement agency? If so,
4 please stand.

5 (No response.)

6 THE COURT: I thought I already excused you.

7 Anyone else?

8 I got to make sure I don't have anyone else who is
9 actually in here who was on law enforcement themselves.
10 If so, please stand.

11 Yes, ma'am.

12 JUROR: When you say "law enforcement," does that
13 mean by the sheriff's department?

14 THE COURT: That would be anyone. Yes, ma'am.
15 Give me your name again.

16 JUROR: My name is Tamala Riley.

17 THE COURT: Yes, Ms. Riley.

18 JUROR: I'm kin to Dominic Riley with the
19 sheriff's department, Jasper sheriff's department.

20 THE COURT: Okay. What does he do for them; do
21 you know?

22 JUROR: He's a sheriff.

23 THE COURT: He is one of the deputy sheriffs? Is
24 he road patrol, or do you know?

25 JUROR: As far as I know, he's on road patrol.

Jury Selection

1 THE COURT: All right. Ma'am, I can excuse you
2 from the trial of this case. Okay?

3 Ladies and gentlemen, is any member of the jury
4 panel related by blood or marriage to anyone employed
5 by any state or federal prosecution office or
6 solicitor's office or district attorney's office?
7 We'll give you Attorney General's office as well, or
8 the U.S. Attorney's office. If so, please stand.

9 (No response.)

10 THE COURT: Ladies and gentlemen, is there anyone
11 here who hasn't already stood and disclosed whether or
12 not you have ever in the past been employed by a
13 civilian or military law enforcement agency? If so,
14 please stand.

15 That means you wouldn't be in law enforcement now,
16 but formerly you were in law enforcement.

17 (No response.)

18 THE COURT: Ladies and gentlemen, has any member
19 of the jury panel or any member of your immediate
20 family ever been accused of a victim of a violent
21 crime, a serious assault and battery, a murder, or a
22 burglary? If so, please stand.

23 JUROR: (Inaudible.)

24 THE COURT: Okay. Ma'am, give me your name.

25 JUROR: Shannon Rajkovich.

Jury Selection

1 THE COURT: All right. Thank you, ma'am. And I
2 appreciate that. You may be seated.

3 Anyone else?

4 THE CLERK: One-sixty-six.

5 THE COURT: Anyone else?

6 Is any member of the jury panel a member of or
7 financial contributor to any group which has as its
8 primary concern the promotion of law enforcement or
9 victims' rights?

10 And these would include such groups as SADD or
11 MADD, you know, Mothers Against Drunk Driving, or CAV,
12 Citizens Against Violence or CADRE, Citizens Advocating
13 a Return to Ethic.

14 Ladies and gentlemen, does any member of the jury
15 panel a member of or contributor to any of these types
16 of organizations? If so, please stand.

17 (No response.)

18 THE COURT: Ladies and gentlemen, has any member
19 of the jury panel ever been a witness in a criminal
20 trial? If so, please stand.

21 (No response.)

22 THE COURT: Ladies and gentlemen, the allegations
23 in this case, as you know, are charges of murder,
24 burglary in the first degree, and possession of a
25 weapon during the commission of a violent crime.

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1 Ladies and gentlemen, is anyone conscious of an
2 interest, any bias, or any prejudice for or against the
3 Defendants in this case, based on the type of crimes
4 that are alleged? If so, please stand.

5 (No response.)

6 THE COURT: Ladies and gentlemen of the jury
7 panel, does anyone know of any reason whatsoever that
8 you cannot give both the State of South Carolina and
9 the Defendants in this case, Mr. Jones, Senior, Mr.
10 Jones, Junior, and Mr. Bostick, a fair and impartial
11 trial in the matter of this case? If so, please stand.

12 (No response.)

13 THE COURT: Are there any further questions
14 requested of this panel from the State?

15 MS. JONES: None from the State.

16 THE COURT: From the Defendants?

17 MR. PLEXICO: None from Defendant Casey Jones,
18 Senior.

19 THE COURT: Thank you.

20 MR. KOGER: None from Mr. Bostick, Your Honor.

21 THE COURT: Thank you.

22 MR. NEWMAN: None.

23 THE COURT: All right. Ladies and gentlemen, what
24 is going to happen is this. Your names are going to be
25 randomly drafted into a list, those of you that have

Jury Selection

1 been qualified. At that point, once I get this list,
2 when your name is called you are going to stand in
3 place -- you're not going to move -- and each side will
4 have an opportunity to accept or not accept you as a
5 juror in the trial of this case.

6 Ladies and gentlemen, I will tell you, based on
7 the nature of the charges and because we have three
8 defendants in this case, there are a number of strikes
9 the Defense gets to exercise. So just bear with me
10 again, and we'll go through the list as best we can.
11 Okay?

12 Does anyone need a break right now? Is everyone
13 okay? You need a break?

14 All right, ladies and gentlemen. Let's do this.
15 I am going to ask we go ahead and take a break. I am
16 also going to ask if those people that I said are
17 excused from the trial of this case, when you come
18 back, would you please just take the second to the last
19 pew so I know who you are. Okay?

20 The rest of you, just come back in your place.
21 Ladies and gentlemen, before you leave, sir, number
22 one, do not discuss this case in any way, shape, or
23 form with each other during that break. All right?

24 Secondly, no one is to approach you and speak to
25 you in any way about this case, regardless if they are

Jury Selection

1 a witness or anyone else in this courtroom, or in this
2 courthouse. If for some reason someone does, you need
3 to disclose that to me when you come back. All right?

4 Ladies and gentlemen, there's a clock back there,
5 we are going to take a quick, about eight-minute break.
6 If you all are here at quarter till five, I'm going to
7 get this jury pulled, and I'm going to get you all
8 home. Hopefully before the rain starts. Okay? Thank
9 you.

10 (Whereupon the Court was in recess.)

11 THE COURT: Ladies and gentlemen, when Ms. Bostick
12 calls your name, simply stand. Again, both sides are
13 going to be given an opportunity to accept you or
14 excuse you, ladies and gentlemen. If you heard the
15 word "excused," take a seat, but don't go anywhere.
16 Okay?

17 If not, you're going to be invited to take a seat
18 up in the jury box. That's going to be your indication
19 that you are on the jury. All right?

20 So with that said, we are good to go. Ms.
21 Bostick, whenever you are ready, ma'am.

22 THE COURT: Juror No. 184, Wade Smith. How says
23 the State?

24 MS. JONES: Please present Mr. Smith.

25 THE CLERK: How says Defense, Jones, Senior?

Jury Selection

1 THE COURT: Okay. Margaret, they're going to
2 exercise them together, so they'll need a list as well.

3 THE CLERK: You have one.

4 THE COURT: Where is it? Thank you.

5 THE CLERK: How says the Defense?

6 THE COURT: Perfect. Okay.

7 MR. NEWMAN: Please excuse the juror.

8 THE COURT: Okay. You may be seated, sir.

9 THE CLERK: Juror No. 66, Sharon Doud. How says
10 the State?

11 MS. JONES: Please present Ms. Doud.

12 THE CLERK: How says the Defense?

13 MR. NEWMAN: Please excuse the juror.

14 THE CLERK: Have a seat ma'am. Thank you.

15 Juror No. 208, Nicholas Warchal. How says the
16 State?

17 MS. JONES: Please present this juror, Warchal.

18 THE CLERK: How says the Defense?

19 MR. NEWMAN: Please swear the juror.

20 THE CLERK: Come forward, sir, and have a seat in
21 the jury box.

22 Juror No. 170, Merlin Rice. How says the State?

23 MS. JONES: Please present Ms. Rice.

24 THE CLERK: How says the Defense?

25 MR. NEWMAN: Please excuse the juror.

Jury Selection

1 THE CLERK: Thank you, ma'am. Just have a seat.

2 Juror No. 132, Heidi Malphrus. How says the

3 State?

4 MS. JONES: Please present Ms. Malphrus.

5 THE CLERK: How says the Defense?

6 MR. NEWMAN: Please excuse the juror.

7 THE CLERK: Thank you, ma'am. Please have a seat.

8 Juror No. 13, Naomi Beach. How says the State?

9 MS. JONES: Please present Ms. Beach.

10 THE CLERK: How says the Defense?

11 MR. NEWMAN: Please excuse the juror.

12 THE CLERK: Thank you, ma'am.

13 Juror No. 14, Frias Arturo Becerril. How says the

14 State?

15 MS. JONES: Please excuse the juror.

16 THE CLERK: Thank you, sir. Have a seat.

17 Juror No. 25, Michael Boyle. How says the State?

18 MS. JONES: Please present Mr. Boyle.

19 THE CLERK: How says the Defense?

20 MR. NEWMAN: Please excuse the juror.

21 MS. JONES: Thank you, sir.

22 THE CLERK: Juror No. 50, Darin Crosby. How says

23 the State?

24 MS. JONES: Please present Mr. Crosby.

25 THE CLERK: How says the Defense?

Jury Selection

1 MR. NEWMAN: Please excuse the juror.

2 THE CLERK: Thank you, sir.

3 Juror No. 105, Ian Hubbard. How says the State?

4 MS. JONES: Please present Mr. Hubbard.

5 THE CLERK: How says the Defense?

6 MR. NEWMAN: Please swear the juror.

7 THE CLERK: Have a seat in the jury box, sir.

8 Come forward.

9 Juror No. 181, Andrea Smith. How says the State?

10 MS. JONES: Please present Ms. Smith.

11 THE CLERK: How says the Defense? Juror No. 181.

12 MR. NEWMAN: Please excuse the juror.

13 THE CLERK: Thank you, ma'am.

14 Juror No. 207, Anthony Walker, III. How says the
15 State?

16 MS. JONES: Please present Mr. Walker.

17 THE CLERK: How says the Defense?

18 MR. NEWMAN: Please swear the juror.

19 THE COURT: Come around, sir, have a seat in the
20 juror box.

21 THE CLERK: Juror No. 142, Ricklima Mitchell. How
22 says the State?

23 MS. JONES: Please present Ms. Mitchell.

24 THE CLERK: How says the Defense?

25 MR. NEWMAN: Please swear the juror.

Jury Selection

1 THE CLERK: Come forward, ma'am. Have a seat in
2 the juror box.

3 Juror No. 79, Shameekia Frazier. How says the
4 State?

5 MS. JONES: Please present Ms. Frazier.

6 THE CLERK: How says the Defense?

7 MR. NEWMAN: Please swear the juror.

8 THE CLERK: Thank you, ma'am. Have a seat in the
9 juror box.

10 Juror No. 63, Anthony Dombkowski. How says the
11 State?

12 MS. JONES: Please present Mr. Dombkowski.

13 THE CLERK: How says the Defense?

14 MR. NEWMAN: Please excuse the juror.

15 THE CLERK: Thank you, sir.

16 Juror No. 67, Allison Durant. How says the State?

17 MS. JONES: Please present Ms. Durant.

18 THE CLERK: How says the Defense?

19 MR. NEWMAN: Please swear the juror.

20 THE CLERK: Have a seat in the jury box, ma'am.

21 Juror No. 199, Jennifer Townsley. How says the
22 State?

23 MS. JONES: Please present Ms. Townsley.

24 THE CLERK: How says the Defense?

25 MR. NEWMAN: Please excuse the juror.

Jury Selection

1 THE CLERK: Thank you, ma'am.

2 Juror No. 126, Thomas Lightner. How says the
3 State?

4 MS. JONES: Please present Mr. Lightner.

5 THE CLERK: How says the Defense?

6 MR. NEWMAN: Please swear the juror.

7 THE CLERK: Come forward, sir, and have seat in
8 the juror box.

9 Juror No. 75, Ann Fishburne. How says the State?

10 MS. JONES: Please present Ms. Fishburne.

11 THE CLERK: How says the Defense?

12 MR. NEWMAN: Please swear the juror.

13 THE CLERK: Come forward and have a seat in the
14 jury box, ma'am.

15 Juror No. 190, Kathy Steele. How says the State?

16 MS. JONES: Please present Ms. Steel.

17 THE CLERK: How says the Defense?

18 MR. NEWMAN: No. 199?

19 THE CLERK: No. 190.

20 MR. NEWMAN: Please swear the juror.

21 THE CLERK: Come forward, ma'am. Have a seat in
22 the jury box.

23 Juror No. 42, Michael Chapman. How says the
24 State?

25 MS. JONES: Please present Mr. Chapman.

Jury Selection

1 THE CLERK: How says the Defense?

2 MR. NEWMAN: Please excuse the juror.

3 THE CLERK: Thank you, sir.

4 Juror No. 182, Barbara Smith. How says the State?

5 MS. JONES: Please present Ms. Smith.

6 THE CLERK: How, says the Defense?

7 MR. NEWMAN: Please excuse the juror.

8 THE CLERK: Thank you, ma'am.

9 Juror No. 166, Shannon Rajkovich. How says the
10 State?

11 JUROR: I'm sorry. I do apologize.

12 MS. JONES: Please excuse Ms. Rajkovich.

13 JUROR: I do apologize.

14 THE CLERK: Thank you, ma'am.

15 Juror No. 215, Shelia Williams. How says the
16 State?

17 MS. JONES: Please present Ms. Williams.

18 THE CLERK: How says the Defense?

19 MR. NEWMAN: Please swear the juror.

20 THE CLERK: Come forward and have a seat in the
21 jury box, ma'am.

22 Juror No. 24, Mark Boyles, Sr. How says the
23 State?

24 MS. JONES: Please present Mr. Boyles.

25 THE CLERK: How says the Defense?

Jury Selection

1 MR. NEWMAN: Please excuse the juror.

2 THE CLERK: Thank you, sir.

3 Juror No. 78, James Frazier. How says the State?

4 MS. JONES: Please present Mr. Frazier.

5 THE CLERK: How says the Defense?

6 MR. NEWMAN: Please excuse the juror.

7 THE CLERK: Thank you, sir.

8 Juror No. 91, Wayne Gooding. How says the State?

9 MS. JONES: Please excuse Mr. Gooding.

10 THE CLERK: Thank you, sir.

11 Juror No. 53, Jessica Dailey. How says the State?

12 MS. JONES: Please present Ms. Dailey.

13 THE CLERK: How says the Defense?

14 MR. NEWMAN: Please excuse the juror.

15 THE CLERK: Thank you, ma'am.

16 Juror No. 89, Alan Glassberg. How says the State?

17 MS. JONES: Please present Mr. Glassberg.

18 THE CLERK: How says the Defense?

19 MR. NEWMAN: Please swear the juror.

20 THE CLERK: Come forward, sir, and have a seat in

21 the jury box.

22 Juror No. 15, Katherine Bell. How says the State?

23 MS. JONES: Please present Ms. Bell.

24 THE CLERK: How says the Defense?

25 MR. NEWMAN: Please excuse the juror.

Jury Selection

1 THE CLERK: Thank you, ma'am.

2 Juror No. 117, Jessica Keiffer. How says the
3 State?

4 MS. JONES: Please present Ms. Keiffer.

5 THE CLERK: Pardon me, ma'am?

6 MS. JONES: Please present Ms. Keiffer.

7 THE CLERK: How says the Defense?

8 MR. NEWMAN: Please excuse the juror.

9 THE CLERK: Thank you, ma'am.

10 Juror No. 102, Debbie Hope. How says the State?

11 MS. JONES: Please present Ms. Hope.

12 THE CLERK: How says the Defense?

13 MR. NEWMAN: Please excuse the juror.

14 THE CLERK: Thank you, ma'am.

15 Juror No. 114, Tynisha Jones. How says the State?

16 MS. JONES: Please present Ms. Jones.

17 THE CLERK: How says the Defense?

18 MR. NEWMAN: Please swear the juror.

19 THE CLERK: Have a seat in the jury box, ma'am.

20 THE COURT: All right. The strikes are one and
21 two with the first alternate.

22 THE CLERK: Alternate No. 1, Juror No. 40, William
23 Cates. How says the State?

24 MS. JONES: Please present Mr. Cates.

25 THE CLERK: How says the Defense?

Jury Selection

1 MR. NEWMAN: Please excuse the juror.

2 THE CLERK: Thank you, sir.

3 Juror No. 84, Demetrius Gardner. How says the
4 State?

5 MS. JONES: Please present Mr. Gardner.

6 THE CLERK: How says the Defense?

7 MR. NEWMAN: Please swear the juror.

8 THE CLERK: Come forward, have a seat, alternate
9 chair one.

10 Juror No. 9, Anita Barham. How says the State?

11 MS. JONES: Please present Ms. Barham.

12 THE CLERK: How says the Defense?

13 MR. NEWMAN: Please swear the juror.

14 THE CLERK: Have a seat in alternate chair No. 2.

15 Juror No. 183, Deborah Smith. How says the State?

16 MS. JONES: Please present Ms. Smith.

17 THE CLERK: How says the Defense?

18 MR. NEWMAN: Please excuse the juror.

19 THE CLERK: Thank you.

20 Juror No. 157, Rebecca Parfitt. How says the
21 State?

22 MS. JONES: Please present Ms. Parfitt.

23 THE CLERK: How says the Defense?

24 MR. NEWMAN: Please swear the juror.

25 THE CLERK: Come forward, have a seat in alternate

Jury Selection

1 chair No. 3.

2 THE COURT: Are there any matters at all we need
3 to take up regarding the jury selection process from
4 the State?

5 MS. JONES: Not from the State.

6 THE COURT: From the Defense?

7 MR. NEWMAN: None from the Defense.

8 THE COURT: All right. Ladies and gentlemen,
9 welcome. Sit tight with me. All right? I'll be right
10 with you.

11 Ladies and gentlemen, those of you who have been
12 back here, they're still in the gallery, and let me
13 tell you what I hope to do at the end of this week. I
14 hope to try a one-day case towards the end of this
15 week. I anticipate that happening either Wednesday,
16 Thursday, or Friday. Of course, I won't know when that
17 will be because I can't start that case until I finish
18 this one.

19 So, ladies and gentlemen, what I am going to have
20 to ask you to do, those of you who are still back in
21 the gallery, to call in to the juror line tomorrow
22 night, which is Tuesday night, after 6:00 p.m. There
23 will be a recorded message -- correct, Margaret?

24 THE CLERK: Yes.

25 THE COURT: It will tell you whether or not you

Jury Selection

1 have to come back Wednesday morning. Ladies and
2 gentlemen, in all likelihood it's going to say, "Call
3 back Wednesday night after 6:00 p.m." All right?
4 Whatever it says to do, ladies and gentlemen, just
5 follow directions.

6 If for some reason you do get called back and you
7 need to come, you need to be here, because I don't want
8 to have to send Sheriff's deputies again. Okay? If
9 you don't show up, I will have to send deputies. Okay?
10 So we need you here. All right, ladies and gentlemen?

11 So with that said, thank you. You are excused.
12 Call in tomorrow night after 6:00 p.m.

13 (The Jury panel exits the courtroom.)

14 THE COURT: Get that door shut as quick as we can,
15 please.

16 Thank you. Okay. Thank you.

17 Ladies and gentlemen, again, welcome. As you all
18 know, I'm Carmen Mullen. I'm the Judge that's going to
19 try this case, and I want to thank you for your
20 willingness to serve and for being here. And I know
21 that it's late, ladies and gentlemen, and I appreciate
22 that.

23 There's just a couple of things I need to tell you
24 before I send you back to your jury room. When you
25 report tomorrow, you're going to report directly to

Jury Selection

1 your jury room. All right?

2 To begin with, ladies and gentlemen, if you were
3 able to get into the courthouse today with a cell
4 phone, I want you to leave it back in your car or leave
5 it home. There's just so much information you can get
6 off of a cell phone. I wouldn't want anyone to be
7 tempted, so I tell you to leave it at home.

8 If you're concerned about someone reaching you
9 emergently while you're here performing jury service,
10 tell them to call the Clerk of Court's office and state
11 that you are a juror in the trial of my case, and I
12 will run and come get you. All right? So I don't want
13 you to be worried about that.

14 If while you're here you need a phone to call
15 family and tell them that you're running late, or some
16 other issue, simply ask the bailiffs for a phone and
17 they're going to take you to a phone. All right?

18 Ladies and gentlemen, also, you are not to discuss
19 this case with anyone, and that includes each other
20 until you've heard all the evidence, you've heard the
21 closing arguments of the lawyers, and I've charged you
22 on the law that's applicable to this case. And the
23 reason is this: You aren't to make any judgments,
24 ladies and gentlemen, on any of the evidence until
25 you've seen and heard all of the evidence in this case.

Jury Selection

1 And then and only then would it be appropriate for you
2 to be able to discuss it back in the jury room with all
3 your fellow jurors during your deliberations. All
4 right?

5 Also, I want you to know that the attorneys, the
6 witnesses in this case, the parties, have been
7 instructed not to speak to you in coming and going from
8 the courthouse.

9 Ladies and gentlemen, if anyone tries to approach
10 you having anything to do with this case, or tries to
11 talk to you about the case in any way, shape, or form,
12 you report it to me immediately. Don't talk among your
13 other jurors, just bring it to me. You just tell the
14 bailiff you have to see the Judge, and I will talk to
15 you. All right?

16 Ladies and gentlemen, additionally, I don't know
17 that there's going to be anything in the newspaper or
18 the news in this case, but out of an abundance of
19 caution, I have to tell you that if you were to open up
20 a paper tomorrow and see something, or see something on
21 the news, you are to disregard it. All right?

22 Anything that would be in the newspaper or on the
23 news is not factual, ladies and gentlemen, it is never
24 correct. And, again, I would hate to have to ask you
25 about it, so out of an abundance of caution, if you go

Jury Selection

1 through the paper and you see something, don't read it,
2 don't watch it, don't listen to it. All right?

3 Ladies and gentlemen, I know it's been a long day.
4 And I want to tell you how much I appreciate you being
5 here. And I need to also emphasize that you understood
6 this morning, I had to send Sheriff's deputies out to
7 get people to have enough jurors to pull this morning.
8 I can't start until all 15 of you are here. Okay? And
9 that's going to happen every time we break.

10 So, ladies and gentlemen, if you run into car
11 trouble, if you fall sick, call the Clerk of Court's
12 office. If it's car trouble, I'm going to send someone
13 out to get you. Okay? I need to know where you all
14 are, and I need you here to be able to try this case.
15 Okay?

16 We are going to start at 10:00 a.m. tomorrow
17 morning. All right? Is that acceptable with everyone?
18 I will leave in hope that we will finish this case by
19 Thursday. That is what my goal is. I hope to give it
20 to you sometime by early Thursday afternoon. So that's
21 just to let you know where we're kind of scheduling.

22 Ladies and gentlemen, you need to go and kind of
23 make arrangements at home, because you can plan on
24 being here on Tuesday, Wednesday, and Thursday pretty
25 much from 10 in the morning until roughly 5-ish at

Jury Selection

1 night. Okay? I'll break earlier, if I can, ladies and
2 gentlemen, but, again, you need to get this case in
3 front of you, and we need to get rid of it. All right?

4 Additionally, if you are someone that does
5 anything on social media, you are not to post anything
6 about being a juror in the trial of this case. The
7 reason why, it invites comment. And I don't want
8 anyone to reach out to you.

9 Were anyone to reach out to you, I need you to
10 report that. All right?

11 Additionally, you are not to do any independent
12 research on the lawyers, on the parties, on this
13 incident, anything involving it. Again, you are going
14 to have everything you need right here in this
15 courtroom. It would be highly inappropriate for anyone
16 to speak to you about it, for you to do any of your own
17 research, or do anything along those lines. All right?

18 Ladies and gentlemen, again, thank you. I look
19 forward to seeing you all tomorrow morning 10:00 a.m.
20 I'm going to excuse you back to your jury room. She's
21 going to just speak with you very briefly about any
22 needs you have, and then I look forward to seeing you
23 all at 10:00 a.m.

24 And, sir, I'm going to have someone come to you.
25 Okay? To take care of your matter for tomorrow. All

Jury Selection

1 right?

2 So with that said, ladies and gentlemen, you are
3 excused. Thank you again. We will see you at 10:00
4 a.m. Okay.

5 (The Jury exits the courtroom.)

6 THE COURT: Okay. Can you shut the door all the
7 way?

8 All right. I think it's a good time to break.
9 It's a quarter to six. I am going to ask the attorneys
10 to be back -- I want you all here at 9:15 tomorrow
11 morning. I don't think we need to put it on the
12 record, my understanding is you're not going to call
13 the witnesses, it's a potential conflict; is that
14 correct?

15 MS. JONES: I am not calling that person.

16 THE COURT: Okay. So there's no longer an issue
17 or a question.

18 Okay. Tomorrow morning 8:30 for the attorneys,
19 9:15. Okay? We need to talk obviously about rulings
20 at that point on your ID issues. The last person was
21 the Willie Newton guy anyway, correct? So that would
22 take care of that.

23 MS. JONES: That's correct.

24 THE COURT: I just remind everybody to keep
25 everyone sequestered tomorrow.

Jury Selection

1 Anything else we need to take up right now this
2 evening?

3 MS. JONES: Not necessarily tonight, but possibly
4 in the morning. We do have a Jackson V Denno. Casey
5 Jones, Junior did make a very brief statement to Agent
6 McCallister. and then there is a photograph I would
7 like to admit of Jones, Junior. I have two witnesses
8 that gave me a (inaudible) of the booking photo and
9 it's been altered.

10 THE COURT: Okay. However we can fit it in.

11 All right. Can you shut the door? Thank you.

12 MS. JONES: So you can't tell it is -- would I
13 have to get him to admit it through Dylan Hightower or
14 the jail?

15 THE COURT: Okay. Well, let's see here, tomorrow
16 morning at 9:00 a.m, ladies and gentlemen, so you can
17 take up these two issues.

18 At least tell Mr. Jones, Junior, you are obviously
19 out on bond, sir. Coming and going from this
20 courthouse, you are not to so much as nod your head at
21 any of these jurors. And I want to make sure you
22 understand that. Because if for some reason there's
23 any kind of contact at all, like don't even look at
24 them, I'm going to take you into custody. Okay? Which
25 I can do. I don't want to do that, but I'm just

Jury Selection

1 instructing you not even to look at anyone. Don't nod,
2 don't say hello, nothing. Don't smoke a cigarette with
3 anybody. Okay?

4 DEFENDANT JONES, JUNIOR: Yes, ma'am.

5 MR. NEWMAN: Judge, I had planned on that for his
6 protection and some -- he and I are going to walk to
7 and from his car.

8 THE COURT: Perfect. Okay. And you go straight
9 in. All right.

10 I'll see everyone at 9:00 a.m. because we
11 obviously have more issues than I thought, and we'll
12 take all that up. Okay? We'll see you tomorrow.

13 MS. JONES: Thank you.

14 THE COURT: All right.

15 (Whereupon the court recessed for the day.)
16
17
18
19
20
21
22
23
24
25

Jury Selection

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

3
4 Case No.: 2015-GS-27-0433; 0434; and 0437
5 2015-GS-27-0345; 0346; and 0349
6 2015-GS-27-0333; 0336; and 0337

7 State of South Carolina,

8 Plaintiff(s),

9 vs. Transcript of Record

10 Casey Jones, Sr.

Jarrold Bostick

11 Casey Jones, Jr.,

12 Defendant(s).

13

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TRIAL TRANSCRIPT

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October 24, 2017

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Ridgeland, South Carolina

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22

23 BEFORE:

24

The Honorable Carmen T. Mullen

25

Jury Selection

10-24-2017 PROCEEDINGS

1
2 THE COURT: Okay. What are the pre-trial motions
3 we have? I know we have a Jackson v Denno this
4 morning. What else do we have?

5 MS. JONES: We do. Mr. Newman went back to the
6 restroom.

7 And, Your Honor, we have argument on the
8 identification.

9 THE COURT: Okay. We'll hear that first. That's
10 fine.

11 All right. Whenever you're ready.

12 Mr. Newman, while you were in the restroom, we're
13 just going to hear argument first on the identification
14 issues, then we're going to do Jackson V Denno.

15 And then what are we doing after that?

16 MS. JONES: I have a photo that I would like to
17 enter.

18 THE COURT: Okay.

19 And, Margaret, is the jury going to come up the
20 back stairs this morning?

21 THE CLERK: Yes.

22 THE COURT: Okay. Thank you.

23 MR. NEWMAN: For the record, before we start and
24 get into this, Mr. Koger and Mr. Plexico and I have
25 talked to the extent that we can, we'd like to put on.

10-24-2017 PROCEEDINGS

1 the record a joint defense agreement that if one
2 defendant objects, all the defendants join in that
3 objection unless they specifically opt out, for
4 whatever reason.

5 THE COURT: Okay.

6 MR. NEWMAN: I just want to do that, and I want
7 the record of the Court to accept that. So if it's
8 like a hearsay objection, all three of us --

9 THE COURT: I'm fine with that. And I think it
10 needs to be for everybody. I approve that.

11 MR. NEWMAN: Thank you, Your Honor.

12 THE COURT: Okay.

13 All right. Ms. Jones.

14 MS. JONES: Thank you, Your Honor.

15 First, for identification, I would like to pass up
16 the cases and the rules that I will be referring to.
17 And they're all the same, I just have sticky notes for
18 my own information.

19 I have three cases in there, as well as in 701,
20 704 at that address. Essentially, we'll bring in five
21 lay witnesses, non-expert witnesses. The first for the
22 cases is State V. Lieberman, just briefly, it goes into
23 that a full blown Neil V Biggers hearing is not
24 necessary when we have identification based on people
25 that know each other. Those hearings are reserved for

10-24-2017 PROCEEDINGS

1 stranger identification, which is why I took the
2 procedure I did yesterday, with having limited
3 questioning on these witnesses.

4 State V Fripp is actually the case that I think is
5 more on point with the identifications we had
6 yesterday. We had five identifications yesterday, some
7 from law enforcement, some from lay witnesses. And
8 they each identified different defendants in this case.

9 The State V Fripp case actually came out, it was a
10 Beaufort County case, and it just says that these
11 identifications where a subject has personal knowledge
12 of the -- of the suspect of the defendant are proper
13 and that it is not -- it's not going into something
14 that is restricted to the province of the jury. It is
15 aiding them, assisting them, and given to the fact
16 question here, which is are these individuals the
17 individuals on the video itself?

18 It goes into why there's 701, it's proper, and
19 here I would argue that it aligns with Fripp in that
20 the testimony was based on the overt perception that
21 the Defendant, it's their perceptions on their personal
22 knowledge. They don't have to actually be witnesses to
23 the crime here.

24 THE COURT: Exactly. And I think it also
25 impersonates, if I'm correct, the identifications

10-24-2017 PROCEEDINGS

1 weren't solely based on the video that they were shown.
2 It was also based on the past experience with the
3 people, if I'm correct. That's what I remember.

4 MS. JONES: That's correct.

5 THE COURT: And their familiarity, right?

6 MS. JONES: That's correct, Your Honor.

7 THE COURT: Okay. That's what I remember.

8 MS. JONES: Correct.

9 THE COURT: Okay.

10 MS. JONES: That's all I had to establish was that
11 there was a prior knowledge of these individuals, and I
12 believe I did establish that with each of the witnesses
13 that came on the stand.

14 Obviously, a lot of what specifically law
15 enforcement testified to is inadmissible when it comes
16 in front of the jury, regarding how specifically they
17 know them. I would ask that, if Your Honor finds that
18 the testimony is admissible, I will instruct these
19 witnesses that they be able to testify to that they
20 know them, that they've known them for this period of
21 time, and they've seen them on this number of
22 occasions. Not I know them because I was investigating
23 a homicide, or I know them because I was investigating
24 a burglary.

25 Going back to the 701, it is helpful to the jury,

10-24-2017 PROCEEDINGS

1 I believe here there is no argument with the defense
2 that the video, as well as still shots, are less than
3 clear. And these jurors -- my apologies, these
4 witnesses are here to aid the jury in understanding and
5 giving them that information that they need in order to
6 help them determine, if in fact, the video is of who
7 the State purports it to be. And then going back to
8 whether specialized knowledge is not, it's their prior
9 knowledge of these individuals. That would be the
10 State's basis for allowing these individuals to
11 testify, and certainly the defense has every
12 opportunity to question them on their prior knowledge
13 of these people. Their prior relationship.

14 But the State feels that the testimony is
15 admissible under those three cases. And the final case
16 was Mitchell, and I just went in and got it, it's
17 appropriate for law enforcement to testify to their
18 prior knowledge of an individual.

19 THE COURT: Right. Okay.

20 All right. Gentlemen?

21 MR. PLEXICO: Your Honor. All right. Aside from
22 what I put in my motion to exclude, I'm in a different
23 boat. There is one witness, who is Dominique Coleman,
24 who you heard testify. she says she's had no
25 professional contact with my client. She did indicate

10-24-2017 PROCEEDINGS

1 she had prior knowledge of my client's name, she has
2 seen him around town occasionally, and would wave, just
3 like she'd wave to anybody else. And she says she
4 identified him through the tennis shoes and his gait,
5 then she withdrew that and said, "Yes, he was running
6 in the video, so I can't see his gait."

7 That means that the identification solely goes to
8 the tennis shoes. She admitted, and I don't -- there
9 is -- cannot -- no one can look at that video and say
10 there is a clear picture of a third individual that
11 they purport to be my client that got out of that car.
12 The only witness that they have, Officer Dominique
13 Coleman, says that she could not identify the face on
14 the video because it was not good enough, which is --
15 that's exactly what she testified to.

16 So we're in a position where the only ID in this
17 case of my client is going to come from Dominique
18 Coleman, whose identification of my client is not based
19 on looking at his face, but it's based on his gait,
20 which she admits she did not get a chance to observe,
21 and the fact that he had low cut tennis shoes, which, I
22 mean, everybody has four or five pair. Three hundred
23 million people, we've got 1.2 billion pairs of shoes,
24 I'm sure there's more than one white pair of low cut
25 tennis shoes in America and everywhere else. I mean,

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1 that's just unduly suggestive.

2 On top of that, what the witness who's going to --
3 supposedly who's here purportedly to identify my client
4 has said that she met with agent -- SLED Agent
5 McCallister. who gave her the three names. she looked
6 at the pictures, and that's who she identified was my
7 client, and that's when she personally got the name.
8 That was -- it's a line-up of one, as far as that goes,
9 and it is unduly suggestive. And she told them the
10 names were attached to it. She did not make
11 identification by the face, and I think these are the
12 factors under State V. Traylor, Judge, that is -- the
13 Court needs to decide if there is no substantial
14 likelihood of misidentification. And my plea would be,
15 how could anyone make an identification of an
16 individual and not do it by their face? That's unheard
17 of. I've just never heard of that.

18 That was her own testimony, that she did not use
19 the face to identify my client. So -- and that is
20 unduly suggestive, and there is just -- you just can't
21 look at that video and figure out who that third person
22 is. You just can't do it.

23 THE COURT: Okay. Do you have an answer?

24 MS. JONES: Briefly, Your Honor. I believe her
25 testimony was that she was 100 percent positive that

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1 that was Casey Jones, Senior, she has known him, she
2 knew him before any of the others, she said she has
3 over 18 months, she saw him numerous times on the
4 street, and she identified him from his gait and shoes.'

5 She did not say that because he was -- and he's
6 not -- Your Honor saw the video, he's not running, he
7 is moving quicker than normal. But because of that,
8 that still shows the gait that she's talking about. I
9 think that she made the identification based on prior
10 knowledge, and she's a hundred percent certain.

11 Certainly, Mr. Plexico can cross-examine her on
12 her ability to see his face or not see his face.

13 MR. PLEXICO: The Court's function as a gatekeeper
14 is not to allow this type of speculative identification
15 in front of a jury, because it's just going to confuse
16 the jury. And it's going to mislead the jury.

17 No one can say they're a hundred percent positive
18 of an identification based on gait and type of shoes a
19 person is wearing, and not having seen -- not having
20 identified them by their face. That's just unheard of.
21 There's nothing the State can cite for that to be
22 allowed.

23 THE COURT: I'm going to go ahead and allow Deputy
24 Coleman to testify as to Casey Jones, Senior.

25 Let's go ahead and have the next one.

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1 Mr. Koger.

2 MR. KOGER: Your Honor, may it please the Court.

3 In relation to my client, Mr. Jarrod Bostick,
4 here. And I don't have -- I have a case cite, Fowler
5 versus Nationwide Mutual Fire Insurance Company. The
6 cite is 410 SC 403, and 764 SE.2d 249. It's a 2014
7 case. It deals with the proper admission of opinion
8 testimony.

9 Basically the facts briefly is that a fire
10 occurred at Mr. Fowler's house. It was determined by
11 the investigators from Nationwide to be intentional. A
12 trial was held in Oconee County in 2011, and the trial
13 court -- well, the jury came back finding for the
14 Plaintiff in that particular case.

15 The fire chief in that case was not qualified as
16 an expert in that case, but he was allowed to testify
17 as a lay witness under 701. Nationwide filed an appeal
18 in that particular case, saying that he gave
19 improper -- he gave improper opinion testimony, he was
20 not qualified as an expert, but he gave testimony as to
21 the origin of the fire and in relation to whether the
22 fire was intentional or not. And it was remanded back
23 for a new trial.

24 THE COURT: Mr. Koger, I don't think this case is
25 anywhere close to saying that.

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1 MR. KOGER: Well, the holding in that particular
2 case is that unless -- to get to my point, that unless
3 it was a direct observation, that he has to be
4 qualified as an expert.

5 Now, in this particular case here, and
6 additionally in relation to the chief, our law
7 enforcement people are Chief Collins and Agent Croft,
8 is that they could possibly come in under 701 as lay
9 testimony. But because, even though they may not be
10 deemed to be qualified as an expert, because they are
11 law enforcement officers, the jury maintains their
12 opinion more than the other -- than the other lay
13 witnesses and, therefore, gets us to Rule 403, that
14 their testimony may cause unfair prejudice for my
15 client as far as identification of law enforcement
16 officers.

17 And we would ask that you would consider excluding
18 the two law enforcement officers, their testimony as to
19 identification as to -- that it would cause unfair
20 prejudice towards my client and fraudulent
21 identification and it would outweigh the probative
22 value of having them testify, especially since she has
23 two other lay witnesses to testify to the
24 identification.

25 If you deem that not to be proper, you should

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1 consider that. My second motion was to limit the scope
2 in which the two law enforcement officers are going
3 to -- as far as their knowledge of Mr. Bostick, but I
4 think that Jones stated that she's going to put
5 limitations on that.

6 THE COURT: Okay. But --

7 MR. KOGER: So that is a separate issue that she
8 stated. Those limitations, it is not proper to include
9 in the testimony.

10 THE COURT: But I hate to tell you, as far as the
11 Fowler case is concerned, what the chief testified to
12 in that case was a cause of fire, a cause of the fire
13 and whether or not it was intentional. That was a fire
14 expert witness's testimony. That's not what we're
15 doing here.

16 There is no specialized knowledge in these
17 identifications, it's just that they have seen him
18 around. So that case doesn't even come close to
19 comparing to this one.

20 I think it is proper, and I'm going to allow them
21 to testify.

22 Let's talk about Mr. Newman's client as to Casey
23 Jones, Junior.

24 MR. NEWMAN: Your Honor, the focus on our
25 objection is to the identifications by witnesses that

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1 did not witness the crime. They're looking at videos
2 that are proceeded by the State. You can't see dark
3 patches and the eyes are grainy. Skin tones have been
4 lightened. The procedure for the identification was
5 unduly suggestive in that I think two of the officers
6 were frank, that they were given the names of who
7 McCallister wanted them to identify.

8 THE COURT: There's only one of them. And what I
9 heard, the only person that was given the name ahead of
10 time was Dominique Coleman. That was the only person
11 that was given three names, and this is who you're
12 looking for, which I agree could arguably be
13 suggestive. But I think the whole procedure takes care
14 of that. And so I think, based on totality of
15 circumstances, I think the ID was reliable.

16 And, again, it was only Dominique Coleman that the
17 names were suggested or told to ahead of time, are
18 these three people. But the other ones, they weren't
19 told who it was.

20 MR. NEWMAN: And these would have been single
21 photo show-up situations, which the appellate courts
22 have recognized that the red show-ups are suggestive.
23 The questions are whether they're unduly suggestive and
24 prejudicial.

25 THE COURT: Well, the witnesses didn't see the

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1 incident occur though. So it's not as if they were
2 looking and watching the incident, and then they turned
3 around and showed one -- one show-up and one thing.
4 They were talking about people that they potentially
5 could have known out in the neighborhood.

6 MR. NEWMAN: And that's what makes it all the
7 worse.

8 THE COURT: I don't think so. I think it could be
9 anyone randomly that they know. As long as they
10 weren't given names, who is this? Who do you think it
11 is?

12 And I will tell you, just, you know, it doesn't
13 matter to me, but based on what I can see in the video,
14 I think you can see Mr. Bostick, and you can certainly
15 arguably see Mr. Jones, Junior. I think, again, as to
16 Senior, I think it is more problematic.

17 I have a question for you. Who was the car
18 registered to that they were driving in, whatever that
19 car was?

20 MS. JONES: It was a rental.

21 THE COURT: It was a rental car? It didn't look
22 like a rental car.

23 MR. NEWMAN: Yes. And that's going to be subject
24 of cross examination, because they had to follow those
25 leads. However, I understand your ruling. If you will

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1 note Ms. Jones throughout the -- when they testify
2 that --

3 THE COURT: Absolutely.

4 MR. NEWMAN: -- we object to that.

5 There's also another witness that we have not had
6 a Neil versus Biggers hearing on. The State tells me
7 that they are going to get J'Amiah W. to identify
8 Mr. Jones.

9 MS. JONES: And J'Amiah W. is one of the
10 juveniles who was at the home.

11 THE COURT: How old is he?

12 MS. JONES: He was 11 at the time of the murder,
13 he's now 14.

14 What happened was that -- and for time's sake, I
15 think this is something that we can have him testify,
16 take a break, and then you can rule on the
17 identification.

18 What happened was, he was never shown a photo
19 line-up, there was no pre-trial identification until
20 February of this year. He was at school, and you might
21 remember a little bit about this. I brought this to
22 your attention during a motion I had to revoke Mr.
23 Jones, Senior's bond.

24 He was at school, he was waiting for his
25 grandfather to pick him up. While he was outside, a

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1 car is parked. 'Mr. Jones, Junior steps out of the car,
2 says, "What are you F are you looking at?"

3 It scares J'Amiah, he runs inside. He identifies
4 the man. He says, "That's the man who killed my
5 daddy." And that's what was told to law enforcement.
6 And we get that. All that was -- that report has been
7 handed over, so after I -- my plan was that after he
8 testifies about the initial incident, then he will
9 testify about the school incident. I have the SRO at
10 the school that was there. And after he testifies in
11 full, then I would ask, "Do you see the man from the
12 school and the man that you saw the day that your
13 father was killed?"

14 MR. NEWMAN: And this is the juvenile that was in
15 the closet for most of --

16 THE COURT: We obviously are going to have to do a
17 proffer on the testimony. Number one, he was 11 at the
18 time, to make sure that he can --

19 MS. JONES: We can do that.

20 I would just ask after we hear his testimony, or
21 at that point where I would ask him for identification,
22 we break to dismiss the jury.

23 MR. PLEXICO: Your Honor, you have to make the
24 record complete on my motion on the 403. If it's
25 relevant to her identification, I believe it's

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1 essentially outweighed by the danger of undue
2 prejudice, and it's unduly prejudicial against my
3 client and should be excluded on the basis under 403.

4 THE COURT: And I believe it's more probative than
5 prejudicial under 403. So, again, I'm allowing it in
6 consideration of Rule 403. Okay.

7 Well, I think we are going to have to do a proffer
8 of the testimony ahead of time. I don't like the idea
9 of stopping in the middle of it. Because he's a
10 juvenile, I would say we go ahead and do a proffer
11 ahead of time. So when it's his turn to come up and
12 testify, I want you to stop and tell me we need to take
13 a break. Okay?

14 MS. JONES: Certainly.

15 During the law enforcement's testimony for
16 identification, just for clarity, they are limited to
17 what -- to the length of time that they have known the
18 individuals?

19 THE COURT: And simply just from being out and
20 about town. They can't say anything, obviously, about
21 whether or not they've been investigated, if they've
22 been involved in investigating any other cases, any
23 kind of any, you know, obviously criminal nature. We
24 can't have any bad act imputed to them, obviously under
25 law. Okay?

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1 MS. JONES: I will instruct them to limit their
2 testimony.

3 THE COURT: Okay.

4 MR. NEWMAN: As to the Jackson V Denno issue, it's
5 my understanding my client made one statement that he
6 didn't do it, he was at work.

7 THE COURT: Okay.

8 MR. NEWMAN: And I don't have any objection to
9 that, and I don't think it supports it.

10 THE COURT: Well, where was he working at the
11 time?

12 MR. NEWMAN: He was working landscaping at the
13 time.

14 THE COURT: Okay. For who?

15 MR. NEWMAN: I believe for a man named Mr. Graves.

16 THE COURT: Okay. Is that the sole --

17 MS. JONES: That's it. It was a very short
18 written statement. "Because I got up in the morning,
19 around -- I get up in the morning around 11 for work
20 everyday. I landscape several yards until about five,
21 and then goes to my girl house and mom house almost
22 everyday."

23 And it was given to Agent McCallister.

24 THE COURT: And was he Mirandised before that?

25 MS. JONES: He was.

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1 THE COURT: Okay. Well, if he was Mirandised --

2 MR. NEWMAN: I agree. I don't need to hear it. I
3 think the State was --

4 THE COURT: I, just for myself, was he Mirandised
5 at the time.

6 So, again, was he under arrest at the time or not?

7 MR. NEWMAN: He was under arrest, he turned
8 himself in.

9 THE COURT: And he was Mirandised. Okay.

10 MR. NEWMAN: Yes.

11 THE COURT: Very good. All right. So we're fine
12 with Jackson V Denno.

13 You have a picture or a photo that you're
14 concerned about.

15 MS. JONES: I do. I have the -- the juveniles in
16 this case, when they are giving description, at least
17 one of them describes -- described the two men, and
18 they used skin tone to differentiate. They describe a
19 lighter skinned man and a darker skinned man. And they
20 say that the darker skinned man had gold teeth. And we
21 were on a mission to find a picture of Mr. Jones,
22 Junior with the gold teeth. And the only photo we
23 could find is a booking photo.

24 It has been altered to adjust the color of the
25 jumpsuit. It actually just looks like he doesn't have

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1 a shirt on, in my opinion.

2 THE COURT: Okay. You want to bring it up for me
3 to look at it?

4 MS. JONES: And, additionally in a way to avoid
5 any information going to the jury that is improper, I
6 do have the jail that can testify to it. And I also
7 have Dylan Hightower, who can testify to that, in an
8 effort -- and pursuant to the investigation, he
9 recovered this photo. Limit it to that.

10 THE COURT: Okay. Can I see the photo, please?

11 Okay. Mr. Newman, what's your position? I
12 wouldn't want a jailer to climb on the stand, were I
13 you, and -- in a uniform, and say that he took a
14 photograph of him. I think you would prefer to have
15 Dylan Hightower or someone else -- there's nothing too
16 testy about this. You can't see the blocks in the
17 back, it's just typical of most booking photos. Yeah,
18 you can't see anything. Actually I was looking for a
19 heavier picture, too.

20 But how do you wish -- I think it's admissible, I
21 don't think there's any question about that. The
22 question is, how do we get it in? Obviously Dylan
23 Hightower --

24 MS. JONES: He actually retrieved it off of the
25 Jasper County system. He has access to it. He can,

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1 obviously not go that far. He can just say during
2 investigation, I came across the photo.

3 THE COURT: Okay.

4 MR. NEWMAN: Well, why don't we just do this?
5 Let's just -- I object to it, you rule, it's coming in.
6 Why don't you just admit it. I don't need a
7 foundation, I don't need to make a --

8 THE COURT: Okay. That's fine. I'd rather not
9 have Mr. Hightower testify if he don't have to.

10 MS. JONES: Okay. Then we can just stipulate?

11 THE COURT: You can just stipulate.

12 MR. NEWMAN: No, I'm stipulating. I'm saying I'm
13 not challenging. She moves it into evidence, I object
14 on the prejudice and all that.

15 THE COURT: It's got to come somehow, so call
16 Mr. Hightower and just have him say that in this
17 investigation for this, he came across this picture.

18 MR. NEWMAN: Your Honor, if it's coming in, I
19 would just ask that the Solicitor move it into -- I've
20 already objected so I'm not going to do it again. I
21 just ask--

22 THE COURT: It's got to be in somehow though, Mr.
23 Newman. It just can't be floating around. They've got
24 to be able to put in somehow. We can get it in that
25 way if you want to.

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1 You can even ask some of your other investigators.
2 I mean, McCallister can testify to it. I was provided
3 this during the investigation, a photograph of him.

4 MS. JONES: Okay.

5 MR. NEWMAN: I don't mind it coming in if we can
6 say the witness, McCallister --

7 THE COURT: Yeah. I mean, I'd love to see the
8 witness, but I always like to keep -- you know.

9 MS. JONES: Okay. Well, then Agent McCallister,
10 I'll ask her did she come across a photo? Bam, here,
11 it is.

12 THE COURT: Okay. Were you provided a photo in
13 the investigation? Yes. Who was it? Jones, Junior.
14 Thank you.

15 MS. JONES: I think that's all I -- when
16 appropriate, and I mentioned this last week during our
17 second motion to sever, I do object to Mr. Jones,
18 Senior's alibi. Would you like argument now?

19 THE COURT: I need to hear it. So, just so I'm
20 clear, it was given last Friday, the previous Friday,
21 correct? So ten days in advance of the trial date.

22 MS. JONES: Right.

23 THE COURT: So again -- and tell me what the alibi
24 is again, just so I understand it. I've heard a woman
25 in North Carolina or something along those lines.

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1 MS. JONES: It gives a name and address.

2 THE COURT: Mr. Plexico can tell me. Who is it?

3 MR. PLEXICO: Yes. He was with his girlfriend at
4 the time in North Carolina, on Palomino Drive at that
5 time, where they lived in Greenville, North Carolina.
6 And that is what she would testify to.

7 THE COURT: Okay. And what was her name again? I
8 apologize.

9 MR. PLEXICO: Her name is Eilene Nicole Smith.

10 THE COURT: Okay. Okay. All right. And your
11 objection is based on weight?

12 MS. JONES: My objection is based on Rule 5E,
13 notice of alibi. Disclosure within ten days after
14 Defendant serves his notice -- oh, my apologies.

15 "A notice of alibi by Defendant, upon written
16 request to the prosecution, stating the time, date, and
17 place, which the alleged events occurred, the Defendant
18 shall serve within ten days, or at the time that the
19 Court may direct upon the prosecution a written notice
20 of his intention to offer an alibi."

21 I filed my written request on December 30th, 2015.
22 It was clocked in the clerk's office and provided to
23 Mr. Plexico. Then I did not get my notice of alibi
24 until two years later.

25 THE COURT: Okay. Well, I'm going to allow it.

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1 Anything else?

2 MR. PLEXICO: Yes. Furthermore, under -- under
3 United States versus Beahm and United States versus
4 Foutz, and this is adopted in the State, by State V
5 Robinson, Judge, I'm moving to exclude any evidence and
6 in argument of flight. And my client, actually he was,
7 while he had a girlfriend in one town, he actually
8 lived in North Carolina, and he was arrested at the
9 home where he lived with his wife, who is Cleopatra
10 Cotton.

11 THE COURT: And that's here in Ridgeland?

12 MR. PLEXICO: No, it's in North Carolina. He was
13 arrested in North Carolina, where he lived 18 months,
14 something like that. And lived with his wife
15 predominantly, and he had a girlfriend in the next
16 town. And since there's -- he was also on probation,
17 he had not been reporting on probation, he says a
18 female judge in Beaufort terminated his probation after
19 his arrest due to the murder charges, and this sort of
20 thing, which I suspect, I've asked probation to come
21 over, which I suspect may very well have been Your
22 Honor.

23 THE COURT: Because I'm the only female judge
24 here. But, okay.

25 MR. PLEXICO: But anyway, his belief was since he

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1 had not been reporting to the South Carolina probation,
2 that they were coming for him for violation of
3 probation. Here's -- that's where he lived.

4 You can't flee from where you live. There's no
5 evidence -- I mean, this is what requires a nexus
6 between the flight, they want to argue, she tells me
7 that he fled. That shows a guilty mind, and since you
8 can't flee from where you live, there is no evidence
9 that he knew there was a warrant out for him. So they
10 can't provide a nexus that Beahm and Foutz requires.

11 THE COURT: Just so I'm clear, were warrants
12 issued for all three at the same time; do you know?

13 MS. JONES: Within days of each other.

14 THE COURT: Within days of each other. So Junior,
15 Jones, Junior, Casey Jones, Junior, turned himself in,
16 and Mr. Bostick turned himself in as well?

17 MR. PLEXICO: Yes, Your Honor.

18 THE COURT: Okay. What order was it in?

19 MS. JONES: First it was Mr. Bostick, and then on
20 July, I believe 13th, it was --

21 MR. NEWMAN: Well, wait a minute. Mr. Jones
22 turned himself in first.

23 THE COURT: Okay. And then Mr. Bostick and then
24 --

25 MS. JONES: They were within days of each other.

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1 THE COURT: How much later was Jones, Senior
2 picked up in North Carolina?

3 MS. JONES: Not until September 11th. They turned
4 themselves in early July, and Mr. Senior was not picked
5 up until September 11th. I think also when he was, the
6 circumstances, he wasn't just found at his house, he
7 was found hiding in a closet, in a trash bag covered
8 with clothes. The evidence shows that he was trying to
9 avoid detection. He knew his son was charged with the
10 same crime, and his son turned himself in. I see that
11 that's a nexus right there, that how can his son be
12 charged with something, the same crime that Mr. Jones,
13 Senior is charged with, know about it, know to turn
14 himself in, and Mr. Jones, Senior doesn't?

15 MR. NEWMAN: If anything linking the son, these
16 unfortunately, father and son have been estranged for
17 years. He didn't grow up in the father's house. He
18 says he's respectful of his father, but they really
19 don't talk, and they really haven't had a relationship
20 unfortunately all their lives.

21 MR. PLEXICO: She has no witness to testify that
22 my client knew about the other arrest, that my client
23 knew that there was a warrant out for him, nor did she
24 say he did not live there.

25 THE COURT: Okay. Let me do this. I don't want

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1 you to say anything about flight in your opening
2 statement.. But let me do some research because it's
3 been a while since I've done a flight case, since the
4 last time I was in Orangeburg, in a murder case.

5 So let me do a little bit of research, let me see
6 what is required and to what extent you have to have
7 someone able to testify. Let me just do a little bit
8 of research. Just don't mention it in opening.

9 MS. JONES: And it was, for your information, it
10 was the U.S. Marshals who assisted and actually found
11 him in the closet.

12 THE COURT: And so they were on my witness list,
13 correct?

14 MS. JONES: One of them was, yes.

15 THE COURT: That's what I thought.

16 MS. JONES: Who was there during the apprehension.

17 THE COURT: Okay. Let me do this. Let me just do
18 a little research, y'all, just like I said. Let's not
19 go into it during the opening statements and -- or
20 opening arguments, and then we'll go from there.

21 And, again, I remind you, you're going to go in
22 this order, right? You're going to go Plexico, Koger,
23 and then Newman; is that correct?

24 MR. NEWMAN: That's correct, Your Honor.

25 THE COURT: As far as openings are concerned.

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1 Okay. Just wanted to make sure.

2 Okay. How are we doing with the jury, Margaret?

3 Do we have everybody?

4 THE CLERK: We have some issues.

5 (Off-the-record discussion held.)

6 THE COURT: All right. We're going to go ahead
7 and be at ease for about five minutes. What other
8 issues do you have? Just -- I don't want you to argue,
9 I just want you to just tell me what they are.

10 MR. PLEXICO: Well, I was wanting to do one more
11 motion, want to do a 609 Motion, Judge, to exclude he
12 has a prior burglary. The State agrees that it's the
13 only thing they could use. He's also charged with
14 burglary in this case, and I believe that they are so
15 similar that it would be unduly prejudicial and,
16 therefore, in the best interest of the law of the State
17 that it should be excluded.

18 THE COURT: How long ago was the burglary?

19 MS. JONES: It was 2014.

20 THE COURT: All right. Do you agree that it's too
21 similar under 609? It is. It's the same charge, and I
22 hate to see it now. But I don't hate to say it, that
23 is what it is. So, okay.

24 Anyone else have concerns about that with the
25 other two at all? Mr. Newman is going to say, Judge,

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1 it's best not to make anyone have to put up anything,
2 so --

3 MR. NEWMAN: Do you not plan on --

4 THE COURT: At time.

5 MR. NEWMAN: -- putting Mr. Jones on the stand?

6 THE COURT: Okay. All right. So if nothing else,
7 you can leave again, potentially.

8 MS. JONES: Not Senior.

9 THE COURT: Senior. Okay.

10 All' right. I'm going to step down for just a
11 quick five minutes or so, let me find out what's going
12 on with the jury. And then we'll be back and ready to
13 go into opening statements. Okay?

14 MR. NEWMAN: Thank you, Your Honor.

15 THE COURT: Okay. Thank you.

16 (Whereupon, the Court was in recess.)

17 THE COURT: It's my understanding you have an
18 issue with one of our jurors, Mr. Warchal. He was the
19 one on the far left that had to be in court this
20 morning. While I took care of that, he apparently
21 expressed an opinion to Ms. Bostick about the crime
22 rate in Jasper County is really bad. And so I'm going
23 to go ahead and relieve him, but I'm going to make him
24 stay obviously during trial of this case. But based on
25 his voicing his objections to this process, I am going

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1 to permit him -- Ms. Bostick, can you just for the
2 record say what he said to you?

3 THE CLERK: He said on yesterday evening that he
4 moved to Jasper County three years ago. He was
5 appalled at the crime rate. He had no sympathy for
6 murderers, he does not have an open mind and could not
7 be fair and impartial, he does not have it within him.

8 THE COURT: So would you go ahead and bring Mr.
9 Warchal out, please.

10 THE CLERK: Okay.

11 MR. NEWMAN: Appreciate it.

12 THE COURT: He wants to get off the jury
13 obviously..

14 Mr. Warchal, come on around here, please, in front
15 of me.

16 Sir, it's my understanding you expressed an
17 opinion to Ms. Bostick yesterday --

18 JUROR: I did.

19 THE COURT: -- about -- you did? About the crime
20 rate here in Jasper County.

21 JUROR: Yes, ma'am.

22 THE COURT: And you were appalled, and you can't
23 be a fair and impartial juror; is that correct?

24 JUROR: I did.

25 THE COURT: All right. Sir, I'm going to go

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1 ahead -- and everyone -- did you express any of that to
2 the jury back there in the jury room?

3 JUROR: I did not. I waited for everybody to
4 leave.

5 THE COURT: Pardon?

6 JUROR: I waited for everybody to leave.

7 THE COURT: Okay. Good. Well, what I'm going to
8 do is this, I'm going to relieve you as a juror in this
9 case, but you're going to sit and watch the whole,
10 trial.

11 JUROR: Okay.

12 THE COURT: So when we're in session, you're here,
13 so you can go ahead and just take a seat in the
14 gallery. You can give your juror pin over to Ms.
15 Bostick, and I'll go ahead and replace you.

16 I wish you'd said that before you actually were
17 sat on this jury. Because now you've put the case in
18 jeopardy. So just understand the seriousness of what
19 you've done.

20 JUROR: When was there an opportunity for me to do
21 so?

22 THE COURT: I asked if there was any reason
23 whatsoever you couldn't be fair and impartial in the
24 trial of this case. I asked a second question, do you
25 know of any reason whatsoever you cannot give both the

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1 State and the Defendant a fair and impartial trial?

2 JUROR: Okay.

3 THE COURT: That was your opportunity to stand up
4 and say something, Mr. Warchal. And you didn't.

5 JUROR: Sorry.

6 THE COURT: So go sit down. Like I said, you're
7 here when we're here. Okay?

8 JUROR: All right.

9 THE COURT: All right. Go ahead and we'll put the
10 next alternate in that spot. Okay? And let's go ahead
11 and bring the jury out.

12 Is the State ready?

13 MS. JONES: The State's ready.

14 THE COURT: Defense ready?

15 MR. PLEXICO: Yes, Your Honor.

16 MR. NEWMAN: Yes, Your Honor.

17 THE COURT: All right. Bring the jury in.

18 (The Jury enters the courtroom.)

19 THE CLERK: Rebecca Parfitt, you're an alternate.
20 I need you down here.

21 JUROR: Okay.

22 THE COURT: All right. And Mr. Gardner. Sir, you
23 are now a member of this jury. Okay? I just want you
24 to know that I had to relieve one juror, so you are in
25 the jury. Okay?

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1 Good morning, ladies and gentlemen. It's a
2 pleasure to see you all. At this time, ladies and
3 gentlemen, what we are going to do is swear you in as
4 jurors in the trial of this case. I'm going to make
5 just a few brief opening remarks, then the attorneys
6 are each going to have an opportunity to make an
7 opening statement in this case. And then after that
8 they will start putting witnesses up. All right?

9 So if you would all please rise, raise your right
10 hand, Ms. Bostick is going to administer the oath. And
11 when you accept the oath, ladies and gentlemen, say "I
12 do," and sit down. All right? Thank you.

13 THE CLERK: Do you swear or affirm that you shall
14 well and truly try the cases, State of South Carolina
15 versus Casey Jones, Senior, Jarrod Bostick, Casey
16 Jones, Junior, and render a true verdict according to
17 the law and evidence; so help you God?

18 (Jury indicates.)

19 THE CLERK: Thank you. You may be seated.

20 THE COURT: Ladies and gentlemen, what I'm going
21 to explain to you is intended to serve as an
22 introduction to the trial of this case. These remarks
23 are not a charge on the law. I'm going to give you the
24 law that is applicable to the case at the end of the
25 case, after you've heard all the evidence, after you've

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1 heard from the attorneys. Then I will charge you on
2 the law.

3 Ladies and gentlemen, this is merely an
4 explanation of the procedure that we're going to follow
5 so you can better understand what's happening during
6 the trial of this case.

7 Now, ladies and gentlemen, the Defendants have
8 been charged by Bill of Indictments filed in this
9 Court, with the offenses of murder, burglary in the
10 first degree, and possession of a weapon during the
11 commission -- let me just double check -- possession of
12 a weapon during the commission of a violent crime.

13 Ladies and gentlemen, the indictments are simply
14 charges by which the case is brought into this
15 courtroom, and they are not in any sense evidence of
16 the allegations they contain.

17 Now, the Defendants in this case, all three of
18 them, have pled not guilty to their indictments.
19 Therefore, the State has the burden of proving each of
20 their bills on each of the indictments beyond a
21 reasonable doubt. And it's your duty, ladies and
22 gentlemen of the jury, to decide whether the State has
23 met that burden.

24 Now, your purpose as jurors is to find and
25 determine the facts. You, the jury, are the sole judge

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1 of all facts in this case. If at any time I make any
2 comment regarding the facts of this case, you must
3 disregard it. And you are only to determine the facts
4 in this case from the witness stand and the witnesses
5 you hear, as well as any other evidence that's
6 introduced in the trial of this case.

7 Ladies and gentlemen, please understand that it is
8 especially important that you perform your duty of
9 determining the facts diligently and conscientiously
10 because ordinarily there is no way to correct an
11 erroneous determination of the facts by a jury.

12 On the other hand, ladies and gentlemen, and with
13 equal emphasize, the same law that makes you, the jury,
14 the judge of the facts makes me the judge of the law.
15 The law as given by the Court is the only law that you
16 may consider.

17 I cannot tell you what the facts of this case are,
18 and you cannot disagree with me about what the law is
19 or what you think the law ought to be. Your job is to
20 take the law at the end of the trial as I give it to
21 you and apply it to the facts as you find them, and
22 from there render a true and just verdict under the
23 oath you just took.

24 Now, until I advise you to begin your
25 deliberations, you must not discuss this case with

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1 anyone. That includes friends, family members,
2 colleagues, or even each other until you've heard all
3 the evidence, until the lawyers have made their closing
4 arguments and I've instructed you on the law that is
5 applicable to this case.

6 Now, additionally, ladies and gentlemen, I ordered
7 you yesterday, and I'm going to say it every time we
8 part, you are not to read anything, watch anything
9 about this case, do any independent research about this
10 case. I remind you again, you are going to have
11 everything you need to decide this case right here in
12 this courtroom. It would be highly inappropriate for
13 anyone to influence you in your performance of that
14 duty.

15 Now, also understand that it is especially
16 important you keep an open mind and not decide any
17 issue of fact in this case until all the evidence has
18 been presented, the parties have made their closing
19 arguments, and I've charged you on the law.

20 It is your sole responsibility, ladies and
21 gentlemen, to determine the guilt or innocence of the
22 Defendants, and your verdict must be based solely on
23 the evidence that's produced here in this courtroom.

24 Now, in just a moment the Solicitor is going to
25 make an opening statement. And what she's going to

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1 tell you in that opening statement is what she believes
2 the issues are contentious in this case.

3 Now, also, the defense attorneys are going to make
4 an opening statement. Again, I remind you, what these
5 lawyers say in their opening statements is not evidence
6 in this case.

7 I remind you, the evidence comes from the witness
8 stand as well as anything else that's entered into
9 evidence in the trial of this case.

10 Now, I also want you to know that from time to
11 time you may hear the lawyers say something like, "Your
12 Honor, there's a matter of law we need to take up." I
13 may motion them to come talk to me over here, or I even
14 may send you back to your jury room to discuss
15 something with the lawyers. I want you to understand
16 something. We're not hiding anything from you.
17 Oftentimes when I have to rule as a matter of law
18 whether or not certain testimony or evidence is
19 admitted, I may make a comment on the facts of the
20 case. Because I would never want anything I do to
21 influence you in your determination of the facts, out
22 of an abundance of caution, we just do it outside of
23 your presence. All right?

24 So, ladies and gentlemen, in determining what the
25 true facts are in this case, you must decide whether or

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1 not the testimony of the witnesses is believable. My
2 responsibility is to rule as to matters of law, whether
3 or not certain testimony is admitted.

4 But once it is admitted, whether or not you
5 believe it is for you to determine. In deciding
6 whether to believe a witness' testimony, you have the
7 right to consider the interest of any witness, the bias
8 of any witness, the prejudice of any witness. And you
9 can also look at the opportunity that witness had to
10 have seen and heard the things about which they are
11 testifying. And you can also look at the way the
12 witness acts on the witness stand. You have the right
13 to use anything that is in the record that will help
14 you evaluate the testimony that a witness says.

15 Therefore, ladies and gentlemen, I ask that you
16 pay close attention to the witnesses, so at the very
17 end of the trial of this case you can accurately
18 remember what they have said. All right?

19 Now, ladies and gentlemen, in order to preserve
20 everyone's rights, I'm just going to ask if anyone
21 objects. If not, after that, we're going to go ahead
22 and begin with the trial of the case and with the
23 opening statements from the attorneys. All right? Is
24 everyone fine? Are you okay?

25 If at any time, ladies and gentlemen, you need a

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1 break, restroom or otherwise, flag me. Okay? And
2 we'll go ahead and do that.

3 All right. Any exceptions or additions from the
4 State?

5 MS. JONES: No, Your Honor.

6 THE COURT: From any Defendant?

7 MR. PLEXICO: No, Your Honor.

8 MR. KOGER: No, Your Honor.

9 THE COURT: All right. Thank you.

10 Ladies and gentlemen, we're going to begin the
11 trial of this case.

12 Ms. Jones.

13 OPENING STATEMENT BY THE STATE

14 MS. JONES: Thank you, Your Honor. May it please
15 the Court.

16 THE COURT: Yes.

17 MS. JONES: Good morning.

18 Drugs, money, murder. Those are a couple of
19 things you're going to hear about this week. A couple
20 of things that tell us a little bit about the story
21 that brings us here today, a couple of things about the
22 case today. But that's not the whole story.

23 You're going to hear about a man, Jeremiah Wilson.
24 You're going to hear that at a time, he sold drugs.
25 And because of that, he had money. Because he had

OPENING STATEMENT BY THE STATE

1 money, he was killed.

2 You're also going to hear about four kids who were
3 in his home the morning he was gunned down on June 3rd,
4 2015.

5 Jeremiah Wilson was 32 years old when he was
6 killed in his own home, but he's not alone. With him
7 that morning are his two stepsons, 16-year-old Javonte,
8 and 14-year-old Jashaun, his 15-year-old nephew,
9 Tyreek, and his 11-year-old son, J'Amiah.

10 The boys are in the back room playing video games,
11 like normal boys. Jeremiah is up front sitting in the
12 den. The boys hear a car pull up. J'Amiah, the
13 11-year-old, he wants to know who it is. So he goes to
14 the den and he opens the door, and he sees some men.
15 But he doesn't know these men. He's never seen them
16 before, he doesn't know their names, he doesn't know
17 them. They're strangers to him. But his dad seems to
18 know them. And to J'Amiah, 11-year-old J'Amiah,
19 everything's okay until it's not.

20 Because the next thing J'Amiah knows is that one
21 of these men has a gun in his father's face, and is
22 shoving him into his own home.

23 J'Amiah is scared. He runs back into the back
24 bedroom. He's frantic, he's scared. His stepbrother,
25 Javonte, picked him up, and they hide in the closet.

OPENING STATEMENT BY THE STATE

1 But before 16-year-old Tyreek and 14-year-old Jashaun
2 can take shelter, there's a gun at their heads. And
3 they're being forced down face first on the floor.

4 And the boys stay that way, hiding, cowering in
5 the closet, face down on the floor until they hear
6 gunshots. At least six gunshots rang out that morning
7 in that quiet home, gunshots that those boys are never
8 going to forget.

9 Jeremiah is left dead on his living room floor,
10 for his 11-year-old son to find. The boys panic, they
11 don't know what to do. They're children, their world
12 has just been completely flipped upside down, and they
13 don't know who did this. They don't know these men,
14 they don't know their names. And the one person who
15 did know them, Jeremiah, he is no longer with us to
16 tell us who did this to him.

17 Jeremiah can't tell us, but he does one better.
18 He shows us. Jeremiah had surveillance cameras outside
19 of his home, surveillance cameras that captured
20 everything that went on in his yard, his driveway, and
21 on his front porch. And the surveillance cameras are
22 rolling that day that Jeremiah was killed.

23 And what the police do learn is it's not two
24 people they're looking for, it's three. And two of
25 them are father and son.

OPENING STATEMENT BY THE STATE

1 The cameras roll and they catch the first man
2 walking to the front porch, and he shakes Jeremiah's
3 hand. The cameras capture the second man comes up,
4 again, friendly. He shakes Jeremiah's hand. The
5 cameras capture the second man out of the corner of
6 view pulled a gun out and forces it into Jeremiah's
7 face and shoves him back into his own home at gunpoint.
8 The cameras finally capture the third man running
9 inside.

10 No, Jeremiah's words are no longer with us, but he
11 does one better. He gives us their faces. And the
12 faces he gives us are the faces of the three men he saw
13 that day. And the faces he gives us are the faces of
14 the three men in court. He gives us the face of Casey
15 Jones, Junior, the very first man to walk on that
16 porch. He is laughing, he is happy, he is playing on
17 his cell phone, and he shakes Jeremiah's hand.

18 The next face he shows us is this man, Jarrod
19 Bostick. Again, a friendly encounter, happy, shaking
20 hands. He shows us Jarrod Bostick pull a gun and
21 shoves it in Jeremiah's face, and forces him into his
22 home as Jeremiah holds his hands up in defense.

23 And finally, they show us this man, Casey Jones,
24 Senior, the father of this man, following third. Those
25 are the faces we see, those are the faces Jeremiah

OPENING STATEMENT BY THE STATE

1 shows us, and those are the faces you will see in court
2 this week.

3 Now, you're going to hear from a lot of people
4 over these next few days. You're going to hear from
5 members of the sheriff's office who responded. You're
6 going to hear from agents with SLED who ultimately take
7 over the investigation. You're going to hear from some
8 scientists, and they're going to tell you what they
9 found and what they didn't find.

10 And you're going to hear from the boys, and
11 they're going to take you back to June 3rd, 2015, to
12 the morning their uncle, their stepfather, their father
13 was gunned down. They're going to show you what they
14 saw, they're going to tell you what they heard.

15 And finally, you, with your own eyes, you're going
16 to see the video. You are going to watch as those
17 three men, nobody else, rush into Jeremiah's home.
18 You're going to watch Jarrod Bostick comes out -- he
19 comes out to get another gun because the first gun he
20 shoved in Jeremiah's face was not enough. And then
21 you're going to watch as all three of them run out that
22 front door with a gun in their hand, every single one
23 of them, and flee like the cowards that they are.

24 And in South Carolina, we have a law called the
25 hand of one is the hand of all. And that means that

OPENING STATEMENT BY THE STATE

1 every single one of them is just as guilty as the next,
2 with burglarizing his home and ultimately killing him.

3 Because, when each of them go to Jeremiah's house,
4 together, in one car, each with a gun in their hand,
5 they all know that when they leave there that morning
6 with Jeremiah's money, he will have already taken his
7 last breath.

8 No, we don't have Jeremiah's words, but he gave us
9 one better. He gave us the men who did this, Casey
10 Jones, Junior, Jarrod Bostick, and Casey Jones, Senior.

11 And they say that a picture is worth a thousand
12 words, but today, thanks to Jeremiah, and when it comes
13 to these three men, each and every single one of them,
14 it's worth one, and that's "guilty."

15 THE COURT: Mr. Plexico.

16 OPENING STATEMENT BY MR. PLEXICO

17 MR. PLEXICO: Good morning. I hope everyone is
18 fine.

19 Madam Solicitor, Your Honor. Steve Plexico. I've
20 been practicing law here for quite a long time. I
21 started in the '90s. I've been down here in Jasper
22 County, Allendale, and Hampton. I've enjoyed it. It's
23 a privilege every time I get to talk to a jury. I feel
24 like I help remind our jurors and our citizens what
25 we're all about. And I think that's the best way to

OPENING STATEMENT BY MR. PLEXICO

1 probably start is, South Carolina is a particularly old
2 state. And one thing our constitution has that the
3 United States Constitution doesn't have, is in Article
4 1, when you start to read it, Section 1, it says, the
5 political powers vested in the people. Then in Article
6 2, it goes into talking about religious freedoms and
7 the rights of associations and all these things.

8 Number 3, they address due process and everybody
9 is entitled to due process, to be treated fairly.
10 Article 4 addresses something that was in something
11 with the English kings. If they didn't like you, they
12 could strip you of your title and they called it
13 corruption of blood. If you were stripped of your
14 title, then all of your children and everyone else was.
15 That was a horrible thing to call it, this idea of
16 corruption of blood. And we even cleared it in our
17 constitution right before.

18 We're here today to hear whatever evidence that we
19 can in regards to this matter. You'll see a video.
20 The video is not of good quality. One thing in
21 particular is, remember, there are three people on
22 trial. You have one, two, three. The third person I
23 pointed out seated beside me is Casey Jones, Senior.
24 Casey, the person we're purporting to be Casey Jones,
25 Senior, cannot be clearly seen on the video. And I

OPENING STATEMENT BY MR. PLEXICO

1 have no idea how in the world that the State is going
2 to proceed with evidence to show you who that person
3 is. You'll have an opportunity to see the video.

4 And the video and the lack of quality thereof is
5 very important because I do not believe that while
6 you'll hear from law enforcement who were trained to do
7 analysis such as DNA, fingerprints, firearms, you're
8 not going to have anything that ties any of that to any
9 of these clients. There's no DNA. As a matter of
10 fact, they're excluded.

11 I believe you'll hear the people who went in
12 didn't have gloves on. Well, you know, I don't see how
13 you can be in there for that period of time and not
14 leave something. There's always some evidence
15 somewhere. Okay?

16 So everyone is entitled to a fair trial, and I
17 don't believe that the evidence is going to show that
18 no reasonable person could make an identification, at
19 least of the third person. I'll let their own lawyers
20 argue for the other two. But I want you to look
21 closely at this evidence and decide whether the State
22 has met its burden.

23 And here's how it goes in civil court, for
24 instance. There's a fender bender. They decide who's
25 at fault. And you pull out your checkbook, or your

OPENING STATEMENT BY MR. PLEXICO

1 insurance company's checkbook, and they write a check
2 and you fix that fender, or whoever was at fault will
3 fix the other person's fender. And their balance is
4 49/51. So if you have just a little bit more than the
5 other side, then you're the one who is found liable for
6 that accident, then your company or you will be writing
7 that check.

8 Criminal court is entirely different. Remember,
9 this is the power and the tax power and the police
10 power of the State coming against one lone individual.
11 And the Public Defender oftentimes, you know, people
12 can't go out and afford the outrageous fees that most
13 private lawyers charge. So we have to have a public
14 defender system, and I'm proud to be part of that, as
15 my practice as an attorney.

16 Since the man cannot equal the power of the State,
17 who should have the burden? Well, the burden is on the
18 State to prove each and every Defendant guilty beyond a
19 reasonable doubt.

20 Now, that means they have to come up with credible
21 evidence to show that each Defendant -- okay --
22 participated in the crime, and they were properly
23 identified, and what their role was to be guilty of any
24 of the crimes that they are charged with. Burglary
25 first is an entry without consent, and there's certain

OPENING STATEMENT BY MR. PLEXICO

1 elements to make it a burglary first, which the judge
2 will charge you.

3 Murder is the taking of a human life with malice
4 and aforethought, which she will explain to you.

5 But all this is based on evidence that the State
6 puts forward for each individual client. And do not be
7 confused by this hand of one is the hand of all.

8 Well, you're going to have -- you're going to see
9 three people in the video. Now, you can't fill in the
10 blanks without evidence. Have they shown who I think
11 this person is? Is there evidence congruent with my
12 common sense? The next question. And then go to the
13 next question.

14 But look at the evidence that they're going to --
15 I mean, I'm hopefully not going to be saying a whole
16 lot because there's not a whole lot to say in regards
17 to the case where they don't have direct evidence
18 against my client, and apparently they may want to
19 use -- we won't know until it's all over -- an idea of
20 corruption of blood. Well, father and son. It's
21 already been said in the State's opening.

22 Well, while that may be convenient to close a
23 case, it doesn't rise to the level of proof that I
24 think you're going to demand. Remember, you can't find
25 anyone guilty in America unless the State has proven

OPENING STATEMENT BY MR. PLEXICO

1 them guilty beyond a reasonable doubt.

2 The Defendant has nothing to prove. We have no
3 obligation to say a word or put forth any evidence at
4 all. The evidence comes in two forms: Testimonial
5 okay, and non testimonial.

6 Testimony is what you hear from the witness stand.
7 Non testimonial is DNA, fingerprints, a video of what
8 does -- if it was the fingerprint of a person out there
9 and, for instance, another person is on trial, well,
10 just because you got a fingerprint wouldn't be enough,
11 which I'm not aware of in this case, you couldn't
12 convict that person on the wrong fingerprint.

13 Don't get confused. Listen closely to the
14 evidence. It's very important. Remember, my client
15 doesn't get another day in court. Only errors of law
16 can be corrected on appeal. An error of fact, because
17 the jurors were not conscientious and gave in and did
18 not stand by explained or reasoning to the others,
19 remember, that can't be corrected. You can't appeal a
20 finding of fact. Only errors of law.

21 We have an excellent judge here, and I can't
22 recall her ever making an error in her charging the
23 law. So this case is up to you. Your individual
24 common sense, your individual beliefs, and you have to
25 work together collectively.

OPENING STATEMENT BY MR. PLEXICO

1 That doesn't mean that you have to give up your
2 held beliefs. And you have to hold their feet to the
3 fire. You have got to make the State do their job.
4 When it comes down to it, it's not the government that
5 runs the country, it's Article 1. Okay? Section 1,
6 the powers of the people. And the jurors making the
7 decision is the ultimate expression of power in
8 America, because once you say the State has failed,
9 which I believe will happen in this case, there is no
10 overturning it. There is no appealing a not guilty
11 verdict.

12 Remember, not guilty means they didn't prove their
13 case beyond a reasonable doubt. Everyone comes to
14 court with what they call a cloak of innocence, and the
15 State has to take away that cloak of innocence. It's
16 the presumption of innocence. The presumed to be
17 innocent until they produce proof, which I believe will
18 be lacking. So I'm begging you to be attentive to the
19 individual. There is no group logic here. There is
20 some science fiction here, where everything applies to
21 everybody else.

22 This is real. This is reality. There's no group
23 thinking. Individuals do not have to work as a group.
24 I'm asking you to be wise, be strong, make the State
25 show you the evidence and think clearly about it, and

OPENING STATEMENT BY MR. PLEXICO

1 don't be duped into some type of group thinking. I'm
2 warning you of that to start with.

3 Thank you for hearing me out this morning.

4 THE COURT: Thank you, Mr. Plexico.

5 Mr. Koger.

6 OPENING STATEMENT BY MR. KOGER

7 MR. KOGER: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. KOGER: Solicitor Jones, Solicitor Hall,
10 Mr. Plexico, Attorney Newman. My name is Joshua Koger,
11 Junior, and I represent Mr. Bostick, Jarrod Bostick,
12 right here in the plaid shirt.

13 A couple of seconds ago, the jury, the Judge gave
14 you an oath. And gave you an oath to, as she stated,
15 to try to decide or determine the true facts in this
16 particular case. And as a juror, you are to utilize
17 and use your best efforts, your best talent, your best
18 skills, and your best capability to come to true facts
19 in this particular case.

20 And this is especially important in this
21 particular case because, as stated by my esteemed
22 co-counsel, we have three persons on trial. And it
23 requires a high attention to detail in this case for
24 the three Defendants here.

25 Now, you heard from the Judge, you heard from the

OPENING STATEMENT BY MR. KOGER

1 Solicitor, and you heard from Mr. Plexico about the
2 burden of proof in this case beyond a reasonable doubt.
3 And the true facts, the evidence or the lack of
4 evidence, is going to come from this witness stand.

5 And what comes from this witness stand has to be
6 proven by the Solicitor beyond a reasonable doubt. Any
7 type of reports beyond a reasonable doubt. The
8 elements of the crimes -- murder, burglary, possession
9 of weapon in the commission of a violent crime --
10 proved beyond a reasonable doubt.

11 Identifications, in which you will find in this
12 trial there will be a lot of testimony about
13 identifications. And you will find that the testimony
14 about identifications are just going to be opinions,
15 but those identifications, along with the overall
16 burden, must be proved beyond a reasonable doubt. And
17 keep that in mind.

18 The identifications are just going to be opinions
19 by lay people, by persons from law enforcement. But
20 remember, at the end as the determinant -- as the
21 determinant of the true facts of this case, is that the
22 only opinion on, like the other evidence, on
23 identification is going to be your opinion of what
24 comes out in this courtroom today or not come out, when
25 you go in that jury room.

OPENING STATEMENT BY MR. KOGER

1 My wife has -- she uses the term, when we are
2 dealing with a complex problem in our household, is
3 that the problem has a lot of moving parts. And we are
4 going to be in this courtroom over the next several
5 days, and we're going to be dealing with a lot of
6 moving parts.

7 And as co-counsel stated, there are three separate
8 Defendants over here: Mr. Casey Jones, Senior; my
9 client, Mr. Jarrod Bostick; and Mr. Newman's client,
10 Casey Jones, Junior. You have to look at each one of
11 them individually. They are a lot of moving parts in
12 this particular case.

13 Do not allow the State to -- to not do their
14 burden in this particular case. Do not allow them to
15 skirt that responsibility. They must prove every
16 element of the crime, every identification, every piece
17 of evidence beyond a reasonable doubt. If they do not
18 do that, then you are mandated in the sense of justice
19 to find not guilty for the three Defendants.

20 My name is Joshua Koger, Junior. I represent
21 Mr. Jarrod Bostick. I am confident once you review the
22 evidence, the lack thereof of evidence, that you will
23 come back for a verdict not guilty for Mr. Jarrod
24 Bostick. Thank you.

25 THE COURT: Thank you, Mr. Koger.

OPENING STATEMENT BY MR. KOGER

1 Mr. Newman.

2 OPENING STATEMENT BY MR. NEWMAN

3 MR. NEWMAN: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 MR. NEWMAN: Good morning. We didn't have much of
6 a chance to meet, and it's kind of artificial that
7 we're going to have a conversation because we don't get
8 to talk to the end of the case. But what you say is
9 the most important thing in this entire case, your
10 verdict.

11 And your verdict has to be based, as they've told
12 you, and the Judge has, on evidence, compelling
13 evidence, immutable evidence that prove that Casey
14 Jones, Junior and Senior and Mr. Bostick committed this
15 crime.

16 I want to address one thing that the Solicitor
17 said about all three Defendants, but particularly as to
18 Mr. Jones, Junior. She called him a coward. They shot
19 him and ran off like a coward. Let me tell you how
20 much of a coward Casey Jones, Junior is. He had
21 heard -- lives in Hampton, he's not even from this
22 county -- that there had been a warrant issued for him.
23 And this "coward" went to the police himself and turned
24 himself in and said, "I did not do this, I want to
25 clear my name."

OPENING STATEMENT BY MR. NEWMAN

1 And he's come to court for over two years now to
2 face these charges. That's not the act of a coward,
3 that's an act of a man that wants his name cleared, and
4 the only way he can get his name cleared is in this
5 courtroom and by your verdict.

6 The Solicitor told you that the victim in this
7 case, Jeremiah Wilson, was a drug dealer. And to that,
8 I say, no, you're going to hear evidence that he was a
9 dangerous drug trafficker. She told you about these
10 kids in the house and how upset they were. When the
11 officers come in, they find crack cocaine on a scale
12 out in the open in the house where these children are
13 that Mr. Wilson has custody of, or is taking care of.

14 You're going to hear that the oldest child in
15 there, Tyreek, was so upset by this that he grabbed a
16 pistol that was ready on the couch, and fired at the
17 people that left in the car. Not just a pistol, a .9
18 millimeter with a high capacity 30-round clip magazine
19 in it. A child did that along with his brother or
20 stepbrother coming out.

21 The original version of events for the youngest,
22 J'Amiah, all the statements say that he was hidden in a
23 closet with his other younger brother or cousin while
24 this -- now, this testimony is going to change, and
25 these are things that the agent noted that two years

OPENING STATEMENT BY MR. NEWMAN

1 later, J'Amiah is going to claim he saw Mr. Jones,
2 Junior, who lives in Hampton, and now says that's the
3 man that killed my daddy.

4 So we're going to have to deal with that and
5 you're going to have to listen to the evidence.
6 Couldn't make any identification. In fact, none of the
7 local officers knew any one of these people at all.

8 What they did know and didn't do anything about is
9 that the oldest, Tyreek, and you'll see him on the
10 video coming out, firing this pistol with a high
11 capacity magazine, Tyreek identified another drug
12 dealer and told the police about it. And that was he
13 called him by name, Jamarcus Brisbane, who is similar
14 in stature to my client.

15 The police do such a good job with Jamarcus
16 Brisbane, they find out Jamarcus had been out of prison
17 for about a week, been in prison for robbery and drug
18 dealing, and they talk to him and say, "Jamarcus, did
19 you do this?"

20 "Oh, no, I just got out of prison. I was at my
21 mom's house." Okay. Thank you. That's it. That's
22 the whole investigation.

23 So they put these grainy photographs out on some
24 vine net or something, you'll hear about it, and a
25 couple of police officers from Estill go, Hey, I think

OPENING STATEMENT BY MR. NEWMAN

1 that we know who that is. And that's how we end up
2 here. And you're going to hear about their
3 identifications, and you're going to judge the
4 credibility, the strength of those identifications.

5 You're also going to hear that the police took in
6 29 pieces of evidence, and that what was supposedly
7 stolen out of the house was either \$8,000 in cash,
8 \$9,000 in cash, because this keeps changing over time,
9 or \$36,000 in cash. And it was explained, that, well,
10 Mr. Wilson is very good at playing the numbers in
11 lottery, and he makes that kind of money.

12 Probably more reasonable that the woman that he
13 lives with is going to tell you that he cooks crack
14 cocaine in that house, and that he's very good about
15 cooking crack cocaine in that house, and can take one
16 ounce of crack cocaine and turn it into three ounces.
17 All in that house.

18 So that evidence, they go through a shoebox and a
19 baby wipe container that supposedly where this 8,000,
20 9,000, or 36,000 dollars was. And there was three
21 people in the house for approximately seven minutes.
22 They swab the decedent's hand, where an assailant shook
23 his hand. They swab the shoe box, and inside the shoe
24 box, they swab the baby wipe container, where the money
25 was hidden.

OPENING STATEMENT BY MR. NEWMAN

1 And they get profiles of a mixture of individuals.
2 Mr. Wilson, the decedent, his DNA is on it, and I would
3 expect, of all of this, you're going to find your own
4 DNA in your own house. But there's a mixture of other
5 individuals that are on the shoebox, the hand, the baby
6 wipe. And the DNA analysis -- analyst will come down
7 from Columbia, SLED, and tell you that the DNA of this
8 man right here, Casey Jones, Senior, you're excluded.
9 Not only that it can't tell, you're excluded. It is
10 not your DNA. Excluded.

11 Mr. Bostick, excluded as a contributor. Casey,
12 excluded as a contributor. There's no forensic
13 evidence whatsoever that links any of these men to this
14 terrible killing of a drug dealer. There are no
15 fingerprints.

16 They took computers, they took cell phones, and
17 they do what they call a data dump, they extract the
18 information from that, and there is not one thing out
19 of thousands of pieces of evidence that connect Casey
20 Jones, Junior to this crime, that he even knew
21 Mr. Wilson.

22 And Mr. Brisbane and Mr. Bayer (phonetic) knew
23 Mr. Wilson. They knew his nefarious actions. and I
24 would put to you that the police, just for whatever
25 reason, SLED agents from Columbia, just didn't bother

OPENING STATEMENT BY MR. NEWMAN

1 looking into that. Because the people that would have
2 known him and would have had a motive robbed him.

3 Out of all of this, you will hear nothing that
4 links Mr. Jones to ever even being in Jasper County, or
5 even knowing this fellow. We're going to ask you, all
6 of us, each Defendant stands alone, as the other
7 attorneys have told you, and the Judge will at the end
8 of this case, to listen intently, and I know you will.
9 Your task is the greatest task you can have in peace
10 time, and that's to sit in judgment between one of your
11 fellow citizens and the State of South Carolina. And I
12 ask you to be critical of the evidence. Don't just eat
13 it up with a spoon, listen to the examination and
14 listen to the cross examination of the evidence. We
15 believe you're going to find that none of these men
16 were connected to this crime at all.

17 We just ask you to do that. You took an oath. I
18 know you'll do that. I know you don't necessarily want
19 to be here. You're getting paid -- what, 10, \$12 a day
20 to do probably one of the most important jobs that you
21 can do in peace time for your fellow citizens.

22 And I'll have a chance to talk to you at the end
23 of the case. I thank y'all very much.

24 THE COURT: Okay. The State will call their first
25 witness.

OPENING STATEMENT BY MR. NEWMAN

1 MS. JONES: Thank you, Your Honor. State calls
2 Rusty Wells.

3 Thereupon,

4 RUSTY WELLS

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

7 DIRECT EXAMINATION

8 BY MS. JONES:

9 Q Good morning.

10 A Good morning.

11 Q Where do you work?

12 A Jasper County Emergency Services.

13 Q And in what capacity do you work for Emergency
14 Services?

15 A Deputy director.

16 Q Tell me your duties as deputy director.

17 A Firefighter, paramedic, 911 director.

18 Q You mentioned 911. Do y'all keep records for 911?

19 A We do.

20 Q And are these kept in the ordinary course of
21 business?

22 A Yes, ma'am.

23 Q Okay. And were you asked to pull a 911 call for
24 the case we're here for today?

25 A I was.

DIRECT EXAMINATION OF R. WELLS BY JONES

1 Q And did you, in fact, pull that 911 call?

2 A Yes, ma'am.

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

4 THE COURT: You may.

5 BY MS. JONES:

6 Q I am going to show you what has been marked as
7 State's Exhibit 1.

8 A Yes, ma'am.

9 Q Do you recognize that?

10 A I do.

11 Q And what is that?

12 A It would be a copy of the 911 call.

13 Q And is this a true and accurate copy of the 911
14 call placed on June 3rd, 2015?

15 A Yes, ma'am, as indicated by my signature on the
16 CD.

17 Q That's your signature?

18 A Yes, ma'am.

19 Q So you listened to it prior to court?

20 A Yes, ma'am.

21 Q And it is authentic?

22 A Yes, ma'am.

23 MS. JONES: At this time, State moves State's 1
24 into evidence.

25 THE COURT: Any objection?

DIRECT EXAMINATION OF R. WELLS BY JONES

1 MR. KOGER: No objection, Your Honor.

2 MR. PLEXICO: No objection, Your Honor.

3 MR. NEWMAN: No..

4 THE COURT: Without objection. Okay. Thank you.

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

7 MS. JONES: Permission to publish.

8 THE COURT: You may.

9 (CD of 911 call playing.)

10 MS. JONES: Thank you. I have no further
11 questions for this witness.

12 MR. PLEXICO: I have nothing.

13 MR. KOGER: No questions.

14 THE COURT: Anything?

15 MR. NEWMAN: No questions.

16 THE COURT: All right. You're excused, sir.

17 Thank you.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: You may call your next witness.

20 MS. JONES: The State calls Deputy Gary Sons.

21 Thereupon,

22 GARY SONS

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

24 was examined and testified as follows:

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF G. SONS BY JONES

1 BY MS. JONES:

2 Q Deputy Sons, where do you work?

3 A Jasper County Sheriff's Office.

4 Q And in what capacity do you work with the
5 Sheriff's Office?

6 A Right now, I'm currently a school resource
7 officer.

8 Q Okay. How long have you been employed with the
9 Sheriff's Office?

10 A Almost ten years.

11 Q And back in 2015, how did -- in what capacity did
12 you work over there?

13 A I was a shift supervisor on the road patrol.

14 Q What were some of your duties as a shift
15 supervisor?

16 A I would answer calls, supervise all the other
17 deputies on shift.

18 Q Did you have an opportunity to respond to the call
19 for the case we're here today?

20 A Yes, ma'am.

21 Q And did you respond to ■ Clover Circle on June
22 3rd of 2015?

23 A Yes, ma'am.

24 Q Is that here in Jasper County?

25 A Yes, it is.

DIRECT EXAMINATION OF G. SONS BY JONES

1 Q What was the -- why were you responding?

2 A We had gotten a call that someone had been shot.

3 Q All right. Do you know about what time this was?

4 A Approximately 10:00 a.m.

5 Q When you get there, what do you see?

6 A I walked on the porch, front porch of the
7 residence. I observed several juvenile subjects standing
8 outside. They advised me that a subject was inside, had
9 been shot. At that point, I stepped inside the front door,
10 observed a unknown black male at the time, laying face down,
11 blood around him and shell casings. And he was later
12 identified as Jeremiah Wilson.

13 Q Was there anything else you noticed about the
14 outside of the residence or inside the residence?

15 A They had a video surveillance system around the
16 house. Also noticed several tire impressions that appeared
17 to be fresh in the front yard.

18 Q Okay. After you noticed or you find Mr. Wilson
19 inside, what do you do after that?

20 A Immediately call EMS in an attempt to assist the
21 subject, and get everybody away from the scene and secure
22 it. And I assisted Deputy Johnson in securing the scene
23 with crime scene tape.

24 Q All right. You said, get everybody out of the
25 scene. Would that have been the juveniles?

DIRECT EXAMINATION OF G. SONS BY JONES

1 A Yes, ma'am.

2 Q Was there anybody else there?

3 A I don't recall. I believe there was just
4 juveniles at the time.

5 Q All right. You secured the scene with Deputy
6 Johnson. How do you do so?

7 A Get everybody who is possibly a witness or anybody
8 on scene, move them to a safer area, away from the crime
9 scene area, outside of the crime scene tape. And then tape
10 off the area to keep anybody from the public or anybody else
11 in to contaminate my crime scene.

12 Q Okay. Do other -- other detectives, or another
13 agency come on scene to assist?

14 A Yes, ma'am. I give the on-call detective a call,
15 they call me back and they respond, which would have been
16 Sergeant Jeff Crosby and, I believe, Detective Adam Thompson
17 at the time. And then we stay on scene and assist them with
18 securing it until SLED arrives for crime scene process.

19 Q Okay. And that's what happened on this morning?

20 A Yes, ma'am.

21 Q Okay.

22 MR. NEWMAN: State's 2 through 14, a series of
23 photographs of Mr. Casey Jones, Junior. We have no
24 objection.

25 THE COURT: Anyone have any objection?

DIRECT EXAMINATION OF G. SONS BY JONES

1 MR. KOGER: No objection, Your Honor.

2 MR. PLEXICO: No, Your Honor.

3 *(Whereupon, State's Exhibit No(s) 2-14 marked for*
4 *identification and received in evidence.)*

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

7 THE COURT: You may.

8 BY MS. JONES:

9 Q Deputy Sons, I'm going to show you what has been
10 marked as State's 2 through 14.

11 MS. JONES: And at this time, if there's no
12 objection to them, I would admit State's 2 through 14.

13 THE COURT: You can go ahead and admit them, and
14 you may publish if you'd like to at this time.

15 MS. JONES: Thank you.

16 BY MS. JONES:

17 Q And Deputy Sons, we're going to display the
18 photographs on the screen. If you could just describe what
19 you see on the screen to the jury.

20 A Okay.

21 THE COURT: All right. And I want to make sure, I
22 know sometimes it's hard for the two of you down here
23 to see. It's not going to be here as well, is it?

24 MS. JONES: It'll be on all three.

25 THE COURT: I need to make sure that you can see

DIRECT EXAMINATION OF G. SONS BY JONES

1 it as well. Okay? So let's, when we post them, let's
2 see. Go ahead and put them up. -- perfect.

3 THE CLERK: It worked just a few minutes ago.

4 THE COURT: Do you want to take a break while we
5 figure this out?

6 MS. JONES: We can. My apologies.

7 THE COURT: Ladies and gentlemen of the jury, I
8 know we've been running for about an hour and 15
9 minutes or so. Go take a quick break. You're welcome
10 to bring coffee back or whatever you need.

11 Do not discuss this case, it wouldn't be
12 appropriate to do so. We'll bring you right back.
13 Okay? Thank you.

14 And there we go.

15 All right. Let's take a break though. Let's just
16 go ahead and take a five-minute break, y'all. Refresh
17 yourself, come on back. Okay?

18 And it's fine, you can put the first one back up.
19 They've already been admitted. So let's just make sure
20 they're there.

21 (Whereupon, the Court was in recess.)

22 (Jury enters the courtroom at 11:28 a.m.)

23 THE COURT: And, sir, if you need to step down and
24 point to what you're explaining, you're welcome to.
25 Okay?

DIRECT EXAMINATION OF G. SONS BY JONES

1 WITNESS: Yes, ma'am.

2 THE COURT: Welcome back, ladies and gentlemen.

3 All right. Are we ready to go?

4 MS. JONES: Yes, Your Honor.

5 THE COURT: Okay. Let's go.

6 BY MS. JONES:

7 Q Okay. While, we're working on that, Deputy
8 Sons --

9 MS. JONES: May I ask the witness to step down,
10 Your Honor?

11 THE COURT: You may so.

12 MS. JONES: And if you could bring those
13 photographs with you. Hopefully, we'll get technology
14 to work.

15 Ah, there we go. Okay.

16 BY MS. JONES:

17 Q Deputy Sons, can you explain what is in this
18 photograph?

19 A Yes. This is the residence I responded to. It is
20 known as the residence for the victim, Mr. Wilson. That's
21 my patrol vehicle inside of the crime scene tape.

22 Q All right. And that's State's 2.

23 Okay. We are going to forget about
24 technology right now and go off the hard copies that you
25 have in your hand.

DIRECT EXAMINATION OF G. SONS BY JONES

1 What do you see depicted in State's 3?

2 A That's going to be SLED crime scene vehicle on the
3 right of the truck. That's still my patrol vehicle inside
4 the crime scene tape, the Dodge truck, and I'm not sure what
5 type of vehicle that is in front of it. I believe it's a --
6 I think it's a Toyota something, a small vehicle up front.
7 But those vehicles were on scene when I arrived.

8 Q Okay. And State's 4?

9 A That's another picture of just the front end of my
10 patrol vehicle, and the Dodge Ram that was there. That's
11 also the victim's residence, and you still see the crime
12 scene tape where I taped off. This is Deputy Johnson.

13 Q Okay. And you said that's Mr. Wilson's home?

14 A Yes, ma'am.

15 Q Okay. State's 5?

16 A That's going to be another view from the front of
17 the residence. As you can see, the other vehicle was a lot
18 clearer that was in front of my vehicle, the white four-door
19 there. And then you can see the SLED crime scene processing
20 vehicle off in the back.

21 Q Okay. State's 6?

22 A This is an angle walking up to that front porch of
23 the same residence.

24 Q Thank you. And State's 7?

25 A That's the steps leading up to the front door of

DIRECT EXAMINATION OF G. SONS BY JONES

1 the same residence.

2 Q And State's 8?

3 A That's right to the left of the front door. You
4 can see the video camera up in the top corner as you enter
5 the residence on the same -- that's the same residence.

6 Q Okay. Above the window, is that what you're
7 referencing?

8 A Yes, ma'am.

9 Q Okay. And State's 9?

10 A This is the right side corner of the residence.
11 As you're approaching the front door, it would be off to
12 your left, and there's another video camera up on the top
13 corner there of the residence.

14 Q Okay. Next to the flood light?

15 A Yes, ma'am.

16 Q All right. And State's 10?

17 A That's an exaggerated view of the same camera by
18 the front door. You can see the corner of it right there on
19 the right of the front door.

20 Q And State's 11?

21 A That would be the back porch of the residence.

22 Q And State's 12?

23 A That looks like the rear -- the right rear of the
24 residence. I believe there's another video camera there.
25 It's hard to see.

DIRECT EXAMINATION OF G. SONS BY JONES

1 Q State's 13?

2 A That's the front door leading into the residence.
3 That's how it was when I approached.

4 Q And State's 14?

5 A That's the TV as you come inside the residence,
6 and it has all the video cameras that are live feed on that
7 television. That's right inside the front door to the
8 right.

9 Q Okay. You said, "live feed." How did you know it
10 was live feed?

11 A You could see everything that's going on when you
12 look at that, these images.

13 Q Okay. So when you went inside and looked at that
14 TV, you saw what was happening outside?

15 A Yes, ma'am.

16 Q Okay. And you can take a seat back on the stand.

17 A (Witness complies.)

18 MS. JONES: I have no further questions for this
19 witness.

20 THE COURT: Mr. Plexico.

21 MR. PLEXICO: I have no questions for this
22 witness.

23 THE COURT: Mr. Koger.

24 CROSS EXAMINATION

25 BY MR. KOGER:

CROSS EXAMINATION OF G. SONS BY KOGER

1 Q Did the fence totally enclose the yard?

2 A I believe so, yes, sir, except for the front
3 entry, where we came in at. I believe that was open at the
4 time.

5 Q Okay. So the front entry, it's a gate, the gate
6 was open or --

7 A I can't be sure exactly if there was a gate on
8 there or not. I want to say there was, but I can't
9 remember, sir.

10 Q Okay. And what was the height of the fence?

11 A I couldn't tell you the exact height, I never
12 measured it.

13 Q Okay. Did it look more like a 6 to 8 feet?

14 A Close to that, yes, sir.

15 MR. KOGER: Thank you. No further questions.

16 Thank you.

17 THE WITNESS: You're welcome.

18 CROSS EXAMINATION

19 BY MR. NEWMAN:

20 Q Deputy Sons, you've been working for -- what, for
21 over ten years now, right?

22 A Almost ten years in Jasper. But over ten
23 altogether, yes, sir.

24 Q Right. Okay. And part of what a first responding
25 officer does, one, you got to make sure everybody's safe.

CROSS EXAMINATION OF G. SONS BY NEWMAN

1 A Correct.

2 Q Correct. When you determine that, you try and get
3 some basic facts. Do you know who did this? Descriptions,
4 so you can put out what are called "BOLOs", be on the
5 lookout for, correct?

6 A Correct.

7 Q Right. And you were unable to get any type of --
8 other than very vague, any descriptions on scene from any of
9 the witnesses in the house; is that correct?

10 A Correct.

11 Q Okay. And I notice -- did you ever put up State's
12 6 or -- where are the photos?

13 Yes, State's 6. This is -- and I'll bring it
14 a little bit closer to you. This is the entryway to the
15 front, correct?

16 A Correct.

17 Q All right. And it consists of a little grassy
18 part, but it also consists of a dirt pathway?

19 A Correct.

20 Q Where the assailants in this case made their
21 escape, correct?

22 A Yes, sir.

23 Q And I believe you had noted in your report, and
24 specifically, in six, there's crime scene tape to keep
25 everybody out of that because that is the path from which

CROSS EXAMINATION OF G. SONS BY NEWMAN

1 the assailants exited, correct?

2 A Correct.

3 Q All right. And you had also noted tire
4 impressions?

5 A Correct.

6 Q All right. And in law enforcement, y'all have
7 tools, not necessarily the road deputies, but when the crime
8 scene investigators come in, part of your deal is to
9 preserve the scene?

10 A Correct.

11 Q So nobody tampers with it or evidence can get
12 messed up. To even keep other police officers who might
13 just want to look around out of the scene, correct?

14 A Correct.

15 Q Okay. And that is so that crime scene can come in
16 and processes for evidence and can photograph a little bit
17 better maybe than you are able to, because they've got time
18 and equipment, and that's what they're trained to do,
19 correct?

20 A Correct.

21 Q All right. And in this case, you had noted tire
22 impressions, and there are tools in law enforcement to do
23 casting of those impressions, identify tires, and maybe even
24 link it to a specific vehicle.

25 A Correct.

CROSS EXAMINATION OF G. SONS BY NEWMAN

1 Q All right. And they also rope that off because
2 three people went in, three people went out. There may also
3 be shoe impressions, correct?

4 A Correct.

5 Q All right. And law enforcement has the
6 techniques, crime scene people, to be able to cast those,
7 maybe get a particular type of tread off footwear to
8 identify it to a type of footwear?

9 A Correct.

10 Q All right. And you also may be able to determine
11 if somebody had an awkward gait, or how they walked, based
12 on those impressions. You can cast them and photograph
13 them.

14 MS. JONES: Objection, Your Honor. Clearly,
15 that's not the detective's knowledge.

16 THE COURT: Overruled. He can ask it.

17 BY MR. NEWMAN:

18 Q And to be able to look for shoe impressions and
19 possibly the gait of how somebody walked, correct?

20 A Correct.

21 Q Thank you, sir.

22 And to your knowledge, no shoe impressions or
23 tire impressions were taken, or that would be beyond what
24 you know.

25 All right. Let me ask you this: You didn't

CROSS EXAMINATION OF G. SONS BY NEWMAN

1 do any of the follow-up forensics and crime scene
2 processing; is that correct?

3 A No, sir.

4 MR. NEWMAN: All right. I'll save those questions
5 for another officer. Thank you, sir.

6 THE WITNESS: Thank you.

7 THE COURT: Anything further from him?

8 MS. JONES: No, Your Honor.

9 THE COURT: Any objections to Deputy Sons being
10 excused?

11 MS. JONES: Not from the State.

12 THE COURT: You're excused, sir. Thank you.

13 THE WITNESS: Thank you.

14 THE COURT: And y'all need to just speak up if
15 there's any objections. Okay?

16 Thank you. Call your next witness.

17 MS. JONES: State calls Andy Williams.

18 Thereupon,

19 ANDY WILLIAMS

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

22 DIRECT EXAMINATION

23 BY MS. JONES:

24 Q Good morning.

25 A Good morning.

DIRECT EXAMINATION OF A. WILLIAMS BY JONES

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

2 A Jasper County Fire and Rescue.

3 Q And in what capacity do you work with fire and
4 rescue?

5 A I'm a firefighter paramedic.

6 Q And as a paramedic, did you ever receive
7 specialized training and education?

8 A Yes, ma'am.

9 Q Okay. And how long have you been a paramedic?

10 A Eleven years.

11 Q What are some of your duties as a paramedic?

12 A Provide advanced life support, as far as cardiac
13 care, medications, IV fluids. Stuff like that.

14 Q Did you -- were you working on June 3rd, 2015?

15 A I was.

16 Q And did you respond to ■ Clover Circle here in
17 Ridgeland?

18 A I did.

19 Q And that's in Jasper County?

20 A Yes, ma'am.

21 Q And why did you respond to that address?

22 A We got reports of a victim, as far as possible
23 GSW, gunshot wound.

24 Q "GSW" is gunshot wound?

25 A Yes, ma'am.

DIRECT EXAMINATION OF A. WILLIAMS BY JONES

1 Q And when you get to that address, what do you
2 find?

3 A Sheriff's office is on scene. They advised the
4 only one person in the house. I take the cardiac monitor
5 and my jump bag with all my equipment, and go inside the
6 house. I find the victim laying on the floor, face down,
7 kind of on his left side. There's spent shell casings
8 walking up to him and around his feet and legs. He's
9 pulseless, and apgar -- he's not breathing. No carotid
10 pulse is felt. And --

11 Q What does that mean?

12 A As far as there's no pulse felt on his neck,
13 there's no heartbeat or palpable heartbeat felt at that
14 point in time.

15 The way he was laying, lifted up his shirt,
16 just how he was laying, placed him on my cardiac monitor and
17 it showed pulseless electrical activity. It shows a defined
18 figure on the monitor, but there's no actual heartbeat.
19 That's the reason we they call it "pulseless" electrical
20 activity.

21 At that point in time, I advised the
22 sheriff's office that the victim would have to be rolled
23 over, and we initiated CPR, began chest compressions. Began
24 ventilating the victim.

25 During that, the victim was intubated with an

DIRECT EXAMINATION OF A. WILLIAMS BY JONES

1 advanced airway. He was given cardiac medications. Still
2 showing a pulseless electrical activity at that time.

3 We went through several rounds of drugs. On
4 my initial assessment, only noted the wounds to the victim's
5 back at that time. On my secondary assessment, during CPR
6 and everything, I noted that there was another wound to his
7 head with brain matter showing. Since then his heart rate
8 or -- excuse me, the cardiac rhythm that go to asystole,
9 just flat line, no electrical activity in the heart noted at
10 that time.

11 Due to the injury, as far as with the brain
12 matter showing, Coastal Carolina Hospital was called. I
13 spoke with Dr. Hart via radio, and he advised me to
14 terminate all resuscitation efforts at that time.

15 Q Was that because there was no signs of life?

16 A There were no signs of life. There was no pulse,
17 no electrical activity left in the heart at that time, no
18 respirations or anything noted.

19 Q After you -- after you cease all efforts, what do
20 you do next?

21 A We notified the sheriff's office there on scene,
22 they stated they would notify the coroner from there to
23 continue their investigation. And then we left, just to
24 finish our documentation for that report.

25 Q So you recommended they call the coroner?

DIRECT EXAMINATION OF A. WILLIAMS BY JONES

1 A Correct.

2 MS. JONES: I have no further questions for this
3 witness.

4 MR. PLEXICO: I have no questions for this
5 witness.

6 MR. KOGER: I have no questions for this witness.

7 MR. NEWMAN: No questions.

8 THE COURT: Thank you. You are excused, sir.
9 Thank you.

10 THE WITNESS: Thank you.

11 THE COURT: Call your next witness.

12 MS. JONES: State calls Tyreek Simmons.

13 Thereupon,

14 TYREEK S.

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

17 DIRECT EXAMINATION

18 BY MS. JONES:

19 Q Tyreek, good morning.

20 A Good morning.

21 Q How old are you, Tyreek?

22 A Eighteen.

23 Q Eighteen.

24 A Yes, ma'am.

25 Q On June 3rd of 2015, how old were you?

DIRECT EXAMINATION OF T. S. BY JONES

1 A I was like 16.

2 Q Okay. And where were you living back then?

3 A I was staying with my Uncle Jeremiah Wilson.

4 Q All right. Who else lived in that house with you?

5 A Me and four -- me and three of my little cousins
6 and my uncle and his -- his girlfriend.

7 Q Okay. Y'all all lived there together?

8 A Yes, ma'am.

9 Q Okay. Do you remember the morning of June 3rd,
10 2015?

11 A Yes, ma'am.

12 Q Why do you remember that particular morning?

13 A Because that was the worst day of my life,

14 Q Okay. What -- can you take us back to that
15 morning?

16 A Yes, ma'am.

17 Q What do you remember about that morning?

18 A I woked up. We woke up playing a game. We had
19 the window up in the back room, and we seen -- Gelinda had
20 -- Gelinda had just left and went to work. And we seen --

21 Q Who is Gelinda?

22 A My uncle girlfriend.

23 Q Okay. And I don't want to interrupt you, Tyreek,
24 but when you say "we," who are you talking about? Who was
25 with you?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A Me and my little cousins. Me, Jeremiah, and
2 Jashaun and them.

3 Q Your little cousins --

4 A Yes. We was in the back room playing a game we
5 seen the car pull up. I looked out the window, and there
6 was some boys in there. And we thought it was Gelinda
7 pulling back up to get her other son, because he had
8 supposed to go to cousin house or whatever. So we didn't
9 pay it no attention. We continued to play the game.

10 So like -- like -- like three minutes later,
11 I heard some bumbling and tumbling. And my little cousin
12 came running in the back room, he was like, "They trying to
13 break in the house, they trying to break in the house."

14 I was like, "Who?"

15 So I ran in there and I looked to the left.
16 And I seen saw my uncle on the ground on his knees with a
17 gun pointing at him. And I looked on the other side, and
18 there was a nappy headed dude with tattoos and like brown
19 skin. And he had the gun pointed towards my head, and he
20 told me to get back in the room and lay down.

21 Q Okay. How many -- I want to ask you a little bit
22 about that. How many men did you see in that room with your
23 uncle?

24 A It was two.

25 Q You saw two?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A It was two of them.

2 Q Okay. Could you describe what they looked like?

3 A One of them had -- had -- one of them was dark
4 skinned. He had a gold teeth, he had gold in his mouth.
5 And he had like this here, like a beard or whatever, or --
6 and he was like, he was dark skinned with like -- like --
7 like I don't know if it was like rash or whatever, but it
8 was like bumps or something on his face.

9 Q Okay. What about the second man you saw?

10 A And he was light skinned with -- not light
11 skinned, but brown skinned kind of, with tattoos, nappy
12 head. And like --

13 Q Okay. I'm not familiar with that word. Could you
14 tell me what that means?

15 A Like peas in his head or whatever. Like --

16 Q Again, I'm not quite familiar with that either. I
17 mean, was it short or long?

18 A No. Like -- it was like -- no. It was -- it was
19 short, like a little haircut, but it was rolled up, like you
20 didn't brush your hair.

21 Q Okay. And what else do you remember about that
22 man? Anything else?

23 A Like he had a tattoo on his right arm, like.

24 Q Okay.

25 A I don't know if it was like a snake or what, but I

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 could -- it was like a tattoo. I know it was tattoos all on
2 his arm. And he was light skinned, like freckles or
3 whatever and -- around his eyes was dark.

4 Q Okay. What happens after you -- the -- which one
5 of the men pointed the gun -- had the gun pointed at your
6 uncle? The darker skinned man or the lighter skinned man?

7 A The dark skinned one.

8 Q And then which one told you to get back and
9 pointed the gun at you?

10 A The light skinned one. The brown skinned. Kind
11 of tall.

12 Q I'm sorry?

13 A He was tall, like kind of tall. He was taller
14 than the dark skinned one.

15 Q He was taller than the dark skinned one?

16 A Yeah.

17 Q After he does that, what do you do?

18 A I backed up in the room. Me and my cousin backed
19 up in the room and laid on the floor. And when I looked
20 back, I seen the brown skinned man standing over me, and he
21 was like, "You seen your daddy with money on your work."
22 And I was like, "No. He was hitting the numbers or
23 whatever."

24 So -- so he --

25 Q What is "hitting the numbers."?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A Like, he was playing the lottery, and he was
2 hitting it like everyday or every two days.

3 Q Okay. You also said a word that I'm not real
4 familiar with. You said something about work?

5 A Yes, drugs.

6 Q Okay. Do you know what kind of drugs?

7 A I -- (nods in the negative.)

8 THE COURT: Is that a "no," for the record?
9 You're shaking your head.

10 A It's like, I -- I don't -- I know he was looking
11 for drugs. Like, that's the street name for drugs, work.

12 Q Okay. Would your uncle have had drugs in the
13 house?

14 A I don't know. I'm not for sure.

15 Q Okay. After they asked you those questions,
16 what -- what do you remember?

17 A After they asked me them questions, all I know --
18 like I was -- I heard gunshots, and I just got up. I
19 blacked out. I got up and I went and I seen my uncle laying
20 with bullet holes in his back. And I call -- I was like,
21 "Call 911, call 911." And like nobody called 911 and I had
22 to call 911.

23 Q You called 911?

24 A Yes, ma'am.

25 Q I want to ask you a question. When you hear the

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 gunshot, is the man in the room, back room, still with you?

2 A No, ma'am.

3 Q Okay. Do you know where he went?

4 A He left out. All them left out. They was
5 together, because when I got up, nobody was in the house.

6 Q Okay. And that's when you found your uncle?

7 A Yeah. My uncle was laying on the floor.

8 Q What -- I want to go back a little bit because it
9 was a little confusing. Did you -- did both of these men
10 have guns in their hands?

11 A Yes, ma'am.

12 Q Okay. What else do you remember about them, if
13 anything?

14 A All I told them was they could have whatever they
15 have wanted. I was on the floor with my head laying down,
16 and I just tell them, "Don't kill nobody."

17 Q But, Tyreek, you didn't know these men, did you?

18 A No, ma'am.

19 Q Had you ever seen them before?

20 A No, ma'am.

21 Q Did you know their names?

22 A No, ma'am.

23 Q So you didn't tell the police their names?

24 A (Nods in the negative.)

25 Q But, Tyreek, do you remember talking to a couple

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 of the SLED agents --

2 A Yes, ma'am.

3 Q -- and being shown some photographs?

4 A Yes, ma'am.

5 Q What type of photographs were you shown?

6 A I was shown like the -- a dark -- dark skinned
7 people with like -- they was like built and like --

8 Q Okay. Was it -- you were shown a photo array,
9 multiple photographs, correct?

10 A Yes, ma'am.

11 Q You were shown more than one or just one?

12 A It was - first, it had been more than one, then
13 dropped down -- then it -- yeah, it was more than one.

14 Q Okay. And you picked somebody out in one of those
15 photos, don't you?

16 A Yes, ma'am. Yes, ma'am.

17 Q Okay. Do you give this -- that person a name?

18 A That's not him, because that person --

19 Q Hold on, Tyreek. You're getting ahead of my
20 questions.

21 A Yeah.

22 Q Did you tell the police a name for that person in
23 that picture?

24 A Yes, ma'am.

25 Q And what was that name?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A Jamarcus Brisbane.

2 Q Jamarcus Brisbane. Okay. Why did you pick him
3 out of the photo line-up?

4 A Because he was dark skinned and built, kind of,
5 and short. But the only -- the reason that it's not him is
6 because he don't have -- like he don't have no grill. I
7 never seen Jamarcus with a grill. Because I know Jamarcus.
8 Demarcus is my sister uncle. Yeah, I never seen him with a
9 grill, and he never walked with a limp.

10 Q Okay. Did the man that you described as the
11 darker skinned man, did he walk with a limp?

12 A Yes, ma'am.

13 Q And he's the one you already testified had gold in
14 his teeth?

15 A Yes, ma'am.

16 Q Why did you identify Jamarcus?

17 A Because he was dark skinned and kind of built, and
18 like the face kind of looked like -- like I didn't know who
19 the man was that was standing over me in that room, but when
20 I seen that picture, they like -- like, I thought it was him
21 until I seen a picture of the other man.

22 Q Okay. The man that you mistook for Jamarcus, was
23 that the darker skinned man or the lighter skinned man?

24 A It was the dark skinned man. And --

25 Q Okay. And when did you -- where -- was he the one

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 in the room with you holding the gun at your head?

2 A Yes, ma'am.

3 Q And you were face down?

4 A Yes, ma'am.

5 Q Did you ever get a good look at his face?

6 A Yeah, I -- I got a good look at his face, but,
7 like, he had, like, the hat curled over his face. And like
8 I seen -- like I was like this, I was looking, but like I
9 seen like the beard and, like, he had a little buck in his
10 chin. And like the -- and the teeth. And like the thing on
11 his face, like the bumps and the holes, whatever.

12 Q Okay. So you were just wrong when you picked out
13 Jamarcus?

14 A Yes, ma'am.

15 Q All right. I want to ask you another question.

16 After this happened, after you found your
17 uncle, do you know find a gun in the house?

18 A Yes, ma'am.

19 Q Where?

20 A I didn't -- I didn't found it. One of my cousins
21 found it. My bad. And he brought it to me, and he found it
22 underneath the hats, he told me. And he brought it to me
23 and I shot it just to scare them off as he -- they probably
24 would have still been around, and probably came back and
25 kill us. So that's why I shot that gun.

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 Q Okay. What is the hatch? What is that?

2 A The hat -- it was a neat hats. Like, it was like
3 30-something hats was on the -- on the dresser and they had
4 it laying beneath it.

5 Q Okay. So it was in the bedroom?

6 A Yeah. Yes, on the dresser, in my uncle's bedroom.

7 Q Okay. And what did you do with the gun when you
8 got it?

9 A I got it and I went to-go shoot it. I shot it to
10 scare them, like to scare them away. Because, like, I ain't
11 know if they was still around. They probably would have
12 came back and kill us.

13 Q That's not all you do though. After you shoot it,
14 what do you do with the shell casings?

15 A I picked them up so --

16 Q Why?

17 A Because I thought I would have probably got in
18 trouble, we probably would have -- it -- like, it would
19 have -- it -- I didn't -- I just didn't want nobody to know
20 that I shot that gun or whatever, but --

21 Q So you picked them up?

22 A Yes.

23 Q All right. What are you thinking? What's your
24 mindset? Are you scared? What's going on in your mind?

25 A I'm like -- I'm like -- like my mind is, like,

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 it's on the same situation that happened that day. And,
2 like, I'm -- I'm wondering like why -- why y'all killed him,
3 and why -- why did they did what they did.

4 Q All right. Back then though, what's going on?
5 What are you thinking when -- after this happened, after you
6 discovered your uncle, what's happening in your mind?

7 A Like -- like I was -- like some nights I can't
8 sleep because like I be thinking people out to get me. I be
9 outside, I be in the woods watching the cars and everything
10 because I don't trust. My trust and my -- like I don't feel
11 safe. Like I'm not comfortable no more like I was.

12 Q Okay. That day, were you scared? Were you mad?
13 Were you sad?

14 A That day when it happened?

15 Q Uh-huh. (Indicating affirmatively.)

16 A I was angry, sad. I wanted to retaliate back.
17 I -- I had wanted to kill myself because that -- my uncle
18 was the only -- only person that really take care of me. If
19 it wasn't for him, I probably wouldn't even have had
20 nothing. Like I wouldn't know where I'd be. I probably
21 wouldn't be with my family now.

22 Q Tyreek, I want to ask you a couple more questions.
23 Okay?

24 Did you know that your uncle had cameras?

25 A Yes.

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 Q Do you know where they were?

2 A Yes. I -- like he -- he had -- he had me to help
3 him with them, and I -- like I know a lot about technology
4 or whatever. Yes, and like he -- I know about the camera.

5 Q Where did they -- where were they filming?

6 A One was on the porch, two was in the back yard,
7 and was pointing in the driveway.

8 Q And did these cameras record what was happening?

9 A Yes, it recorded all the time, 24/7.

10 Q Okay.

11 MS. JONES: Tyreek, I don't have any more
12 questions for you. Thank you.

13 THE COURT: Mr. Plexico.

14 Sit down, sir. Just for a moment.

15 CROSS EXAMINATION

16 BY MR. PLEXICO:

17 Q Who taught you to pick up your brass after a
18 shooting? Where did you learn that from?

19 A Like this ain't the first time I shot -- I shotted
20 my uncle gun. Like, I shot it sometimes when he wasn't
21 home, and I picked it up just so he wouldn't know that I
22 shot his gun.

23 Q Did he have a 30-round clip on it?

24 A Yes.

25 Q Okay. Did he ever train you to shoot it?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A Sometimes, yeah. He -- like, yeah, he trained me
2 to shoot guns, like sometimes, but not all the time.

3 Q All right. And he dealt a lot of drugs, correct?

4 A Yes.

5 Q You said he had 30 some hats, H-A-T-S, hats?

6 A Hats, yes. Like hats you put on your head, yes,
7 sir.

8 Q Okay. All right. And you were aware of his drug
9 dealing, correct?

10 A Yes, sir.

11 Q And you helped him install the cameras?

12 A Yes, sir.

13 Q Were you kind of a partner with him?

14 A No, sir. I was his nephew. He took care of me.
15 Like, we didn't have nothing. Like he made us to have what
16 we have.

17 Q From the drug money that he was getting, correct?

18 A Yes, sir.

19 Q All right. So you shared his drug money?

20 A But he -- he wasn't only making money off of
21 drugs, he was hitting numbers like every day, or every two
22 days, for \$6,000, \$12,000, 30. Probably even more.

23 Q Every day?

24 A Yes, sir.

25 Q He was a really lucky lottery player?

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 A Yes, sir.

2 Q And he had big money?

3 A Yes, sir. He use to give people around had
4 numbers to play, and they were hitting the number, too.

5 Q Okay. All right. And so -- I'm sorry for your
6 loss, young man.

7 A Yes, sir.

8 Q But you wouldn't want somebody convicted for doing
9 that crime who was wrongfully convicted, and the bad guy was
10 still would be out there, would you?

11 A Can you repeat that again?

12 Q You wouldn't want the wrong person to be convicted
13 of that crime, and the bad guy still be out there somewhere,
14 would you?

15 A I didn't really got that.

16 Q Okay. You want the correct person who committed
17 that crime to be brought to justice, right?

18 A Yes, sir.

19 Q You wouldn't want an injustice to be done,
20 correct?

21 A Yes, sir.

22 Q Okay. And whatever you -- whatever you have seen
23 in your household, you have been to school and you've
24 graduated, I assume, or getting close, correct?

25 A Yes, sir.

DIRECT EXAMINATION OF T. SIMMONS BY JONES

1 Q And you'd want justice to be done according to our
2 system and our rules, correct?

3 A Yes, sir.

4 Q Okay.

5 MR. PLEXICO: I don't have anything further
6 myself.

7 THE COURT: All right. Mr. Koger.

8 CROSS EXAMINATION

9 BY MR. KOGER:

10 Q Mr. Simmons, I just want to clarify, you were
11 shown photographs in this particular case, correct?

12 A Yes, sir.

13 Q All right. And you didn't identify Mr. Casey
14 Jones, Senior, did you?

15 A No, sir.

16 Q You didn't identify Jarrod Bostick, did you?

17 A No, sir.

18 Q And you didn't identify Casey Jones, Junior,
19 correct?

20 A (Nods in the negative.)

21 Q And I think you testified to mentioning Jamarcus
22 Brisbane, correct?

23 A Yes, sir.

24 Q As being one of the persons in the photographs?

25 A I thought it was him, like because the faces, but

CROSS EXAMINATION OF T. SIMMONS BY KOGER

1 I didn't really got they fully face and how they really
2 looked, but I seen like they face. Like how they basically
3 looked, but I didn't like really get it.

4 Q At the time of your uncle's death, how long had
5 you lived with him?

6 A I was living -- living with my uncle for about ten
7 years, even when he was staying with my grandmother.

8 Q Okay. All right. And you testified to assisting
9 him putting up video on surveillance system, correct?

10 A Yes, sir.

11 Q Okay. How many years ago -- was that a recent
12 addition, or has it been in place for a while?

13 A He -- someone -- like, someone had broke in his
14 house when he was at the hospital with his daughter, and
15 they took that camera system. So he had bought a new one,
16 and that was like three months, two months later. Two
17 months after, like.

18 Q So --

19 A Like, two months -- it was two months after that
20 happened.

21 Q Okay. All right.

22 A Before he had got that new camera -- like not --
23 not after that happened, before that happened.

24 Q Okay. So about a year or two or --

25 A No, not a year or two. It was like months.

CROSS EXAMINATION OF T. SIMMONS BY KOGER

1 Q Months. Okay.

2 A Yeah.

3 Q Okay. Okay. All right.

4 A Before they -- before that happened.

5 Q Okay. All right. And you said that you had lived
6 with him. How long had you lived at that residence with
7 your uncle?

8 A Since he moved there.

9 Q And when did your uncle move there? Approximately
10 how many years ago, is what I'm getting at.

11 A It was -- it was like a year. A year or two.

12 Q Okay.

13 A I'm not for sure.

14 Q Okay. All right. And was a lot of traffic back
15 and forth from other people coming to the house?

16 A I'm not for sure.

17 Q Okay. People didn't come there to purchase the
18 drugs?

19 A Yeah. Our family used to come and visit.

20 Q Okay. How about the exchange of drugs there?

21 A I never seen like -- he never did that in front of
22 us.

23 Q Okay. Okay. But it was away from the house?

24 A I don't know. I never knew about his drug
25 business.

CROSS EXAMINATION OF T. SIMMONS BY KOGER

1 Q Okay. And did your uncle have a regular nine to
2 five job?

3 A No, I don't think so.

4 Q Thank you. I wish you well.

5 MR. KOGER: No further questions, Your Honor.

6 THE COURT: Anything else, Mr. Newman?

7 CROSS EXAMINATION

8 BY MR. NEWMAN:

9 Q Mr. Simmons, we've already heard from the deputy
10 on scene, your present sense impression was that you called
11 out Jamaricus Brisbane's name as being one of the assailants,
12 and you added the comment that he had just gotten out of
13 prison, correct?

14 A Yes. That's how I know -- I know Jamaricus,
15 because he's my sister's uncle. But I never seen Jamaricus
16 with a gold teeth in his mouth.

17 Q Right. And you called Jamaricus's name and
18 mentioned that he just got out of prison. I believe he got
19 out of prison for robbery and drug trafficking.

20 A I never know what Jamaricus went to prison for.
21 Only thing I know, he got out.

22 Q Okay. And you told the deputies that. Several
23 days later, you were interviewed by the SLED agents,
24 correct?

25 A Yes.

CROSS EXAMINATION OF T. SIMMONS BY NEWMAN

1 Q And they showed you a line-up. And, again, you
2 picked out --

3 MR. NEWMAN: May I approach the witness?

4 THE COURT: You may, sir.

5 BY MR. NEWMAN:

6 Q Again, you picked out Jamarcus Brisbane, correct?

7 A Yes. Why I really picked him out because like the
8 beard a little bit. Like --

9 Q Yeah. And the rolled up hair?

10 A Yes -- no. I didn't -- it wasn't him, and I could
11 tell it wasn't him.

12 Q Okay. But you picked him out?

13 A Yes, because it's like the beard, and he was dark
14 skinned. Like, and heavy set.

15 Q And you called out his name while you were still
16 under the influence of witnessing this horrible crime and
17 told the deputy that.

18 A Can you repeat that?

19 Q While you were under the influence of this crime,
20 while it was happening.

21 A Yeah.

22 Q Okay. You told the deputy, you called out
23 Jamarcus Brisbane's name, and that he'd just gotten out of
24 prison. And several days later, you picked him out again,
25 correct?

CROSS EXAMINATION OF T. SIMMONS BY NEWMAN

1 A No, sir.

2 Q You didn't -- you didn't pick him out --

3 A Only day I picked him out one time, and that's
4 when it first happened.

5 Q Okay. You weren't shown a line-up?

6 A Huh?

7 Q Were you shown a photograph?

8 A Yes, I was shown a line-up, but only thing, I
9 picked him once.

10 Q What's that?

11 A I said, I was shown a line-up and the only thing,
12 I picked him once.

13 Q Okay. Out of the line-up.

14 A Yes.

15 MR. NEWMAN: All right. Thank you, sir.

16 THE COURT: Anything further?

17 MR. NEWMAN: Not from me.

18 THE COURT: Anything further?

19 MS. JONES: Not from the State, your Honor.

20 THE COURT: You may step down, sir.

21 WITNESS: Yes, ma'am.

22 THE COURT: Call your next witness.

23 MS. JONES: State calls Javonte H.

24 Thereupon,

25 JAVONTE H.

DIRECT EXAMINATION OF JAVONTE H. BY JONES

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

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Good morning, Javonte.

6 A Good morning.

7 Q - Javonte, how old are you today?

8 A Eighteen.

9 Q And how old were you on June 3rd of 2015?

10 A Sixteen.

11 Q All right. Who, to you, was Jeremiah Wilson?

12 A My stepdad.

13 Q And who's your mom?

14 A Gelinda.

15 Q And where did you live back in 2015?

16 A ■ Clover Circle.

17 THE COURT: All right, sir. You need to sit up,
18 and you need to speak up. Okay? Thank you.

19 BY MS. JONES:

20 Q All right. Could you repeat that?

21 A ■ Clover Circle.

22 Q Who did you live there with?

23 A My mom, my brothers and sisters, and Jeremiah.

24 Q Do you remember June 3rd, 2015?

25 A Yes, ma'am.

DIRECT EXAMINATION OF JAVONTE H. BY JONES

1 Q Why do you remember that day?

2 A Because it was like -- it was like a wreck of my
3 life.

4 Q What do you remember about that morning?

5 A I remember waking up, not going to school because
6 he was like, you know, we get to stay home the last day of
7 school. So we was like, all right. We was playing a game.
8 And so we heard like, a horn blow. So we looked out the
9 window and it was a Volkswagen in the yard. We was like --
10 we all looked at each other like we never seen this car here
11 before. And so, you know, went around -- they went around
12 and, you know. We heard tumbling and stuff like that. And
13 I got Little J. And I put him in the closet, hid in there.
14 And they was asking for work and stuff like that.

15 And next thing you know, it was like we're
16 not coming to kill no kids or nothing like that. And we
17 heard gunshots later on.

18 Q Where are you when you hear the gunshots?

19 A In the closet.

20 Q Who's with you?

21 A Little J.

22 Q What's his name?

23 A J'Amiah.

24 Q Okay. And he was -- who was Jeremiah to him?

25 A His dad.

DIRECT EXAMINATION OF JAVONTE H. BY JONES

1 Q When you're in the closet, can you see anything
2 that's happening?

3 A No, ma'am.

4 Q What do you hear?

5 A I hear fighting and asking him about work and all
6 type other stuff like that.

7 Q Okay. Do you ever see the men who came in that
8 morning?

9 A No, ma'am.

10 Q Because your first instinct was to hide in the
11 closet?

12 A Yes, ma'am. I grabbed Little J and I took him to
13 the closet with me.

14 Q Where are you when you hear the gunshots?

15 A We was in a blue basket that we still got today.
16 Me and Little J was still pulled up in the blue basket. It
17 was like a blue round basket.

18 Q You were hiding?

19 A Yes, ma'am.

20 Q What's going on in your mind when this was
21 happening?

22 A Thinking somebody about to open this closet and
23 just and kill me, and let it -- just kill us. That's all I
24 could think about.

25 Q After you -- after you hear the gunshots, how many

DIRECT EXAMINATION OF JAVONTE H. BY JONES

1 gunshots do you think you heard?

2 A It was multiple. I can't remember today.

3 Q What do you do after you hear the gunshot?

4 MR. PLEXICO: I didn't hear his last answer.

5 THE COURT: Okay. I'm sorry. I didn't hear it
6 either.

7 MS. JONES: He said there was multiple. He can't
8 remember today.

9 THE COURT: Okay.

10 BY MS. JONES:

11 Q What do you do after you hear the gunshots?

12 A We got out the closet and we start -- they was
13 screaming, we was crying. And we went around, and we seen
14 him laying down.

15 Q Do you remember talking to Special Agents Johnson
16 and Williams with SLED that day?

17 A Yes, ma'am.

18 Q Okay. And they -- they had just asked you what
19 happened?

20 A Yes, ma'am.

21 Q And you talked to them?

22 A (Nods in the affirmative.)

23 Q Do you remember if they showed you some
24 photographs?

25 A Yes, they did.

DIRECT EXAMINATION OF JAVONTE H. BY JONES

1 Q Okay. Was it a page with multiple photographs?

2 A Yes.

3 Q Okay. And what did they ask you to do when you
4 see these photographs?

5 A Well, they said point if I recognize anyone of the
6 people, if I know anybody on that.

7 Q Okay. Do you see the men who did this? Is that
8 what you were asked to do?

9 A Yes, ma'am.

10 Q And did you?

11 A No.

12 Q Okay. They weren't in any of the photographs you
13 saw?

14 A No, I didn't, because remember, I didn't see
15 nothing.

16 Q Okay. Did you pick anybody out of the
17 photographs?

18 A No, ma'am.

19 Q Okay.

20 MS. JONES: Javonte, I have no more questions for
21 you at this time. Thank you.

22 THE WITNESS: Okay.

23 THE COURT: Keep your seat just in case the other
24 attorneys have any questions for you. Okay?

25 THE WITNESS: Yes, ma'am.

DIRECT EXAMINATION OF JAVONTE H. BY JONES

1 THE COURT: Mr. Plexico.

2 CROSS EXAMINATION

3 BY MR. PLEXICO:

4 Q So how did you know the car was a Volkswagen?

5 A I looked out the window.

6 Q Okay. How did you discern that it was a
7 Volkswagen?

8 A Say it again, sir?

9 Q How did you know it was a Volkswagen, of all
10 vehicles?

11 A I know cars. That's the same thing they asked me.

12 Q Did you see anybody get out of the car, or were
13 you already busy trying to hide?

14 A Well, I ain't see nobody. People was still in the
15 car.

16 MR. PLEXICO: Okay. I don't have anything
17 further, but I am sorry for your loss.

18 THE COURT: Okay. Mr. Koger.

19 CROSS EXAMINATION

20 BY MR. KOGER:

21 Q Just to clarify, **Javonte H.** You were shown
22 photographs, correct?

23 A Yes.

24 Q And you didn't identify Mr. Casey Jones, Senior,
25 Mr. Jarrod Bostick, or Mr. Casey Jones, Junior, correct?

CROSS EXAMINATION OF JAVONTE H. BY KOGER

1 A No, sir. No, sir.

2 MR. KOGER: Okay. I wish you luck. No further
3 questions.

4 THE COURT: Mr. Newman.

5 CROSS EXAMINATION

6 BY MR. NEWMAN:

7 Q Is -- J'Amiah is your cousin; is that correct?

8 A No, it's my stepdad.

9 Q I'm sorry.

10 A Stepdad.

11 Q That's the younger one, I think, called Little J?

12 A Oh, my brother. That's my brother.

13 Q That's your brother.

14 A Yeah.

15 Q Did I hear you call him "Little J"?

16 A Yes.

17 Q Okay. So when this went down, you kind of went
18 with or took Little J, and y'all hid down in the closet
19 until it was all over with, right?

20 A Yes.

21 Q Little J was with you. You had him with you.

22 A Yes. Yes, sir.

23 Q Okay. And sorry for your loss. Thank you.

24 THE COURT: Anything further?

25 MS. JONES: Just briefly, Your Honor. Thank you.

REDIRECT EXAMINATION OF JAVONTE H. BY JONES

1 REDIRECT EXAMINATION

2 BY MS. JONES:

3 Q Javonte, in those photographs, were any of these
4 men in the photographs you were shown?

5 A No. No, ma'am.

6 Q Sorry?

7 A No, ma'am.

8 MS. JONES: I have no further questions.

9 THE COURT: Anything further? Not from anyone?

10 MR. PLEXICO: No, Your Honor.

11 THE COURT: All right. You're excused, sir.

12 Thank you.

13 The State will call their next witness.

14 MS. JONES: State calls Jashaun H.

15 Thereupon,

16 JASHAUN H.

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

18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. JONES:

21 Q Good morning, Jashaun.

22 A Good morning.

23 Q Good afternoon.

24 THE COURT: Mr. H., you have to lean forward
25 and you have to be loud enough so we can all hear you.

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 Okay?

2 Thank you, sir.

3 BY MS. JONES:

4 Q Jashaun, how old are you?

5 A Sixteen.

6 Q How old were you back in 2015?

7 A Fourteen.

8 Q Okay. And where did you live in June of 2015?

9 A On a dirt road.

10 Q Do you remember your address?

11 A (Nods in the negative.)

12 Q Okay. That's okay.

13 THE COURT: And that was a "no," for the record.

14 You just have to verbally say it, because the

15 court reporter is taking everything down. Okay?

16 THE WITNESS: (Nods in the affirmative.)

17 THE COURT: All right. Say yes.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Okay. Thank you.

20 BY MS. JONES:

21 Q Do you -- who did you live with in 2015?

22 A My mama and my stepdaddy.

23 Q And who was your stepdad?

24 A Jeremiah.

25 Q Okay. What's your mom's name?

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 A Gelinda.

2 Q Who else lived with y'all?

3 A My cousin, and my stepbrother, and my brother, and
4 my sisters.

5 Q Okay. Do you remember June 3rd, 2015?

6 A Yes, ma'am.

7 Q Why do you remember that morning?

8 A Because it was the worst morning of my life.

9 Q Can you tell me what you remember about that
10 morning?

11 A I heard a horn blow outside, so I walked in the
12 living room because I thought it was my mama. And I saw
13 three people came in, and then I ran in the back and lay
14 down.

15 Q Okay. Do you remember what these people looked
16 like?

17 A Yes. Yes, ma'am.

18 Q Can you tell me what they looked like, what you
19 remember?

20 A One -- one was dark skinned with a hat on,
21 colorful hat. And a light skinned one, and another dark
22 skinned one.

23 Q Okay. Do you remember seeing any guns that
24 morning?

25 A Yes, ma'am.

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 Q Where?

2 A Following me.

3 Q Okay. Could you tell me about that?

4 A One person had a gun, like pointing it at me, and
5 they was asking questions and all, where my mama was at,
6 where was some stuff at, and -- yeah.

7 Q What -- which -- you described one was a lighter
8 skinned man, and one was a darker skinned man. Which one
9 pointed the gun at you?

10 A Dark skinned man, heavy set.

11 Q Okay. Do you remember anything about his face or
12 his teeth?

13 A He had gold in his mouth.

14 Q Okay. Did you see any other guns that morning?

15 A Yes, ma'am. I saw three guns.

16 Q Okay. Where were these guns?

17 A Pointing.

18 Q Were they -- who was holding these guns?

19 A The dark skinned man, the light skinned man, and
20 the dark light skinned man.

21 Q Okay. What do you hear when you run back into the
22 back and you were -- they follow you? Is that what
23 happened?

24 A Yes, ma'am.

25 Q Okay. And what happens when you get to the back

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 bedroom?

2 A One of them was right there behind me, and they
3 was asking me where my mama was at, me and my cousin.

4 Q And which one was that in the bedroom with you?

5 A The dark skinned man with the gold in his mouth.

6 Q And did they ask you -- do you hear them asking
7 any other questions?

8 A Yes.

9 Q What else are they asking?

10 A They -- they was talking to my stepdaddy. They
11 was asking him where the money and drugs at.

12 Q Did you know if your stepdad had money in the
13 house?

14 A No, ma'am.

15 Q Did you know he had drugs in the house?

16 A No, ma'am.

17 Q What do you -- what do you hear next?

18 A Then when -- when they leave the room, they left
19 me and my cousin right there. And I heard some gunshots
20 after that.

21 Q Okay. So none of the men are in the room with you
22 when you hear the gunshots?

23 A No. No.

24 Q Do you remember how many you heard?

25 A Like, six, seven.

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 Q Okay. After that, what do you do?

2 A Like, one minute after the gunshot, I got up and
3 ran in the living room, and I saw my stepdaddy right there.

4 Q What are you -- what's going through your mind
5 when you see your stepdad?

6 A He -- he's dead, you know. Yeah.

7 Q Okay. Jashaun, I want to ask you -- I want to
8 fast forward a little bit. Do you remember talking to a
9 couple SLED agents that day?

10 A Yes.

11 Q Okay. Did they show you some photographs, some
12 picture arrays of multiple photographs?

13 A Yes, ma'am.

14 Q Okay. And why were you shown these pictures?

15 A To see if I remember the persons.

16 Q And did you see any of the men from that morning
17 in those photographs?

18 A I ain't sure.

19 Q Did you pick anybody out?

20 A Yes, ma'am.

21 Q Are you sure?

22 A Yeah.

23 Q From those six pack photo line-ups, did you
24 identify anybody?

25 A I think one person, yeah.

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 Q Okay. Do you remember talking to Agent Williams
2 back on -- on June 3rd about 12:30 in the afternoon, and
3 being shown the photos?

4 A Yes, ma'am.

5 Q Okay. And y'all were at the investigator's
6 office?

7 A Yes, ma'am.

8 Q Okay. And if you remember, they showed you about
9 five photo line-ups?

10 A Yes, ma'am.

11 Q And you look at each of them, and you don't pick
12 out anybody, do you?

13 A No, ma'am.

14 Q Okay. Are any of these men in the pictures in
15 those photo line-ups you're shown that day?

16 A No, ma'am. (Nods in the negative.)

17 Q Okay. Tell me about your stepdad's security
18 system, surveillance system. What did you know about that?

19 A I know it is to record.

20 Q Okay.

21 A Yeah.

22 Q Okay. Where did he have cameras?

23 A Like, soon as you come in the gate, the porch, the
24 back porch, and the back yard.

25 Q Okay. How did you know that the cameras recorded?

DIRECT EXAMINATION OF JASHAUN H. BY JONES

1 A Because I used to go back and watch me ride the
2 four-wheeler.

3 Q You would go in front of the cameras and then come
4 and watch yourself on them?

5 A Yes -- yes, ma'am.

6 Q Okay. And they would -- they would capture that,
7 and you would rewind and you would watch it?

8 A Yeah. Yes, ma'am.

9 Q And then it would go back to recording?

10 A Yes, ma'am.

11 Q As far as you know, on June 3rd, this morning,
12 were they working?

13 A Yes, ma'am.

14 Q Jashaun, I have no further questions for you, but
15 if you could answer any questions that any of these
16 gentlemen may have.

17 MR. PLEXICO: I have nothing, Your Honor.

18 MR. KOGER: Nothing from Bostick.

19 THE COURT: Anything, Mr. Newman?

20 MR. NEWMAN: Yes, ma'am. Briefly.

21 CROSS EXAMINATION

22 BY MR. NEWMAN:

23 Q **Javonte H.**, you gave a written statement to the
24 police, right?

25 A Yes, ma'am.

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 Q Do you recall doing that? And I think they
2 actually helped you -- you write it out.

3 A Yes, ma'am.

4 Q Is that correct?

5 A Yes, sir.

6 Q And when they asked about the man that was
7 pointing the gun at you, the officer asked you, quote, "Can
8 you describe the man who pointed the gun at you?"

9 And your answer was, "Black, bald head." Is
10 that correct?

11 A Yes, sir.

12 Q Okay. Thank you.

13 THE COURT: Anything else?

14 MS. JONES: Nothing, Your Honor.

15 THE COURT: You may step down, **Javonte H.**

16 MS. JONES: Your Honor, if we may approach.

17 THE COURT: Sure.

18 (Off-the-record discussion held.)

19 THE COURT: All right. Ladies and gentlemen,
20 there's a matter I need to take up with the attorneys.
21 And rather than have you sit on us, we're going to go
22 ahead and break for lunch.

23 It is almost 12:30 by the clock in the back of the
24 courtroom. I'm going to ask that you be back, ladies
25 and gentlemen, at 1:45, and we're going to go ahead and

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 continue with the trial of this case.

2 I need you to do one other thing for me, ladies
3 and gentlemen. After you come back from lunch, I need
4 you to elect a foreperson. A foreperson has no more
5 say than anyone else, they're simply the person that
6 talks to me in regards to scheduling.

7 I'm going to ask that that foreperson take this
8 front seat right here so I know where they're at. All
9 right?

10 Also, ladies and gentlemen, I remind you do not
11 discuss this case. It wouldn't be appropriate to do
12 so. I also saw that one or two of you are taking notes
13 in this case. If you are taking notes, I need you to
14 leave them in your seats. Ladies and gentlemen, I will
15 give you instruction at the end about your notes. No
16 one, of course, is required to take notes, but of
17 course you are free to take notes if you want to.

18 But those notes are for your own use. At the very
19 end of the trial you are going to have them back in the
20 jury room so you can refer back to them.

21 But I'm going to instruct you that just because
22 one person took notes doesn't mean you should rely on
23 what they wrote down versus your own recollection.
24 Some people are better note takers than others.

25 So this would be the argument on notes. I just

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 ask that you leave them in your seats. Just close
2 them. I don't want anyone being able to read them.
3 And if you would, maybe go ahead and put your juror
4 number or your last name on it just so I can find out,
5 if for some reason someone picks them up or moves them
6 around, I should know where they go. Okay?

7 So I appreciate it, ladies and gentlemen. Go grab
8 a bite to eat, we'll see you back in the jury room at
9 1:45. Reminder, I can't start until all 14 of you are
10 here, ladies and gentlemen. So we look forward to
11 seeing you back. Okay? Thank you.

12 (The Jury exits the courtroom.)

13 THE COURT: All right. Let's go ahead and do this
14 proffer after lunch. I don't want them talking about
15 it with anyone during the lunch hour. I need the
16 attorneys back here at 12:30, we're going to go ahead
17 and do the quick proffer of this next witness. And
18 then we'll be ready and know whether or not we're
19 putting him up.

20 I'm sorry -- 1:30. You knew what I meant, I hope.
21 1:30. So we will see you all back at 1:30.

22 Again, you need to take your client with you or
23 make sure he isn't out and about. I don't want him
24 running into anyone at lunchtime, Mr. Newman. Okay?

25 MR. NEWMAN: Certainly.

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 THE COURT: Whatever you're going to do, just --

2 MR. NEWMAN: We're going to park away from the
3 jurors, and I'll walk out with him.

4 THE COURT: Perfect. He just doesn't need to be
5 seen in a lunch line somewhere. I know there's very
6 few places to go, but I don't want him sitting at
7 McDonalds or the Subway with jurors. Okay?

8 MR. NEWMAN: I understand that, and we'll respect
9 that.

10 THE COURT: There you go, sir. Thank you.

11 All right. And then I know I have a motion for a
12 TRO here. I think they're probably going to leave
13 their stuff. If you don't mind just kind of putting
14 your stuff on top of it.

15 Did you all give notice to the other side on this
16 case?

17 MR. PLEXICO: Yes.

18 THE COURT: You did. Perfect.

19 All right. Well, you all -- yes, sir.

20 UNIDENTIFIED SPEAKER: I'd like to object to that.

21 THE COURT: Okay. Well, sir, y'all are welcome.
22 Just come on up, take a seat. I'm going to step down
23 for about five minutes or so, and I'll be back. Okay?
24 Thank you.

25 (Whereupon the Court was in recess.)

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 THE COURT: So did you have anything to put on the
2 record? Your client is here. Do we have the other two
3 gentlemen?

4 MR. NEWMAN: I'm just waiting for them to sit
5 down.

6 THE COURT: I understand, so they can get in
7 there. Okay.

8 Do we have the next -- is he in here?

9 MS. JONES: He is right outside, J'Amiah W.

10 THE COURT: You can bring him in?

11 THE CLERK: I don't think the jury is here.

12 THE COURT: That's okay. It doesn't matter, we're
13 doing a proffer first.

14 THE CLERK: Okay.

15 MS. JONES: And actually, Your Honor, his
16 testimony is followed up -- or will hopefully be
17 followed up by the testimony of the SRO of the school,
18 who reviewed the video after the footage, and
19 recognized the car. And then a later time, actually
20 saw the car and recognized the driver's face and
21 recognized him as Casey Jones, Junior. She knows him
22 from previous encounters, obviously limited, but I
23 didn't know if the Court wanted to proffer that as
24 well.

25 THE COURT: Okay. Is there a reason I need to

CROSS EXAMINATION OF JASHAUN H. BY NEWMAN

1 proffer it?

2 MS. JONES: I would be asking her for an in-court
3 identification.

4 THE COURT: Did you just list her as a witness?

5 MS. JONES: I'm sorry?

6 THE COURT: Did you list her as a witness in this
7 case?

8 MS. JONES: Yes. Yes.

9 THE COURT: Okay. I don't know why we need a --
10 I'm doing this, number one, because he's a minor, to
11 start with. And I want to know what he knows.

12 So I don't know why we need to do that with an SRO
13 unless there's something I'm missing.

14 MS. JONES: There's not. It's just another
15 identification based upon this --

16 THE COURT: Okay. Let's swear him in.

17 (The following was held outside of the presence of
18 the jury.)

19 PROFFERED TESTIMONY

20 Thereupon,

21 J'AMIAH W.

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

24 THE COURT: All right. Good afternoon.

25 THE WITNESS: Good afternoon.

PROFFERED TESTIMONY OF J'Amiah W.

1 THE COURT: All right. The first thing I'm going
2 to have to ask you to do is sit up close to that
3 microphone so I can hear you. And I want you to
4 understand something right now.

5 What's your name?

6 THE WITNESS: J'Amiah W.

7 THE COURT: J'Amiah?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: And it's -- sometimes they call you
10 Little Jeremiah, is that right, or Little J?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: All right. I want you to notice
13 something. There's no one sitting in the jury box
14 right now. Okay?. Which means the jurors aren't here.
15 This is just an offer of what you're testimony would
16 be. And if I allow you to testify in the trial of this
17 case, we're going to do the whole thing all over again
18 in front of the jury. I just want you to realize that
19 before we start. Okay?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: How old are you right now?

22 THE WITNESS: Fourteen.

23 THE COURT: What grade are you in?

24 THE WITNESS: Eighth.

25 THE COURT: You're in the 8th grade?

PROFFERED TESTIMONY OF **J'Amiah W.**

1 THE WITNESS: Yes, ma'am.

2 THE COURT: Where do you go to school?

3 THE WITNESS: Estill.

4 THE COURT: Pardon?

5 THE WITNESS: Estill.

6 THE COURT: You go to Estill Middle School?

7 THE WITNESS: (Nods in the affirmative.)

8 THE COURT: All right. So you're 14, you're in
9 the eighth grade at Estill Middle School; is that
10 correct?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Who do you live with?

13 THE WITNESS: My mom.

14 THE COURT: Your mom. Okay.

15 All right. So we're going to go ahead and you can
16 ask him some questions. We'll figure out exactly what
17 we're going to do from here. And kind of get to the
18 heart of it.

19 MS. JONES: Thank you.

20 And I was just going to ask J'Amiah about the
21 school incident.

22 THE COURT: Okay.

23 MS. JONES: Do you want me to get into the --

24 THE COURT: No, that is fine.

25 MS. JONES: Okay.

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

1 DIRECT EXAMINATION

2 BY MS. JONES:

3 Q) J'Amiah, do you remember an incident at your
4 school back to this past February?

5 A Yes, ma'am.

6 Q You're going to have to speak up. I know you're
7 soft spoken, you have to speak up and into that microphone.
8 Okay? Please pull it down a little bit. That may might
9 help.

10 Okay. Can you tell me what you remember
11 about that particular incident at school?

12 A I seen a tall black man -- well, he been kind of
13 stocky.

14 Q Okay.

15 A I look over, and he say, "Who the F you looking
16 at?"

17 Q Okay. Where did you see this man?

18 A School.

19 Q Where at the school?

20 A Like by the middle school.

21 Q Okay. Were you inside the school or outside?

22 A Outside.

23 Q And was he in a car, or was he outside of a car?

24 A Outside the car.

25 Q Okay. Did you watch him get out of the car?

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

- 1 A No, ma'am.
- 2 Q Okay. What car was he next to?
- 3 A I think his car.
- 4 Q Do you remember what kind of -- what -- what that
- 5 car looked like?
- 6 A No, ma'am.
- 7 Q Okay. Do you remember saying it was a red car?
- 8 MR. NEWMAN: Your Honor. I'm going to object.
- 9 Object to leading by the State.
- 10 MS. JONES: I withdraw that question.
- 11 THE COURT: Okay.
- 12 MS. JONES: I withdraw that question.
- 13 THE COURT: Thank you.
- 14 BY MS. JONES:
- 15 Q Had you -- when you see this man and he says that
- 16 to you, what do you do next?
- 17 A Ran..
- 18 Q And where did you run?
- 19 A Back inside the building.
- 20 Q And what did you do once you got back inside the
- 21 building?
- 22 A I called my granddaddy.
- 23 Q Okay. What did you say?
- 24 A Come pick me up.
- 25 Q Okay. Where had you seen this man before?

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

1 A In Estill.

2 Q Okay. Where else had you seen this man before?

3 A I seen him a lot of time.

4 Q Did you recognize him that morning, or that
5 afternoon?

6 A Yes, ma'am. You talking about when he came?

7 Q When was this -- where did you recognize this man?
8 When was the first time you saw this man?

9 A When he came to the house.

10 Q Okay. Whose house?

11 A My daddy.

12 Q And what happened that morning?

13 A He came -- a white car came to the house and
14 blowed the horn, I opened the door. And that when he say he
15 came for a number.

16 Q And who said that?

17 A The black dude.

18 Q Okay. Did you ever see that man ever again?

19 A Yes, ma'am.

20 Q You have to use your words.

21 A Yes, ma'am.

22 Q Okay. This lady is typing down everything you
23 say, so you're going to have to speak up. Okay?

24 Where did you see the man that came to your
25 door that morning, where did you see him again?

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

1 A Bobops. I seen him a couple times.

2 Q Okay. Did you see him at school?

3 A Uh-huh. (Indicating affirmatively.)

4 Q And he -- what did he say to you when you saw him

5 --

6 THE COURT: Was that a "yes," that was just asked?

7 MS. JONES: Yes.

8 THE COURT: Whatever questions she asks you right
9 here, this is the court reporter, you have to repeat
10 whatever you say. Okay?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: She's the court reporter right there.
13 So that's Mona, and she'll tell you, what do you need
14 to repeat, Mona?

15 THE COURT REPORTER: Was that a "yes"?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Okay. Go ahead.

18 MS. JONES: Okay. Thank you, Your Honor.

19 BY MS. JONES:

20 Q You saw this man -- where did you see this man at
21 your school?

22 A Outside the building.

23 Q Okay. And the man you saw outside the building,
24 was that the same man you saw the morning your dad was
25 killed?

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

1 A Yes, ma'am.

2 Q Okay. Do you -- do you see that man in the
3 courtroom today?

4 A Yes, ma'am.

5 Q Okay. Can you please point him out?

6 A (Witness indicates.)

7 Q Okay. Sorry, but you're going to have to point
8 maybe a little better, or maybe describe what he's wearing.

9 A Right there.

10 Q Okay. What color shirt does he have on?

11 A Black shirt.

12 Q Okay.

13 MS. JONES: Okay. May the record reflect the
14 witness did identify Mr. Jones, Junior.

15 Beg the Court's indulgence.

16 (Pause.)

17 MS. JONES: Your Honor, I think for this hearing,
18 for the identification questions, that's all the
19 questions I have.

20 THE COURT: Okay.

21 Mr. Plexico, do you have any questions?

22 MR. PLEXICO: I have none.

23 THE COURT: The only one in my care is you, Mr.
24 Newman. So why don't you go ahead.

25 MR. NEWMAN: I understand. I just want to make

PROFFERED DIRECT EXAMINATION OF **J'Amiah W.** BY JONES

1 'sure I have no questions.

2 THE COURT: Okay.

3 PROFFERED CROSS EXAMINATION

4 BY MR. NEWMAN:

5 Q Now, J'Amiah, when your father was killed, you
6 were 11 years old?

7 A Yes, sir.

8 Q Okay. And you were in the house with who?

9 A My two brothers and my cousin.

10 Q And what are their names?

11 A Jashaun, Javonte, and Tyreek.

12 Q I'm sorry?

13 A Jashaun, Javonte, and Tyreek.

14 Q Okay. And if I have this right, Jashaun is your
15 older brother?

16 A Javonte.

17 Q Javonte. Javonte H. is your older brother?

18 A Javonte H.

19 Q Yeah. Okay. Let me make sure I have that right.

20 And were you with Javonte -- I think he
21 called you Little J when he testified -- that y'all ran into
22 the closet when it started; is that correct?

23 A Yes, sir.

24 Q And y'all stayed in the closet until the bad guys
25 went away?

PROFFERED CROSS EXAMINATION OF **J'Amiah W.** BY NEWMAN

1 A Yes, sir.

2 Q And your mama's name is Veronica?

3 A Yes, sir.

4 Q Veronica Graves?

5 A Yes, sir.

6 Q Okay. And she goes by Titty?

7 A Yes, sir.

8 Q Okay. Have you seen Mr. Jones with your mom?

9 A Huh-uh.

10 Q Yeah? No?

11 THE COURT: No or yes?

12 A No, sir.

13 Q Okay. Do you know whether or not they play on the
14 same kickball team?

15 A No, sir.

16 Q And from June 2011 till end of February -- I mean,
17 2015, I'm sorry, until February 2017, you say you had seen
18 the man several times?

19 A Yeah. I seen him a couple times.

20 Q Okay. How many times would you guess?

21 A I ain't even know.

22 Q All right. Mr. Jones had already been arrested
23 and charged with this prior to you saying you saw him in
24 school, correct?

25 A Yes, sir.

PROFFERED CROSS EXAMINATION OF **J'Amiah W.** BY NEWMAN

1 Q And you knew that?

2 A Yes, sir.

3 Q You knew he was the man charged with killing your
4 dad?

5 A Yes, sir.

6 Q And how many men came in the house?

7 A Three.

8 Q Okay. When did y'all run in the closet and hide?

9 A When they came in.

10 Q Okay. Who was the first guy to come in the house?

11 A I think a black dude.

12 Q A black dude?

13 Okay. Would it be fair to say the black dude
14 started coming in the house and pushing on your father,
15 that's when your brother got you and then ran into the
16 closet?

17 A That's when I ran and told him.

18 Q What's that?

19 A I ran.

20 Q Okay. And these number of times that you've seen
21 Mr. Jones, you didn't tell anybody about that, correct?

22 A Huh?

23 Q You didn't tell anybody about that?

24 A What?

25 Q Well, you said you saw him --

PROFFERED CROSS EXAMINATION OF **J'Amiah W.** BY NEWMAN

1 A Yeah, I told people.

2 Q -- a couple times.

3 A Yeah.

4 Q You told people?

5 A Yeah.

6 Q Tell your mom?

7 A Yes, sir.

8 Q Okay. And your mom didn't do anything about that
9 until this school thing?

10 A Yeah, she -- she report it.

11 Q Do what? I'm sorry.

12 A She told them.

13 Q Oh, before the school?

14 A Yeah.

15 Q Oh, okay.

16 MR. NEWMAN: I don't have any further questions
17 for you.

18 THE COURT: Anything further?

19 All right. Anything? Anything further for you?

20 MS. JONES: I have no further questions.

21 THE COURT: Okay. We're going to let you step
22 down again and just go back outside, and she's going to
23 call you in just a minute potentially. Okay?

24 And we're going to do it all over again if we do
25 call you, and we'll get in front of the jury, and

COLLOQUY

1 you're going to be sworn in again just like this.

2 Okay?

3 All right. Do I need to hear any argument? I
4 have the proffer.

5 MR. NEWMAN: Yes, Your Honor. We move to exclude
6 the identification on the basis -- on several bases.

7 This **Javonte H.** -- yeah.

8 THE COURT: **J'Amiah W.**

9 MR. NEWMAN: Well, this **J'Amiah W.**

10 THE COURT: Just so I'm clear, just to ask you,
11 did he ever on the day of the incident identify any of
12 the three men?

13 MR. NEWMAN: He did not. The story was very
14 consistent as he and his brother testified to -- when
15 the first guy came in, which the State is alleging is
16 not this man, they ran toward the closet and remained
17 there until the bad guys left.

18 THE COURT: And my understanding is you're just
19 giving his testimony for saying that this man, Mr.
20 Jones, Junior, came to the school.

21 MS. JONES: No. He testified that he answered the
22 door, and this man was at the door the morning his
23 father was killed.

24 MR. NEWMAN: That's not what I heard.

25 THE COURT: Okay. I didn't hear that either. So

COLLOQUY

1 he was the one that answered the door.

2 And did he tell that to the police on the day of
3 the incident?

4 MS. JONES: Someone knocked on the door, his dad
5 opened the door, one male came upstairs and shook his
6 dad's hand. His dad asked him -- he was at the door,
7 his dad asked him to get his phone. He did and brought
8 it to him.

9 THE COURT: So this is the statement he gave on
10 the day of the incident.

11 MS. JONES: Yes.

12 THE COURT: Okay. Okay. Well, then, he can
13 testify as to that. But it doesn't sound like he
14 identified anybody then.

15 MS. JONES: He doesn't identify anybody the day
16 of. The identification is only of Junior in February
17 of this year, at the school.

18 MR. NEWMAN: And that's why we believe, two years
19 from that it is tainted. That he knew Mr. Jones had
20 been arrested and charged with his father's killing.

21 THE COURT: Yeah. Subject for cross examination,
22 it's the same thing as when someone points to somebody
23 at the defense table that is that the person who shot
24 you, or is that the person that did it, and they say,
25 well, yes. It's the person sitting next to the lawyer

COLLOQUY

1 who's on trial. The same difference. So --

2 MR. NEWMAN: Well, I just -- my objection is that
3 his ID from the school within the court is just
4 impermissibly suggestive.

5 THE COURT: Okay. Well, he also said he saw him
6 around town is what I heard, too. A couple of times.

7 MR. NEWMAN: Yeah.

8 THE COURT: So I think you need to ask him all of
9 that, and I think you can argue it, certainly. But I
10 think he can testify as to what he saw and what he
11 knew.

12 MR. NEWMAN: Just note our objection at the
13 beginning, on the table.

14 THE COURT: I already did. It's preserved for the
15 record.

16 Okay. Let's go.

17 MS. JONES: That's all I think I have.

18 THE COURT: If that's all you have, let's bring
19 the jury in, Margaret.

20 And did they elect a foreperson; do you know?

21 THE CLERK: They were working on it when I came
22 out.

23 THE COURT: Perfect. I just need to know which
24 person that is.

25 THE CLERK: Okay.

COLLOQUY

1 (The Jury enters the courtroom at 2:08 p.m.)

2 THE COURT: All right. Welcome back, ladies and
3 gentlemen. I trust y'all had a good lunch.

4 Thank you for serving as our foreperson. We
5 appreciate it.

6 We're going to go ahead and continue with the
7 trial of this case. The State will call their next
8 witness.

9 MS. JONES: Thank you, Your Honor. State calls
10 J'Amiah W.

11 THE COURT: Okay.

12 Come forward, J'Amiah W.

13 Thereupon,

14 J'AMIAH W.

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

17 DIRECT EXAMINATION

18 THE COURT: You can go ahead.

19 MS. JONES: Thank you, Your Honor.

20 BY MS. JONES:

21 Q Are you okay, J'Amiah?

22 A (Nods head.)

23 Q You're going to -- remember, you're going to have
24 to use words. Okay?

25 A Yes, ma'am.

DIRECT EXAMINATION OF J. W. BY JONES

1 Q And you're going to have to speak up so Mona can
2 hear everything and take down everything. Okay? Can you do
3 that for me?

4 A Yes, ma'am.

5 Q Can you sit up maybe a little closer to the
6 microphone?

7 You seem a little upset right now. Are you
8 upset right now? Are you ready?

9 A Yes, ma'am.

10 Q J'Amiah, how old are you today?

11 A Fourteen.

12 Q And in June of 2015, how old were you then?

13 A Eleven.

14 Q J'Amiah, who did you live with back then?

15 A My daddy.

16 Q I'm sorry?

17 A My daddy and my stepmama.

18 Q And what was your -- what's stepmama's name?

19 A Gelinda.

20 Q And what was your daddy's name?

21 A Jeremiah.

22 Q And you're named after him?

23 A Yes, ma'am.

24 Q Do you remember the morning of June 3rd, 2015?

25 A Yes, ma'am.

DIRECT EXAMINATION OF J. W. BY JONES

1 Q Why do you remember that morning?

2 A I been --

3 Q I'm sorry?

4 A I've been there.

5 Q You're going to have to say that again.

6 A I've been in the house.

7 Q You're at the house -- at what house are you at
8 that morning?

9 A My daddy house.

10 Q What -- what do you remember about that morning,
11 if you can take us back to June 3rd.

12 A A white car pull up, blow the horn, I open the
13 door. He asked for a number, and my daddy told me to get
14 the phone. I got the phone. He looked down, they start
15 fighting. And I ran in the bedroom to get Tyreek and them.

16 Q Okay. Do you remember what the man looked like
17 that came up and asked for the phone number?

18 A He was black.

19 Q Okay. How many men did you see that morning?

20 A Three.

21 Q And did you know these men?

22 A Not then.

23 Q Okay. And you said they started fighting. Can
24 you describe that a little more?

25 A I ain't seen them when they were fighting. They

DIRECT EXAMINATION OF J. W. BY JONES

1 went to fighting, I ran to get Tyreek.

2 Q Okay. And what do you do -- where do you go when
3 you run?

4 A Closet.

5 Q Who are you in the closet with?

6 A My brother.

7 Q Which brother was that?

8 A Javonte.

9 Q Okay. What are y'all doing in the closet?

10 A Just in the closet.

11 Q Are y'all in something inside the closet, do you
12 remember?

13 A Standing up.

14 Q Okay. What's going through your mind when you're
15 in the closet?

16 A I ain't -- man. (Nodding head.)

17 Q When you -- when you're in the closet, do you hear
18 anything?

19 A I hear persons inside the room.

20 Q Inside the room?

21 A After he left out the room, I heard gunshots.

22 Q Okay. And I want to go back a little bit. You
23 heard someone in what room?

24 A In the bedroom, my room.

25 Q Okay. Was that the same room where you were in

DIRECT EXAMINATION OF J. W. BY JONES

1 the closet?

2 A Yes, ma'am.

3 Q Do you -- did you hear what they were saying or
4 what the person was saying?

5 A My daddy said, "Please don't kill me in front of
6 my kids."

7 Q Did you hear what the other men were saying?

8 A "I ain't come here to kill nobody."

9 Q Did they ask any questions?

10 A I don't know.

11 Q Okay. That's okay. If you don't know, that's
12 okay.

13 After that, you said you heard some gunshots?

14 A Yes, ma'am.

15 Q Do you remember how many you heard?

16 A No, ma'am.

17 Q Okay. After that, what do you -- what do you do
18 after you hear the gunshots?

19 A Ran out of the closet.

20 Q Where did you go?

21 A To check up on him, and he was dead.

22 Q Okay. Do you do anything else?

23 A (Nods in the negative.)

24 Q No. Okay. And you stayed there when the police
25 come?

DIRECT EXAMINATION OF J. W. BY JONES

1 A Yes, ma'am.

2 Q And then you talk to the police?

3 A Yes, ma'am.

4 Q Did you ever see any of these men that came into
5 that house? You didn't know them that day?

6 A Yes, ma'am.

7 Q Right?

8 A Yes, ma'am.

9 Q All right. Did you ever see any of them again?

10 A Yes, ma'am.

11 Q Can you tell me about that?

12 A Seen him at school.

13 Q Okay. Tell me about seeing somebody at school.

14 A On the parking -- well, he was outside the
15 building.

16 Q Okay. What school is this?

17 A Estill.

18 Q Okay. And what grade are you in?

19 A Eighth.

20 Q Was this -- what grade were you in when you saw
21 this person at school?

22 A I don't remember. All I know, I seen him.

23 Q Okay. That's okay. But you saw him at Estill.

24 Is that a middle school?

25 A Yes, ma'am.

DIRECT EXAMINATION OF J. W. BY JONES

1 Q Okay. And is that the same school you go to now?

2 A Yes, ma'am.

3 Q And is that where you saw this man again?

4 A Yes, ma'am.

5 Q All right. And, I'm sorry, but were y'all inside
6 the school or outside?

7 A Outside.

8 Q And what were you doing outside?

9 A Waiting on my granddaddy.

10 Q And when --- where do you see this man?

11 A Standing, when I look over.

12 Q Okay. And do you make eye contact with this man?

13 A Just looked and (turning head).

14 Q Does this man say something to you?

15 A Yes, ma'am.

16 Q What does he say to you?

17 A "Who the F are you looking at?"

18 Q After he says that, what do you do?

19 A Ran.

20 Q And where did you go?

21 A Back in the building.

22 Q And did you recognize that man?

23 A Yes, ma'am.

24 Q Where had you seen him? Where was the first time
25 you saw that man?

DIRECT EXAMINATION OF J. W. BY JONES

1 A To my house.

2 Q What -- when?

3 A That morning.

4 Q The morning that your dad was killed?

5 A Yes, ma'am.

6 Q Okay. Do you see that man in the courtroom today?

7 A Yes, ma'am.

8 Q Can you please point him out for me?

9 A Over here. Right here.

10 Q Okay. Can you please, maybe, describe what he has
11 on?

12 A A black shirt.

13 Q Okay.

14 MS. JONES: May the record reflect the witness did
15 identify Casey Jones, Junior.

16 J'Amiah, I have no further questions for you. If
17 you could answer any of the question these gentlemen
18 may have.

19 THE COURT: Mr. Plexico.

20 CROSS EXAMINATION

21 BY MR. PLEXICO:

22 Q The morning of the tragedy, when you lost your
23 dad, I just have one question for you, or two. You didn't
24 see this man, correct?

25 You've already testified you only saw one

CROSS EXAMINATION OF J. W. BY PLEXICO

1 person. You didn't see that man, correct?

2 A No, ma'am -- I mean, no, sir.

3 Q That is correct?

4 A Yes, sir.

5 Q Okay. I'm very sorry for your loss.

6 MR. PLEXICO: I have nothing else.

7 THE COURT: Mr. Koger.

8 CROSS EXAMINATION

9 BY MR. KOGER:

10 Q Same question: Did you see Mr. Bostick on that
11 morning?

12 A No, sir.

13 MR. KOGER: No further questions.

14 THE COURT: Mr. Newman.

15 MR. NEWMAN: Thank you.

16 CROSS EXAMINATION

17 BY MR. NEWMAN:

18 Q **J'Amiah W.**, when you -- are you all right?

19 A I'm good.

20 Q Okay.

21 When you lost your father, you were 11 years
22 old; is that correct?

23 A Yes, sir.

24 Q And you were the youngest of the four of y'all in
25 the house. When I say "four of y'all," the children that

CROSS EXAMINATION OF J. W. BY NEWMAN

1 were in that house.

2 A Yes, sir.

3 Q And Jashaun H. is your older brother,
4 correct?

5 A Younger. Javonte H.

6 Q Javonte. I apologize. Javonte.

7 And what happened was -- when the first man
8 came in, the black man --

9 A Yes, sir.

10 Q -- you and your brother, Javonte, went to the
11 closet and hid in the closet in the bedroom, correct?

12 A Yes, sir.

13 Q All right. And you stayed in the closet --

14 A Yes, sir.

15 Q -- basically until the police came, correct?

16 A Huh-uh. (Indicating negatively.)

17 Q Well, until the bad guys left?

18 A Yeah.

19 Q Okay. And you testified you had seen Mr. Jones a
20 couple of times?

21 A Yes, sir.

22 Q And the first time this whole thing comes up about
23 you connecting and -- oh, you knew he'd been arrested for
24 your father's murder, correct? You knew that?

25 A Yes, sir. Yes, sir.

CROSS EXAMINATION OF J. W. BY NEWMAN

1 Q Okay. And the first time anything is said is
2 around the end of February of 2017, correct?

3 A Yes, sir.

4 Q And when the police asked you about any type of
5 identification, you weren't able to give anything other than
6 a vague description of a dark man, or a black man, correct?

7 A Huh? What you say?

8 Q You were only able to give a description of a
9 black man, or a dark man?

10 A Yes, sir. Yes, sir.

11 Q And that's all you were able to tell the police?

12 A Yes, sir.

13 Q And then you were interviewed again by the police,
14 and that's all you were able to tell them, correct?

15 A Yes, sir.

16 Q And your mom is Veronica Graves?

17 A Yes, sir.

18 Q Okay. And she goes by Titty; is that correct?

19 A Yes, sir.

20 MR. NEWMAN: I have no further questions for you.

21 Thank you.

22 THE COURT: Anything further?

23 MS. JONES: No, Your Honor.

24 THE COURT: You may step down.

25 Go ahead and call your next witness.

CROSS EXAMINATION OF J. W. BY NEWMAN

1 MS. JONES: Thank you, Your Honor. State calls
2 Starr Troy.

3 Thereupon,

4 STARR TROY

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

7 DIRECT EXAMINATION

8 BY MS. JONES:

9 Q Deputy Troy, where do you work?

10 A I am Deputy Troy, the school resource officer for
11 Hampton County Sheriff's Office. I work at the Hampton
12 County School District to Estill.

13 Q Okay. Does that cover Estill Middle School?

14 A Yes.

15 Q And were you working there back in February of
16 this year?

17 A Yes.

18 Q Do you remember an incident with a student by the
19 name of J'Amiah W. ?

20 A Yes.

21 Q Okay. Can you please tell the court a little bit
22 about that?

23 A Don't remember the exact date, but J'Amiah's mom
24 came in and said that --

25 MR. NEWMAN: Your Honor, please. If we could take

DIRECT EXAMINATION OF STARR TROY BY JONES

1 a sidebar.

2 THE COURT: Sure.

3 (Off-the-record discussion held.)

4 THE COURT: All right. Deputy Troy, you can't say
5 what someone told you. You can say that someone
6 contacted you and what you did as a result of
7 something, or what you learned in your investigation.

8 THE WITNESS: Okay.

9 THE COURT: But you can't impute words to somebody
10 else. And you can't say someone called you and told
11 you X, Y, and Z. Do you understand?

12 THE WITNESS: Okay. Yes, ma'am.

13 THE COURT: But the Solicitor is going to try to
14 ask you some questions that are pointed so you can get
15 out the information they're trying to get out, you just
16 can't put words in people's mouths. Okay?

17 THE WITNESS: Okay.

18 THE COURT: Thank you.

19 BY MS. JONES:

20 Q Does the school have surveillance cameras?

21 A Yes, they do.

22 Q And did you review surveillance footage?

23 A I did.

24 Q And with your eyes, what did you see over
25 surveillance footage for that -- this particular incident?

DIRECT EXAMINATION OF STARR TROY BY JONES

1 A That incident, I saw the student running and
2 looking back through the -- he ran through the gym. He ran
3 back out of the gym, and he used the teacher's cell phone.
4 I did see a vehicle matching the description that I was
5 given.

6 Q Okay. And this vehicle was a -- the description
7 was for what vehicle? What did the vehicle have to do with
8 the incident?

9 A The -- there was someone driving it, is what I
10 was -- I saw the person driving the car.

11 Q Okay. You saw a person driving the car, and then
12 you saw a student run?

13 A No. This is two different -- two different
14 incidences. The first time I saw the student run; the
15 second time I saw the person driving the car.

16 Q Okay. Was it the same car in the video as you saw
17 on a different occasion?

18 A It matched the description of it.

19 Q Okay. And how soon after the original incident
20 did you see the car in person?

21 A It may have been like -- I want to say it was less
22 than two weeks.

23 Q Okay. And did you recognize the person driving
24 this car?

25 A I did recognize him.

DIRECT EXAMINATION OF STARR TROY BY JONES

1 Q And who was driving this car?

2 A Casey Jones, Junior.

3 Q And do you know Casey Jones, Junior?

4 A I recognize him from working in the community.

5 Q Okay. So you knew his face?

6 A Yes.

7 Q Okay. Do you see Casey Jones, Junior in Court
8 today?

9 A I do.

10 Q Can you please point him out and identify him?

11 A The first guy right there.

12 Q Okay.

13 MS. JONES: May the record reflect the witness did
14 identify Casey Jones, Junior.

15 THE COURT: Okay.

16 MS. JONES: I have no further questions for this
17 witness, Your Honor.

18 THE COURT: Okay. Mr. Newman.

19 MR. NEWMAN: Yes.

20 CROSS EXAMINATION

21 BY MR. NEWMAN:

22 Q The incident you were describing occurred about
23 3:30 on February the 16th; is that correct?

24 A It should have been. I put it in the incident
25 report, yes, sir.

CROSS EXAMINATION OF STARR TROY BY NEWMAN

1 Q Okay. And it was actually Veronica Graves that
2 reported this to you on February the 27th; isn't that
3 correct? And you wrote the report on March 1st.

4 A No. She reported it to the -- on the 17th, I
5 believe.

6 Q Okay. Because I was looking, and your report
7 stated 3/31/2017.

8 A 3:30.

9 Q Yeah -- I'm sorry. Zero three zero one,
10 March 1st, 2017.

11 A Okay. Because there were two different incidences
12 in that report?

13 Q I understand that.

14 THE COURT: Do you have a copy of your report?

15 THE WITNESS: I don't have it with me.

16 THE COURT: Okay. Would someone like to give her
17 a copy of her report.

18 Ma'am, I don't want you to read from it. It's
19 just used to refresh your recollection. Okay?

20 THE WITNESS: Okay. Thank you.

21 BY MR. NEWMAN:

22 Q And the report's dated March 1st, correct?

23 A Yes.

24 Q Okay. Now, you looked at a video, correct?

25 A I did.

CROSS EXAMINATION OF STARR TROY BY NEWMAN

1 Q Of something that happened approximately two weeks
2 prior?

3 A Yes.

4 Q Okay. Do you have that video?

5 A I don't.

6 Q You don't. Okay.

7 And it would not be unusual to see Mr. Jones
8 at the school because his girlfriend's child goes there;
9 isn't that correct? He drops and picks up on occasion at
10 that school; does he not?

11 A The first time I found out about that was after
12 the incident.

13 Q Yeah, I understand that. But what I'm saying is
14 correct, he has a -- his girlfriend's child, and it's not
15 unusual for him to pick up and/or drop off at that school,
16 is it?

17 A I guess not, sure. It wouldn't be.

18 Q Okay.

19 MR. NEWMAN: Bear with me one second. I think I'm
20 done.

21 Thank you, Your Honor. That's all I have. Thank
22 you, ma'am.

23 THE WITNESS: Okay.

24 THE COURT: Anything further?

25 MS. JONES: No further questions.

CROSS EXAMINATION OF STARR TROY BY NEWMAN

1 THE COURT: All right. Thank you. You're
2 excused.

3 Call your next witness.

4 MS. JONES: State calls David Williams.

5 THE COURT: Okay.

6 MS. JONES: Thank you, Your Honor.

7 Thereupon,

8 DAVID WILLIAMS

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

11 DIRECT EXAMINATION

12 BY MS. JONES:

13 Q Do I call you Mr. Williams?

14 A Whatever you want to call me.

15 Q What are you doing these days?

16 A I'm a private investigator.

17 Q Okay. Where did you work back in 2015?

18 A At SLED, the South Carolina Law Enforcement
19 Division.

20 Q And how long had you worked at SLED?

21 A Eleven years.

22 Q And were you involved in the investigation we're
23 here for today, the murder of Jeremiah Wilson?

24 A Yes, ma'am, I was.

25 Q Okay. And did you have an opportunity to

DIRECT EXAMINATION OF DAVID WILLIAMS BY JONES

1 interview some witnesses in that case?

2 A I did.

3 Q Who did you interview?

4 A J'Amiah W. , Tyreek S. , and I can't
5 remember the other guy's name.

6 Q Were they the other juveniles?

7 A Yes, ma'am.

8 Q Did you show them some photo line-ups?

9 A Yes, ma'am, I did.

10 Q Okay. Do you remember about how many?

11 A Five, I believe.

12 Q How many of those five photo line-ups had Casey
13 Jones, Junior's picture in it?

14 A None of them.

15 Q How many of those line-ups had Jarrod Bostick's
16 picture in them?

17 A None of them.

18 Q And how many of those photo line-ups had Casey
19 Jones, Senior's picture in them?

20 A None of them.

21 MS. JONES: I have no further questions for this
22 witness.

23 THE COURT: Okay. Anyone have any questions?

24 MR. PLEXICO: I have none, Your Honor.

25 MR. KOGER: None.

DIRECT EXAMINATION OF DAVID WILLIAMS BY JONES

1 THE COURT: Mr. Newman.

2 MR. NEWMAN: Please.

3 CROSS EXAMINATION

4 BY MR. NEWMAN:

5 Q Hello, Special Agent Williams, retired -- RET.

6 The line-ups were difficult to prepare, were
7 they not, because the descriptions of the assailants were so
8 vague, weren't they?

9 A That's a fair statement, yes, sir.

10 Q Okay. Usually in putting together a line-up, you
11 try and get as best description you can. Like a big old fat
12 guy or a tall guy, or a guy with dreads. And you try and
13 focus on people that match the description, correct?

14 A We generally have to have a person's name before
15 we can request a line-up. We just can't request a line-up
16 on a certain body type because there's so many people in the
17 state. Because they use driver's license, South Carolina
18 driver's license photos.

19 Q To do a six-pack photo?

20 A That's correct.

21 Q Okay. So it would have been -- it would have been
22 difficult, you would just have to -- because the description
23 of the assailants was very vague; was it not?

24 A From those witnesses, yes, sir.

25 MR. NEWMAN: Okay. Thank you, sir.

CROSS EXAMINATION OF DAVID WILLIAMS BY NEWMAN

1 THE COURT: Anything further?

2 MS. JONES: Nothing for this witness, Your Honor.

3 THE COURT: Any objection Agent Williams being
4 excused?

5 You are excused, sir. Thank you.

6 THE WITNESS: Thank you, Your Honor.

7 MS. JONES: State calls Gelinda Heyward.

8 THE COURT: Okay.

9 Thereupon,

10 GELINDA HEYWARD

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

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Good afternoon, Ms. Heyward.

16 A Good afternoon.

17 Q Who was Jeremiah Wilson to you?

18 A My boyfriend. Baby daddy.

19 Q How many children did y'all have together?

20 A One.

21 Q And how old is she?

22 A She's seven.

23 Q Okay. Now, she's seven?

24 A Yes.

25 Q Okay. Where did you live in 2015, June 2015?

DIRECT EXAMINATION OF GELINDA HEYWARD BY JONES

1 A On Clover Circle.

2 Q Who did you live there with?

3 A Me, Jeremiah, my oldest son, Javonte H. ,
4 Jashaun H. , J'Amiah W. , Tamara W. , and Tatiana
5 H. , both my daughters. And Tyreek S. .

6 Q All right. Were you -- were you aware that
7 Jeremiah had cameras around the house?

8 A Yes, ma'am.

9 Q Can you tell me what you know about those cameras?

10 A It's like when you're coming -- like we got a gate
11 up, so it's like if you entering our gate, you can see the
12 front of your car pulling in, anybody pulling in, walking
13 in. You can see when the car comes all the way up into our
14 gate, all the way to our front step. You can see if they go
15 around the house, you can see from the back door, you can
16 see our whole big yard. You can see everything clear.

17 Q Okay. Did these cameras record as well?

18 A Yes, ma'am.

19 Q Okay. Do you know that on June 3rd, 2015, if the
20 cameras were recording that day? Working that day?

21 A Yes. Yes, sir.

22 Q Okay.

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

24 THE COURT: You may.

25 BY MS. JONES:

DIRECT EXAMINATION OF GELINDA HEYWARD BY JONES

1 Q Ms. Heyward, I'm going to show you what has been
2 marked as State's Exhibit 15. If you could take a look at
3 that, do you recognize that?

4 A Yes.

5 Q And how do you recognize that?

6 A This is the CD that I got.

7 Q Okay. Is that your initials on it?

8 A Yes.

9 Q Okay. And did you review this CD?

10 A Yes.

11 Q And what is this -- what is this a video of?

12 A That's a video of our whole yard, every -- whoever
13 comes in, leaves out, comes up on our step, and to our front
14 door.

15 Q And is this a video from June 3rd of 2015?

16 A Yes.

17 Q And you recognized your home?

18 A Yes.

19 Q I want to also ask you some questions about
20 Jeremiah himself.

21 MR. KOGER: Objection.

22 BY MS. JONES:

23 Q Did Jeremiah sell drugs?

24 A Yes.

25 Q Okay. What kind of drugs?

DIRECT EXAMINATION OF GELINDA HEYWARD BY JONES

- 1 A He selled coke, crack.
- 2 Q Okay. From where would he do these sales?
- 3 A Not at our house.
- 4 Q No?
- 5 A No.
- 6 Q Because of this, did he have cash on him?
- 7 A Yes.
- 8 Q Okay. Did he have other ways of getting cash as
- 9 well?
- 10 A He plays Cash 3.
- 11 Q And what is that?
- 12 A Lottery.
- 13 Q Okay. Had he won recently?
- 14 A Yes.
- 15 Q About how much?
- 16 A Like how much would he -- you mean, like when?
- 17 Q Yes.
- 18 A Like in a day, he'll win \$6,000.
- 19 Q Okay. And what did he do with this cash?
- 20 A He puts it up, and we pay our bills and whatever
- 21 we need in the house.
- 22 Q Was there a special place in the home that he kept
- 23 cash?
- 24 A Yes. In the baby wipes case on our dresser.
- 25 Q Okay. About -- do you know if on the morning of

DIRECT EXAMINATION OF GELINDA HEYWARD BY JONES

1 June 3rd there was cash in the home?

2 A Yes. I gave it back to him.

3 Q Why did you have it?

4 A Because I was supposed to pay the bills, but I had
5 to work. So he was like, well, when you get off from work,
6 we'll handle our bills.

7 Q Okay. And about how much money did you give back
8 to him?

9 A Nine thousand dollars.

10 Q Okay. Gelinda, I don't have any more questions
11 for you at this time. If you can answer any questions these
12 gentlemen may have.

13 THE COURT: Mr. Plexico.

14 CROSS EXAMINATION

15 BY MR. PLEXICO:

16 Q I'm not sure. -- like you said that he played Cash
17 3 and he would win \$6,000 a day?

18 A Yes.

19 Q Something like that?

20 A Yes.

21 Q And that's in addition to his drug income; is that
22 correct?

23 A No. Jeremiah stopped what he was doing because he
24 wanted to change his life around.

25 Q Okay. So you told the police, I'm looking at your

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 statement, where he would cook crack in the house when
2 nobody was there; is that correct?

3 A No. They say he's known for drugs.

4 Q Okay.

5 MR. PLEXICO: The Court's indulgence.

6 BY MR. PLEXICO:

7 Q You are Linda Heyward?

8 A Yes.

9 Q Were you interviewed by Special Agent Katie
10 McCallister, seated here? The lady on the far left?

11 A Yes.

12 Q This SLED agent here?

13 A I know Katie.

14 Q Did you tell her he bought -- he had coke to cook
15 and he goes somewhere else to cook it, or he'd do it in the
16 house when no one was home. Is that what you told her?

17 A Yes.

18 Q And you said he normally used the microwave, the
19 stove, and the blender; is that correct?

20 A Yes.

21 Q You said that Wilson was good at stretching it
22 out, and people always say his stuff was the best. Is that
23 what you told her?

24 A No. Everyone else says it's the best.

25 Q Okay. All right. I didn't mean to imply that you

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 used it. You said people would always ask for his recipe.

2 A Yes.

3 Q That he had been doing it since he was 15 or 16.

4 A Yes.

5 Q Okay. So he had a lot of people in the drug

6 business who wanted his recipe, correct?

7 A Yes.

8 Q All right. And he would cook his own crack; is

9 that correct?

10 A Yes.

11 Q And you also said that he could take -- he was

12 known for taking one ounce and cooking it into two or three

13 ounces?

14 A I don't know how -- I don't know nothing about,

15 you know, how to turn nothing into what --

16 Q Well, wasn't he good at stretching out the product

17 so he made more money? Wasn't that why they liked his

18 recipe, the other dealers?

19 A I don't know. I don't be in they conversation.

20 Q Okay. Did you tell her that he'd make 5- to

21 \$10,000 in a day selling crack?

22 A I mean, yes.

23 Q Okay. Didn't you also tell her that there were

24 other people that knew about this and they were asking where

25 he kept his money?

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 A Other people like?

2 Q Well, your house was broken into, correct?

3 A Yes, and burned.

4 Q Excuse me?

5 A And burned.

6 Q All right. And they stole, among other things, an

7 AK47?

8 A Oh, not burned in -- yeah. Our house got broken
9 into plenty of times.

10 Q Okay. And they stole an AK47, right?

11 A Yes.

12 Q And you reported that to the police?

13 A Yes.

14 Q And that was your gun, correct?

15 A Yes.

16 Q Okay. You gave two statements, correct? Is that
17 right?

18 A Two statements like what?

19 Q Did you give a second statement to Special Agent
20 Katie McCallister, seated to the far left there? You did,
21 didn't you?

22 A I can't remember.

23 Q Do you know Mel Mitchell?

24 A Who?

25 Q Mel Mitchell?

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

- 1 A Do I know him?
- 2 Q M-E-L, Mel, Mitchell?
- 3 A Yes, I do.
- 4 Q Okay. And he was a robber, correct?
- 5 A He was what?
- 6 Q He was a robber?
- 7 A A robber?
- 8 Q A robber.
- 9 A No.
- 10 Q He stole from people. Kyrone (phonetic) Shaw?
- 11 A No.
- 12 Q You didn't tell her he stole \$3,000 from Kyrone
- 13 Shaw?
- 14 A No.
- 15 Q You know Starkeisha (sic) Scott?
- 16 A Who?
- 17 Q Starkeisha Scott.
- 18 A Starsheika?
- 19 Q Starkeisha Scott.
- 20 A Starkeisha, no.
- 21 Q Do you know her boyfriend, Justin? Does that ring
- 22 a bell, who robs people?
- 23 A Who?
- 24 Q Justin. He robs people.
- 25 A You said "Starsheika?"

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 Q Starkeisha.

2 A No, I don't know a Starkeisha.

3 Q Do you know a Ms. Scott?

4 A Only Scott I know is my sister.

5 Q What's her name?

6 A Starsheika.

7 Q Starsheika.

8 A Yes.

9 Q Okay. And you know her boyfriend, Justin?

10 A I don't know him like that. He don't be around

11 us.

12 Q And you didn't tell Ms. McCallister that Justin
13 robs people?

14 A No. I don't know him like that.

15 Q Okay. Would it be fair to say that Jeremiah, the
16 late Jeremiah, was pretty big into the drug business at
17 different points in time?

18 A Yes, but --

19 Q He was a well known good crack cook who could
20 stretch his product; is that a fair statement?

21 A He's well known, but what do that have to do with

22 --

23 THE COURT: Ma'am, you can't ask questions, you
24 just have to answer them. Okay?

25 THE WITNESS: Okay.

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 BY MR. PLEXICO:

2 Q But he is well known in the business, the
3 drug business, the illegal drug business.

4 A Yes.

5 Q Okay. So there were a lot of people that knew he
6 made a lot of money?

7 A Yes.

8 Q And that's why y'all kept AK47s and such at the
9 house, and had cameras?

10 A No. We kept that because people was breaking in,
11 and we were so afraid for our life.

12 Q So you were afraid for your life, yet kept large
13 amounts of cash in your home; is that correct?

14 A Who ain't going to be afraid of they life with
15 money in they house.

16 Q Okay. Did you have a bank account?

17 A Yes.

18 Q Isn't it that you couldn't put it in a bank
19 because it was drug -- illegal drug proceeds, and the
20 government would seize it?

21 A No.

22 Q What happened to the rest of all that money? Easy
23 come, easy go?

24 A I don't know.

25 Q Did he take the money from the house and put it up

CROSS EXAMINATION OF GELINDA HEYWARD BY PLEXICO

1 someplace sometimes?

2 A Don't know.

3 MR. PLEXICO: Beg the Court's indulgence.

4 I don't think I have anything else.

5 CROSS EXAMINATION

6 BY MR. KOGER:

7 Q Ms. Heyward, how long had you dated Mr. Wilson up
8 to the time of his death?

9 A Since 2008.

10 Q 2008?

11 A Yes.

12 Q So you're talking about seven years, correct?

13 A Uh-huh. (Indicating affirmatively.)

14 Q And that was right after he got out of prison?

15 A Yes.

16 Q Okay. Now, how long had the two of you stayed at
17 ■ Clover Circle?

18 A I think it was like two or three -- two and a half
19 years.

20 Q So you'd been there since 2014?

21 A Yes.

22 Q Okay. Did y'all stay together prior to 2014, or
23 did y'all just date?

24 A Stayed together.

25 Q Okay. All right. So y'all had stayed together

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 continuously since 2008?

2 A Yes.

3 Q Okay. Now, you said in answering questions, I
4 think -- I can't recall whether it was stated with
5 Mr. Plexico, but y'all had been robbed plenty of times,
6 correct?

7 A Yes.

8 Q Okay. Were y'all robbed at any prior addresses
9 before y'all moved to [REDACTED] Clover Circle?

10 A Yeah.

11 Q Okay. How many times were you robbed prior to [REDACTED]
12 Clover Circle?

13 A Three.

14 Q Three times. Okay. All right. All at the same
15 prior address?

16 A No, different addresses.

17 Q Okay. And at those times that y'all were robbed,
18 prior times, did you report that to the police?

19 A No.

20 Q Okay. How much money was taken those two times?

21 A None.

22 Q Huh?

23 A Not the first two times.

24 Q Okay. Any drugs taken?

25 A Yes.

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 Q Okay. Drugs taken during the -- during the three
2 times?

3 A Yes.

4 Q Okay. Now, you say you been at ■ Clover Circle
5 since 2014. How many times from 2014 up until 2000 -- up
6 till the time of his death were you robbed?

7 A Just three.

8 Q Oh, three times. So y'all been robbed a total of
9 five times then in seven years?

10 A No, not five. Just three times.

11 Q Three times prior to Clover Circle?

12 A To the time -- oh, no. Just one.

13 Q Okay. You just testified that prior to Clover
14 Circle, y'all were robbed three times, correct?

15 A No, this is three times, period.

16 Q Three times, period?

17 A Yes.

18 Q So, y'all been robbed three times in a period of
19 seven years?

20 A Yes.

21 Q Okay. All right. And as you testified to, y'all
22 kept weapons there, too, correct?

23 A Yes.

24 Q Okay. Now, you stated in a statement to -- the
25 first statement to SLED Agent McCallister, that Mr. Wilson

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 would make 5- to \$10,000 a day, correct?

2 A Yeah.

3 Q Correct?

4 A Yes.

5 Q Okay. And about how many times -- and that was
6 during -- during the seven-year period that the two of y'all
7 had been together?

8 A No.

9 Q Okay. When he start making 5- to \$10,000 a day?

10 A I can't -- I can't recall.

11 Q Okay. Now, the home at ■ Clover Circle, was that
12 purchased in cash, or were you paying a mortgage on it?

13 A The house? Paying rent.

14 Q Huh? You're paying rent?

15 A Yes.

16 Q So y'all didn't own the house?

17 A We was -- the guy wanted us to buy it, but we
18 didn't want to. We didn't like the spot.

19 Q So y'all were renting to own?

20 A No.

21 Q Okay. All right. Now, with the 5- to \$10,000 a
22 day, when you said he was making 5- to \$10,000 a day, did
23 that occur before y'all moved to Clover Circle or after
24 y'all moved to Clover Circle, ■ Clover Circle?

25 A Before.

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 Q Huh -- before.

2 A Before.

3 Q Okay. All right. In a month, how much would
4 you -- what would be considered a good month for him as far
5 as drug sales?

6 A I don't know. I don't know.

7 Q You don't know?

8 A (Nods in the negative.)

9 Q But you say 5- \$10,000 a day. In a week, what
10 would be the average?

11 A I don't know, I don't have contact of everything.
12 I don't be having contact of everything, I don't know.

13 Q But he would buy you things, correct?

14 A Whatever I want, yes.

15 Q Okay. Whatever you wanted. And I would imagine
16 there were some expensive things that you wanted, correct?

17 A I'm not an expensive person.

18 Q Okay. But a lot of money was spent, correct?

19 A On me? No.

20 Q Just in general.

21 A I mean, it wasn't all about me.

22 Q Okay. But you would agree that 5- to \$10,000 a
23 day is a lot of money?

24 A Yes, but I'm not a money person.

25 Q Okay. And during the time after he got out of

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 prison, up to the time that he died, he didn't have a job,
2 did he?

3 A He worked for a little while, yes.

4 Q Okay. He worked for a little while where?

5 A Doing roofing.

6 Q Roofing.

7 A Uh-huh. (Indicating affirmatively.)

8 Q Okay. Did he make 5- to \$10,000 a day doing
9 roofing.

10 A No. He made -- he made money. He never
11 complained about it.

12 Q Okay. Okay. Well, how long did he stop roofing
13 and then went full time to the drug business?

14 A When he got out of roofing, he'd just sit home,
15 while side work.

16 Q Okay. And what year did he -- he wasn't still
17 roofing when the two of you stayed at another address other
18 than ■ Clover Circle?

19 A Did he what?

20 Q Did -- when did he stop roofing? Was he doing
21 roofing work when y'all moved in 2014 to ■ Clover Circle?
22 Had he stopped roofing by then?

23 A Yes.

24 Q Okay. Did he stop roofing when y'all were at the
25 prior addresses?

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 A Yes.

2 Q Okay. So it's safe to say that maybe he'd been
3 doing drug transactions, or be in the drug business, for the
4 last five years prior to his death?

5 A No.

6 Q Okay. Last three years?

7 A It wasn't that long because I was taking care of
8 us.

9 Q Huh?

10 A It wasn't that long, because I was taking care of
11 us.

12 Q But you told the truth on -- when you spoke on
13 June 5th, 2015 that there was a time during your
14 relationship that he made 5- to \$10,000 a day, correct?

15 A Yes.

16 Q And you told the truth that he had one of the
17 better recipes around for cooking coke, correct?

18 A For what?

19 Q That he had one of the better recipes around for
20 cooking coke, correct? That's what you told McCallister --
21 or the best recipe. Excuse me.

22 A What do this have to --

23 THE COURT: Ma'am, you need to either answer the
24 question, if you remember it, yes or no.

25 THE WITNESS: Yes.

CROSS EXAMINATION OF GELINDA HEYWARD BY KOGER

1 MR. KOGER: Thank you.

2 THE COURT: Anything further? Anyone?

3 Mr. Newman?

4 MR. NEWMAN: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. NEWMAN:

7 Q Now, Ms. J, June 3rd, you'd left the house at
8 approximately -- you got up at 8:45, correct?

9 A Huh? Do I get up at 8:45?

10 Q No, no. Let's talk about June 3rd of 2015.

11 A Okay.

12 Q Okay. You'd told the agents in the interview that
13 you and Mr. Wilson got up around 8:45.

14 A I'd been up ever since 5:30. He get up at 8:45,
15 when I was about to go to work.

16 Q Okay. The agent must have been mistaken taking
17 down the information.

18 All right. Your teeth were hurting that day
19 and you didn't feel like going to work?

20 A Yes.

21 Q Okay. But you ultimately went to work, or went
22 over to your mom's?

23 A No, I went to work because I done missed too much
24 days, he was like, "you need to go to work."

25 Q All right. And you actually got a call finding

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 out about this from Tyreek, calling on a cell phone; is that
2 correct?

3 A Yes.

4 Q Mr. Wilson had a number of cell phones, correct?

5 A Just two.

6 Q He had two?

7 A Yes.

8 Q Okay. Now, the officers, when they were
9 interviewing you, since you had no idea who did this, the
10 kids didn't have any idea who did this, but I think Tyreek
11 called Mr. Brisbane's name. Do you recall that?

12 A Yes.

13 Q Okay. And they were asking you about people that
14 come around the house, because they're trying to find out
15 who might have done this, because you'd been robbed before.
16 So I'm sure you'd been interviewed before about the same
17 type of thing, correct?

18 A Yes.

19 Q Okay. So you gave them a list of names, you told
20 them that a guy that had come around that Mr. Wilson knew,
21 Mel Mitchell, steals money. In fact, he'd just stolen
22 \$3000, Kyrone Shaw, correct?

23 A Yes.

24 Q I'm sorry?

25 A Yes.

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 Q And you noted to the agent, or she noted from your
2 statement that Mr. Mitchell would come by the house and
3 spend money with Mr. Wilson.

4 A He never spent money. Jeremiah always looked out
5 for him.

6 Q He would give Mr. Mitchell money?

7 A No. He would help him out with his bills, like,
8 or his child support or something like that.

9 Q Okay. And then Starsheika's ex-boyfriend, Barry,
10 would come around the house and would ask about Mr. Wilson's
11 money and about dope and about dope deals, correct?

12 A No. Barry just hang around with us. Like just be
13 there playing the games and looking at movies.

14 Q Okay. I'll have to ask the agent why she wrote
15 down you told her that he asked about Wilson's money and
16 dope and dope deals. I'll ask the agent about that.

17 You did speak to this agent, though?

18 A Yeah, counselor, yeah. Barry was never a -- never
19 a dealer. Barry just come up --

20 Q You gave an interview that was on video that
21 lasted almost two hours.

22 A Who?

23 Q You.

24 A A video for two hours?

25 Q Well, over an hour, hour and a half.

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 You don't remember sitting down with the
2 agent -- did they not tell you you were being videotaped?

3 A Huh-uh. (Indicating negatively.)

4 Q Okay. The agents asked you, they wanted to know
5 the names of people who either knew about Mr. Wilson's
6 dealing, his money, and who routinely came to the house.
7 And you gave them names of Black Mark, correct?

8 A Yes.

9 Q Okay. Tony G, correct?

10 A Yes.

11 Q Madman. Do you know the real names of any of
12 these people?

13 A No.

14 Q But they're all people that had been back and
15 forth to ■ Clover, correct?

16 A Yes.

17 Q All right. A boy from Hardeeville whose name was
18 T. That's the only way you could identify him, correct?

19 A I don't know nicknames.

20 Q Okay. A dark skinned male named Robert Mack from
21 Mitchellville.

22 A Yes.

23 Q Yes?

24 A Yes.

25 Q A boy from Coochahatchee, who'd been in a recent

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 car accident. Is that Devondra (phonetic) James?

2 A I don't know these people.

3 Q Okay. And you reported that Mr. Mack got robbed
4 of money the same day that Mr. Wilson was killed?

5 A Yes. They was like -- they play Cash 3 lottery
6 together.

7 Q Okay. How much can you cash out at one time
8 hitting the lottery ticket? I thought anything over \$600,
9 you had to go to Charleston, Columbia, Greenville, or mail
10 it in?

11 A Yeah.

12 Q That's true, isn't it?

13 A Yes.

14 Q All right. And when you do that, they give a form
15 called a W9, which is a wage withholding for gambling; do
16 they not?

17 A I don't know.

18 Q Okay. You never saw any W9s from Mr. Wilson, did
19 you?

20 A No...

21 Q Do you know what a W2 looks like?

22 A Yes.

23 Q Okay. W9 looks like the same thing, except it's
24 for gambling. And the lottery commission gives you that
25 when you go to cash in anything over \$600. And you never

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 saw any of those around the house?

2 A No.

3 Q Okay. Pardon me a moment. I've got -- I got a
4 bit out of place. I apologize.

5 Now, right prior to this, in May, y'all had a
6 man named Dinky that just kind of moved himself into your
7 house; isn't that true?

8 A Yes.

9 Q In fact, although he lived in your house, you
10 never knew Dinky's real name, correct?

11 A No.

12 Q And you described Dinky as a dark skinned male
13 with gold teeth, correct?

14 A Yes.

15 Q Okay. And Dinky wasn't working. He just kind of
16 moved himself into your house, right?

17 A He didn't moved in. He asked us could he stay, he
18 would clean up our yard and everything.

19 Q Okay. And sometime in May, Mr. Wilson had had
20 enough of Dinky and put him out the house, drove him to
21 Furman, South Carolina, and dumped him off, correct?

22 A Yes.

23 Q All right. The word was that -- from John Fair,
24 aka Fred --

25 MS. JONES: Your Honor, objection.

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 Q -- Dinky wasn't too happy about being put out the
2 house.

3 MS. JONES: Objection.

4 THE COURT: Okay. Basis.

5 MS. JONES: Hearsay.

6 THE COURT: You can ask the question, just don't
7 make it hearsay. I think you can ask it.

8 BY MR. NEWMAN:

9 Q All right. Did you come to learn that Dinky was
10 pretty sore, or mad, about being kicked out of the house by
11 Mr. Wilson?

12 A No, he wasn't mad.

13 Q And so you talked to Dinky after that? You went
14 to Furman?

15 A He called us.

16 Q Okay. And you gave the agents names of everybody
17 that you knew, that you could think of that would be in and
18 around your house, and anybody that you could think of that
19 knew Mr. Wilson had large sums of cash and large sums of
20 cocaine and crack cocaine.

21 A Names like what?

22 Q I can't hear you. I'm sorry.

23 A You mean names like what?

24 Q Didn't we go through that? The agents were
25 asking, you might know who could have done this. Who knew

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 he had money? Who comes to your house on a regular basis?

2 Who knows the layout of your house? Those type of things.

3 A There was some people that he can trust. They're

4 the ones that come to our house.

5 Q I understand that. And you gave those -- all

6 those names that you had to the agent, correct?

7 A Yes.

8 Q Those are the ones -- okay.

9 The bedroom where the baby wipes box, where
10 y'all kept the money?

11 A Yes.

12 Q Was that y'all's bedroom?

13 A Yes.

14 Q Okay. And in that bedroom, there were scales
15 found with crack cocaine on it, on the dresser. Do you know
16 anything about that?

17 A Yes.

18 Q Okay:

19 MR. NEWMAN: I don't have any further questions.

20 THE COURT: Anything further?

21 MS. JONES: Briefly, Your Honor.

22 THE COURT: Okay.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Gelinda, you just went through a list of people

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 who had been to the house.

2 A Yes.

3 Q There was a couple more that you had mentioned to
4 the police; is that right?

5 A I can't remember. It's so --

6 Q Do you remember telling them about Jeremiah's
7 friend named Tray?

8 A Yes.

9 Q Who did you tell them would drive Tray to your
10 house?

11 A He had have so much different people drive him to
12 our house -- but I know one, he had two guys came to our
13 house one day because they do landscaping, and they had to
14 get some change for, I guess, gas. Must be for the
15 lawnmowers and stuff.

16 Q Do you remember the names of those men?

17 A One was -- I didn't know him like that, but one
18 was Casey, and the other one was -- I can't remember his
19 name. He's light skinned, but he was -- the light skinned
20 one, the one that I can't remember his name, he was supposed
21 to have been by hisself.

22 Q Okay. So someone named Casey had come to your
23 house before?

24 A Yes.

25 MS. JONES: I have no further questions.

CROSS EXAMINATION OF GELINDA HEYWARD BY NEWMAN

1 THE COURT: Anything further from anyone?

2 No? All right. You may step down ma'am. Thank

3 you.

4 Call your next witness.

5 MS. JONES: State calls Jamie Johnson.

6 THE COURT: Whenever you're ready.

7 MS. JONES: Thank you, Your Honor.

8 Thereupon,

9 JAMIE JOHNSON

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

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Ms. Johnson, where do you work?

15 A I currently work for the Lexington County

16 sheriff's department.

17 Q And how long have you been with Lexington County
18 Sheriff's Department?

19 A This is my fifth week.

20 Q Okay. Prior to that, where were you employed?

21 A With the South Carolina Law Enforcement Division.

22 Q Okay. And back in 2015, were you working with

23 SLED?

24 A Yes, I was.

25 Q And in what capacity were you working with SLED?

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 A I was a special agent in their crime scene unit.

2 Q What does that mean?

3 A That means that at the time, we would respond at
4 the request of local, state, and federal law enforcement
5 agencies to serve them in any sort of crime scene aspects
6 that we could assist them with.

7 Q Okay. How long had you been with SLED?

8 A I was with them for five years.

9 Q Did you -- in order to become a crime scene agent,
10 did you have to go through specialized training?

11 A We had an in-house program within the crime scene
12 unit that consisted of different training blocks. And we
13 also had internal and external training that we went to as
14 well.

15 Q And you completed all of that?

16 A Yes, ma'am.

17 Q Did you respond to [REDACTED] Clover Circle here in
18 Ridgeland on June 3rd of 2015?

19 A Yes, I did.

20 Q And about what time did you get to Clover Circle?

21 A I believe we were called at 10:30 and arrived on
22 scene a little bit after noon that day.

23 Q What was the reason for the delay in time?

24 A All of our crime scenes units at that time, and
25 still to this day, respond out of Columbia. So we've got a

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 lengthy drive ahead of us.

2 Q And is Ridgeland here in Jasper County?

3 A Yes, it is.

4 Q Thank you.

5 When you get to a crime scene, what do you
6 do?

7 A The first thing that we usually do is make contact
8 with law enforcement who's already on scene, whether that be
9 additional SLED agents or a local agency that we're
10 assisting. We get information from them -- names, what's
11 happened, what they've observed on scene. And then we do an
12 initial walk-through ourselves of the scene just to see what
13 it is that we have ahead of us.

14 Q And did y'all do that on June 3rd, 2015 --

15 A Yes, we did.

16 Q -- for this case?

17 And when you get to this scene, what do you
18 observe?

19 A As much as possible.

20 Q Okay. After you do the walk-through, what do you
21 do?

22 A Usually then it's a process of taking notes,
23 which -- rough notes on scene happens through the duration
24 of our crime scene investigation. We also have somebody who
25 prepares a rough sketch, and that usually has measurements

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 associated with it. And we're taking photographs as well.

2 Q You mentioned a sketch, is this a sketch of the
3 crime scene?

4 A Yes, ma'am.

5 Q Okay.

6 THE COURT: Okay. Without objection.

7 MS. JONES: Your Honor, may I ask this witness to
8 step down?

9 THE COURT: Certainly. You may step down. You
10 may -- I'm not sure where you are going, but --

11 MR. NEWMAN: I guess I'll stand by the bailiff.

12 THE COURT: Sure.

13 MR. PLEXICO: I'm just not able to see.

14 THE COURT: I understand.

15 MR. PLEXICO: Sorry.

16 THE COURT: Yes. Just don't climb in the jury
17 box, everyone.

18 MR. NEWMAN: I am the shortest, so I'll stay up
19 front.

20 THE COURT: Go ahead.

21 BY MS. JONES:

22 Q Agent Johnson, I'm showing you what has been
23 marked as State's Exhibit 16. Do you recognize that?

24 A I do.

25 Q And what is that?

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 A That is what we would call final sketch or
2 completed sketch of the residence at ■ Clover Circle.

3 Q And did you create this sketch?

4 A I did.

5 Q Okay. And, in fact, are those your initials on it
6 right here?

7 A They are.

8 MS. JONES: And, Your Honor, at this time, State
9 moves State's 16.

10 THE COURT: Okay. Without objection, it's in
11 evidence.

12 *(Whereupon, State's Exhibit No(s). 16 marked for*
13 *identification and received in evidence.)*

14 BY MS. JONES:

15 Q Can you describe to us, what is in this scene?

16 A Sure. This is the residence interior. This is
17 the front door, as we saw it from the outside. Clover
18 Circle is going to be out this way.

19 This is the entrance into the living room
20 area. We have -- it looks like A through J marked with
21 yellow markers or placards to indicate items of evidence.

22 The black guy right there is the victim. We
23 have different measurements of different areas, and just
24 some shapes from the program that have been input so you can
25 kind of have an idea, of the bedroom, living room, bathroom.

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 Q Okay. And while it's not depicted on the sketch,
2 where was the -- in relation to this, where was the
3 driveway?

4 A The driveway would have been out -- there was a
5 small porch area, and it would have been down this way.

6 Q Okay. And did you observe anything in the
7 driveway that you photographed?

8 A Tire tread impressions.

9 Q Okay. And why would you have photographed those?

10 A At the time, the initial information that we were
11 given during the initial walk-through that we did was that
12 there may have been a white Volkswagen that was involved,
13 and we had noticeable tire tread impressions in the drive
14 area.

15 Q Okay. Were you ever provided with a car to
16 compare these impressions to?

17 A I was not.

18 Q Okay. Was there anything else that was seen in
19 the driveway that was collected?

20 A No, ma'am.

21 Q Any footprints?

22 A No.

23 Q Okay. Did you look for footprints?

24 A Yes, we did.

25 Q Okay. These yellow markers, what do they

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 represent, in general?

2 A In general, they're going to be items of evidence.

3 Q Okay. I'm now going to go through a series of
4 photos, and for time's sake, State's 17 through 31 have
5 already been shown to Defense.

6 THE COURT: Is there any objection?

7 MR. KOGER: No, ma'am. No objection, Your Honor.

8 THE COURT: Okay. Without objection.

9 MS. JONES: And, Your Honor, State moves in
10 State's 17 through 31 into evidence.

11 THE COURT: All right. Without objections,
12 they're in evidence.

13 MS. JONES: Permission to publish?

14 MR. KOGER: Are we done with the --

15 MS. JONES: I'm going to ask her to show on the
16 sketch where these pictures are.

17 *(Whereupon, State's Exhibit No(s). 17-31 marked*
18 *for identification and received in evidence.)*

19 THE COURT: Okay. Can I see them just real quick,
20 if you don't mind?

21 MS. JONES: Uh-huh. (Indicating affirmatively.)

22 (Judge reviews documents.)

23 THE COURT: Thank you. I'll give these back to
24 you.

25 BY MS. JONES:

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 Q Can we see State's 17?

2 Okay. Agent Johnson, I'm going to continue
3 to call you Agent Johnson. I'm sorry.

4 What do you see in State's 17?

5 A This is going to be a photograph that was taken,
6 just looking through the front door. And that's going to be
7 a TV console and screen just inside, left of the front door.

8 Q And where is this on the sketch?

9 A That would be just inside the front door to the
10 left. So that's going to be this area here.

11 Q Okay. In State's 18. And what is that a picture
12 of?

13 A It's a picture of Markers A and B, which are both
14 cartridge cases. They're projected from a firearm from
15 firing. Those are going to be located at Markers A and B on
16 the sketch, which is just inside and to the right of the
17 front door.

18 Q State's 19?

19 A That is a close-up of Marker A. That's going to
20 be the closest one located right here.

21 Q State's 20?

22 A That's Marker B, just another cartridge case. A
23 close-up photograph of that, which is going to be located
24 right here on the sketch.

25 Q State's 21?

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 A That's a view of the couch inside the living room.
2 You can see on the right-hand side, it's going to be Marker
3 B that we have seen. Also depicted on top of the couch is
4 Marker C, which is a cell phone. And then we see Marker B
5 again right there, and C is going to be located on the
6 couch.

7 Q And is State's 22?

8 A Those are Markers D, E, and F. All three of those
9 are cartridge cases that were marked upon transporting the
10 victim from the scene. Those were found underneath his
11 body, and those are depicted D, E, and F on the sketch.

12 Q And State's 23?

13 A That's a close-up of Marker D, which is a
14 cartridge case. That's specifically right here on the
15 sketch.

16 Q And State's 24?

17 A Close-up of Marker E, which is another cartridge
18 case depicted here close to D on the sketch.

19 Q And State's 25?

20 A Close-up of Marker F, which is another cartridge
21 case, here on the sketch.

22 Q And State's 26?

23 A Those are three additional items of evidence that
24 we placed markers next to G, H, and I. Both G and H are
25 additional cartridge cases, much like you've seen before.

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 And Marker I is going to be marked a fired bullet. Those
2 three are located behind that same couch that we previously
3 saw upon moving it away from the wall.

4 Q All right. And State's 27?

5 A That is a photograph of the couch cushion, one of
6 the couch cushions, upon lifting it up just to see if
7 there's anything under there.

8 Q It might be easier to see?

9 A Yep. It's difficult see. The top hand portion,
10 located in that area, it hadn't been marked yet. We always
11 photograph evidence as we come to them. That's going to be
12 another fired bullet.

13 Q And State's 28?

14 A That's the same item that we've seen previously,
15 which is the fired bullet. It's been marked now, and the
16 couch has been moved away from it to just better observe it,
17 and that would be located right here underneath this couch
18 on the sketch.

19 Q Okay. And State's 29?

20 A That's going to be a closer-up photograph of the
21 same Marker J.

22 Q And State's 30?

23 A That is a photograph of the dresser area of the
24 master bedroom, which includes an Air Jordan shoebox and
25 overturned with a blue baby wipe container. Both of those,

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 they're going to be labeled, located right here in this
2 master bedroom area.

3 Q State's 31?

4 A Just taking a step back of that same dresser area
5 in the master bedroom.

6 Q And finally, I'm going to ask you about previously
7 admitted through Deputy Sons, State's 14. What does that
8 show?

9 A That is the video surveillance system that was
10 located in the living room. When you go right inside the
11 front door, it's to your inside right, surveillance system.
12 It's going to be located here on the sketch.

13 Q And when you're inside the home, what do you
14 notice about this monitor?

15 A It appeared to still be actively recording. When
16 I was in there taking photographs, I noticed that we could
17 see law enforcement, SLED agents and stuff in real time on
18 the monitor.

19 Q Okay. So as you're processing it, it's capturing
20 what's happening outside.

21 A Correct.

22 Q Okay. I believe that's all for that. You can
23 have a seat back.

24 A (Witness complies.)

25 Q After you document the crime scene with

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 photographs, what do you do after that?

2 A After a scene is documented with photographs, we
3 usually go through and mark items of evidence with the
4 yellow placards that we just saw, and then we'll take
5 additional photographs after we've marked the specific
6 items.

7 Q Do you collect these specific items?

8 A Yes, we do.

9 Q Okay. I'm going to show you what has been marked
10 as State's 76. Can you identify that?

11 A This is going to be one of the -- I'll put it
12 right there. Sorry.

13 Q I'll take it. That's all right.

14 A That's going to be one of the items, excuse me,
15 that we collected from the scene that day. I believe that's
16 a hard drive, I guess you would call it.

17 Q Okay. Why would you have taken equipment like
18 this?

19 A That specifically, with the fact that the
20 surveillance system was actively recording, we thought it
21 was possible that there may have been evidentiary value to
22 it, that it may have captured something of relevance.

23 Q And how did you know what to collect in regards to
24 all the equipment related to the system?

25 A During our time on scene, we had made contact with

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 another SLED agent in the computer crimes unit, who advised
2 us specifically how to disconnect the system that we were
3 looking at, and what to bring back to us to Columbia.

4 Q Okay. So that's what this is. This is what you
5 disconnected?

6 A Yes, it is.

7 Q And took back to Columbia?

8 A Yes, it is.

9 MS. JONES: Okay. Your Honor, State moves into
10 evidence State's 76.

11 MR. PLEXICO: No objection, Your Honor.

12 THE COURT: No objection? Okay.

13 *(Whereupon, State's Exhibit No(s). 76 marked for*
14 *identification and received in evidence.)*

15 BY MS. JONES:

16 Q I'm going to show you now what has been marked as
17 State's 77. Can you identify this?

18 A I can. This is going to be item one, which is a
19 Glock .22 with a magazine and ammo from under the couch
20 cushion.

21 Q Okay. Under the couch cushion in the den, living
22 room area?

23 A Living room, den area, yes.

24 Q And whose gun is that?

25 A (That, I believe, belonged to -- at least at the

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 time we were on scene, we were advised that it most likely
2 belonged to the victim.

3 Q Okay. And if you could just pull it or --

4 MS. JONES: At this time, State moves State's 77
5 into evidence.

6 THE COURT: Okay. Go ahead, without objection.
7 Thank you.

8 *(Whereupon, State's Exhibit No(s). 77 marked for*
9 *identification and received in evidence.)*

10 BY MS. JONES:

11 Q Now, this is the handgun that belonged to the
12 victim?

13 A Correct.

14 Q Okay. And because I know the defense is going to
15 ask you, what is this?

16 A That would be the magazine that was contained
17 within the handgun that we found.

18 Q It is rather large?

19 A It is. It's what we call an extended magazine.

20 Q Okay. I'm next going to hand you State's 81,
21 State's 82, State's 83, and State's 84.

22 MS. JONES: Permission to approach?

23 THE COURT: You may.

24 BY MS. JONES:

25 Q Agent Johnson, what -- can you identify State's 81

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 through 84?

2 A Sure. State's 81 is going to be a fired bullet
3 from Marker I. It's going to be one of the bullets that we
4 saw pointed out on the sketch.

5 State's 82 is another fired bullet from
6 Marker J, which we also saw on the sketch.

7 State's 83, as it states, is bullet from
8 head, which was retrieved from autopsy at MUSC, the Medical
9 University of South Carolina.

10 And State's 84, as it states, is bullet from
11 torso, which was also obtained during the autopsy.

12 Q Okay. And those are, in fact, the bullets
13 collected from scene and from the autopsy?

14 A Yes, they are.

15 Q Are there any markers on there to indicate so?

16 A There are. Each one of these has the SLED lab
17 number that corresponds to this specific case, as well as
18 each has its own individual item number that corresponds
19 with each individual item.

20 Q And they're consistent with the items on the crime
21 scene sketch?

22 A Yes, they are.

23 Q Okay.

24 MS. JONES: Your Honor, at this time, State moves
25 State's 81 to 84 into evidence.

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1 THE COURT: Without objection, it's in evidence.

2 *(Whereupon, State's Exhibit No(s). 81-84 marked*
3 *for identification and received in evidence.)*

4 BY MS. JONES:

5 Q I'm now going to show you State's 85, 86, 87, 88,
6 89, 90, and 91. If you can identify these items.

7 A State's 85 is a cartridge case with a head stamped
8 "PPU .9 millimeter Luger." It's going to be from Marker G,
9 which we saw on the crime scene sketch.

10 State's Exhibit 86 is a cartridge case with a
11 head stamp, "Perfecta .9 millimeter Luger." This is going
12 to be from Marker A that we observed on the crime scene
13 sketch.

14 State's Exhibit 87 is a cartridge case with a
15 head stamp, ".9 millimeter Luger," which would be from
16 Marker B, again, that we observed on the crime scene sketch.

17 State's Exhibit 88 is another cartridge case
18 with the head stamp, "PMC .9 millimeter Luger," from Marker
19 D from the crime scene sketch.

20 State's Exhibit 89 is a cartridge case with
21 the head stamp, "PMC .9 millimeter Luger." That's from
22 Marker E.

23 State's 90 is cartridge case -- the first
24 section of lettering was unreadable, but it's a .9
25 millimeter Luger from Marker H.

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1 And the last, State's Exhibit 91, is a
2 cartridge case, head stamped, "Perfecta .9 millimeter
3 Luger." That would be from Marker F.

4 Q Thank you.

5 MS. JONES: At this time, the State moves State's
6 85 through 91 into evidence.

7 THE COURT: Without objection.

8 *(Whereupon, State's Exhibit No(s) 85-89 marked*
9 *for identification and received in evidence.)*

10 MS. JONES: Thank you.

11 BY MS. JONES:

12 Q Those cartridge cases, were they sent anywhere
13 after they were collected from the scene?

14 A They were collected from the scene, transported
15 back to the SLED forensic services laboratory. They were
16 logged in and then sent to the SLED firearms department for
17 examination.

18 Q All right. Did you also take some swabs from the
19 crime scene?

20 A Yes, we did.

21 Q And what did they swab?

22 A There's different types of swabs. There's two to
23 a package, and they essentially look like they're really a
24 long Q-tip. You can swab for touch DNA, you can swab for
25 blood, other types of fluids. And in this case, we swabbed

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 for touch DNA.

2 Q Okay. You also had some known DNA standards?

3 A Yes, we did.

4 Q And I'm now going to show you what has been marked
5 as State's 80. Who is that a known DNA standard from?

6 A This is a known DNA standard from Jeremiah Wilson.
7 Now, this is in the form of a blood spot, which was obtained
8 at autopsy at MUSC.

9 Q Okay. At this time, State moves State's 80 into
10 evidence.

11 MR. PLEXICO: / No objection.

12 THE COURT: Without objection.

13 *(Whereupon, State's Exhibit No(s). 80 marked for*
14 *identification and received in evidence.)*

15 BY MS. JONES:

16 Q Okay. I'm now going to show you State's 97, if
17 you can identify that.

18 A State's 97 are going to be two buccal swabs from
19 left and right cheek of Casey Jones. And a buccal swab is
20 another type of swab, like touch DNA swabs or blood swabs.

21 MS. JONES: Okay. State moves State's 97 into
22 evidence.

23 MR. PLEXICO: Sorry. Was that Casey Jones who?

24 BY MS. JONES:

25 Q It may help if you look at this one. It's

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 differentiated, the name is.

2 State's 79, if you could identify that.

3 A State's 79 is two buccal swabs from left and right
4 cheek from Casey Kasan -- Kasan Jones. Which means that
5 State's 97, it just says from Casey Jones.

6 THE COURT: Okay. Now, we move State's 79 and 97
7 into evidence.

8 MR. PLEXICO: No objection.

9 *(Whereupon, State's Exhibit No(s). 79 marked for*
10 *identification and received in evidence.)*

11 *(Whereupon, State's Exhibit No(s). 97 marked for*
12 *identification and received in evidence.)*

13 BY MS. JONES:

14 Q And finally, we had one more known standard, and
15 I'm going to show you what has been marked as State's 78.
16 If you can identify that.

17 A These are two buccal swabs of left and right cheek
18 from Jarrod Bostick.

19 Q Okay. Thank you.

20 MS. JONES: State moves State's 78 into evidence.

21 MR. KOGER: No objection.

22 *(Whereupon, State's Exhibit No(s). 78 marked for*
23 *identification and received in evidence.)*

24 BY MS. JONES:

25 Q And describe a buccal swab for me, please.

DIRECT EXAMINATION OF JAMIE JOHNSON BY JONES

1 A A buccal swab is just kind of a fancy way of
2 saying a cheek swab, which I'm sure everybody's seen. Take
3 two swabs that are dry out of the package, and just kind of
4 rub it on the inside of your cheek on both sides. That's
5 what we call a buccal swab. And it's a known DNA standard
6 because we know it comes from you, and it has your
7 epithelial cheek cells on it.

8 Q Okay. And you needed these because you got swabs
9 from the scene?

10 A That's correct.

11 Q Okay. And I'm now going to show you what has been
12 marked 92, 93, 94, 95, and 96. If you could identify those.

13 A Sure. State's 92, two swabs from exterior front
14 doorknob and around knob area. That would be from the front
15 door of the residence.

16 State's 93, two swabs from Air Jordan
17 shoebox. That would be the shoebox observed on top of the
18 dresser, in the master bedroom in the photo that we saw.

19 State's 94, two swabs from baby wipe
20 container in bedroom, which would be the Winnie the Pooh
21 container that we saw in the photos.

22 State's 95, two swabs from head stamps of all
23 cartridge cases. I'm not entirely sure what that is.

24 Q Okay. I'll take State's 96 back.

25 MS. JONES: At this time, State moves in 92

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1 through 95.

2 THE COURT: Without objection.

3 MR. PLEXICO: Without objection.

4 THE COURT: Okay.

5 *(Whereupon, State's Exhibit No(s). 92-95 marked*
6 *for identification and received in evidence.)*

7 BY MS. JONES:

8 Q Did you attempt to find DNA anywhere else in the
9 house?

10 A Just from the three separate areas that we
11 swabbed. The baby wipe container, the Air Jordan shoebox,
12 and from the front door.

13 Q Okay. And those swabs, what did you do with those
14 swabs?

15 A Those swabs were transported from the scene back
16 to the forensics services laboratory at SLED, and were
17 logged in as items of evidence.

18 MS. JONES: Agent Johnson, I have no further
19 questions for you at this time. If you could answer
20 any questions that the Defendants may have. Thank you.

21 THE WITNESS: Sure.

22 MR. PLEXICO: No questions, our Honor.

23 THE COURT: Mr. Koger.

24 MR. KOGER: Thank you, Your Honor.

25 CROSS EXAMINATION

CROSS EXAMINATION OF JAMIE JOHNSON BY KOGER

1 BY MR. KOGER:

2 Q Agent Johnson, you would say that you thoroughly
3 processed the scene?

4 A That's correct.

5 Q All right. And your process of the scene was done
6 according to SLED protocol?

7 A That's correct.

8 Q All right. And you say earlier that you did a
9 walk-through. Did you walk through the other rooms, too?

10 A We did, yes.

11 Q Okay. And it's your testimony that you found --
12 you -- you did your processing basically in three rooms?

13 A Processing, yes. Our walk-through consists of the
14 entire scene as a whole, and photographs were taken of every
15 room in the residence. And what we see or don't see
16 dictates which -- which rooms in the residence that we would
17 process.

18 Q And then in your testimony, you testified that you
19 had known standards, DNA standards from Casey Jones, Senior,
20 Jarrod Bostick, and Casey Jones, Junior, correct?

21 A That's correct.

22 MR. KOGER: Thank you. I have no further
23 questions.

24 CROSS EXAMINATION

25 BY MR. NEWMAN:

CROSS EXAMINATION OF JAMIE JOHNSON BY NEWMAN

1 Q My name is Jarrod Newman. I think we met briefly
2 outside.

3 How long have you been in law enforcement?

4 A For a little over five years.

5 Q Okay. And one of the specialties that you've been
6 trained in is just what you testified to, processing crime
7 scenes, correct?

8 A Correct.

9 Q All right. And it's -- can be important to
10 process the crime scene because in this case we have unknown
11 subjects. So part of your job was to look for possible
12 evidence that could lead to the identity of who did this,
13 the suspects?

14 A That's correct.

15 Q Okay. And you're trained in taking touch or -- I
16 think what's more appropriately called transfer DNA swabs --
17 and you look to the areas that you would be most likely to
18 find DNA, such as you knew the Air Jordan box had been
19 handled. You knew the baby wipes container --

20 MS. JONES: Objection. I believe that's
21 speculation. She doesn't know.

22 THE COURT: Okay. She can answer if she can.

23 BY MR. NEWMAN:

24 Q Okay. Were you briefed on what happened and some
25 clues about where to look in the house?

CROSS EXAMINATION OF JAMIE JOHNSON BY NEWMAN

1 A We're given, during our initial walk-through
2 information that we gather from law enforcement when we
3 first arrive. It's never the full story of what happened
4 because no one ever knows exactly what happened. But as
5 much information as possible is given to us, and we had been
6 told when we arrived that some items had possibly been gone
7 through in the master bedroom area.

8 Q Right. And those are items that you would want to
9 focus on. Such as, if you'd been told nobody went into the
10 bathroom at all, you might take a walk-through and look just
11 to see, but you're not going to waste time, I guess, for
12 lack of a better term, of swabbing down the bathroom?

13 A That's correct.

14 Q Because the suspects had not gone in the bathroom.

15 A Correct.

16 Q Okay. So you focused on the Air Jordan and the
17 baby wipes because on your briefing it was likely that one
18 or two or three had manipulated and touched those objects,
19 correct?

20 A At that time we didn't know how many people were
21 involved. We just knew that a suspect or suspects who were
22 unknown at that time had possibly touched those items, yes.

23 Q Right. And what happens with transfer DNA, much
24 like fingerprints, we all have pores and sweat through your
25 hands, correct?

CROSS EXAMINATION OF JAMIE JOHNSON BY NEWMAN

1 MS. JONES: Objection. I believe this line of
2 questioning is appropriate for another witness.

3 THE COURT: Okay. If she can answer it, she can.
4 If she can't, then she can't.

5 BY MR. NEWMAN:

6 Q Just let me ask you, within your training, they
7 teach you, do they not -- and if they don't, tell me -- that
8 if I've had my hand here for a while, skin falls off and
9 sweat and you might want to, if you knew I had touched this
10 area and I was a suspect you were looking for, you would
11 take a swab from that area; would you not?

12 A We would, yes.

13 Q Okay. And you took a number of swabs throughout
14 the house, correct?

15 A That's correct.

16 Q All right. And is it not true within your
17 training that witnesses can be confused or wrong on
18 identification, but when we have scientific tools like DNA,
19 science can tell us whether it is somebody, not somebody, or
20 it's inconclusive, correct?

21 A That's true.

22 Q Okay.

23 MR. NEWMAN: That's all I have.

24 THE COURT: Anything further?

25 MS. JONES: Not from the State, Your Honor.

CROSS EXAMINATION OF JAMIE JOHNSON BY NEWMAN

1 THE COURT: All right. Agent, you may be excused.

2 THE WITNESS: Thank you very much.

3 THE COURT: I need to tell you now, it's time to
4 take a break. Do not discuss this case, it wouldn't
5 appropriate to do so.

6 Mr. Foreperson, I need you to tell me how late the
7 jury is willing to work today. Five-ish, somewhere
8 around there? It could be later, it could be a little
9 earlier. I know y'all are tired. So, again, do not
10 discuss the case. Get a glass of water, whatever you
11 need, we'll bring you back out here, and we'll work
12 till that time. Okay? Thank you.

13 All right. We'll be at ease for about ten
14 minutes.

15 (Jury exits the courtroom.)

16 (Whereupon, there was a recess.)

17 THE COURT: All right. Bring the jury in.

18 (The jury enters the courtroom at 4:00 p.m.)

19 THE COURT: Thank you. We'll see. It might be a
20 little before that, but that sounds good. Okay?
21 Everyone okay? All right. Thank you.

22 Go ahead and call your next witness.

23 MS. JONES: Thank you, Your Honor. State calls
24 Michael Lynch.

25 THE COURT: Whenever you're ready.

CROSS EXAMINATION OF JAMIE JOHNSON BY NEWMAN

1 MS. JONES: Thank you, Your Honor.

2 Thereupon,

3 MICHAEL LYNCH

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

6 DIRECT EXAMINATION

7 BY MS. JONES:

8 Q Mr. Lynch, where do you work?

9 A Currently employed by Nelson Mullins Riley &
10 Scarborough in Columbia, South Carolina.

11 Q Okay. And what did you do prior to working for
12 Nelson Mullins?

13 A Prior to Nelson Mullins, I was a senior special
14 agent with the South Carolina Law Enforcement Division in
15 the computer crime unit.

16 Q Okay. And did you -- how long were you at SLED?

17 A I was at SLED a little over 11 years.

18 Q And what were some of your duties at SLED?

19 A Some of my duties included conducting forensic
20 examinations on computers, cell phones, tablets. I also
21 conducting computer related investigations.

22 Q Okay. Were you -- did you assist in the
23 investigation why we are here today?

24 A I did.

25 Q And in what capacity did you assist?

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 A We received a number of items in regard to this
2 investigation, to include, I believe, a few cell phones, a
3 computer, and a DVR system.

4 Q Okay. And what was the purpose of you receiving
5 the DVR system?

6 A The agents that were investigating asked us to
7 find in particular the incident that occurred, where the
8 suspects rolled up and the events that happened in between
9 the time they rolled up and time they left.

10 Q Okay. And were you able to find that on this DVR?

11 A Yes.

12 Q Okay. And with that, what did you do?

13 A We exported that video from the DVR system and
14 provided -- put all the video and provided some still shots
15 from that video to the investigators.

16 Q Okay.

17 MS. JONES: Permission to approach the witness,
18 Your Honor?

19 THE COURT: Yes.

20 BY MS. JONES:

21 Q Mr. Lynch, I'm handing you what has been marked as
22 State's Exhibit 15. Do you recognize that?

23 A Yes.

24 Q And what is this?

25 A It's a video, a DVD containing the video from the

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 security camera hooked to the DVR.

2 Q Okay. And is this an accurate copy of the
3 recording you took off the DVR?

4 A It is.

5 Q And it hasn't been altered in any way?

6 A It has not.

7 Q And did you indicate on here somewhere that it is
8 a fair and accurate recording?

9 A Yes, ma'am. I initialed and dated that.

10 Q Okay. M.L.?

11 A Correct. Yes, ma'am.

12 MS. JONES: Your Honor, at this time, State moves
13 State's 15 into evidence.

14 THE COURT: Okay. Without objection?

15 MR. KOGER: No objection.

16 MS. JONES: And permission to publish.

17 THE COURT: You may.

18 *(Whereupon, State's Exhibit No(s). 15 marked for*
19 *identification and received in evidence.)*

20 (Video playing.)

21 BY MS. JONES:

22 Q Mr. Lynch, we notice there was no audio. Was
23 there audio in it when you extracted it?

24 A There was not.

25 Q Okay. And you mentioned still photographs?

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 A Yes.

2 Q I'm going to hand you what has been marked State's
3 32, 33, 34, 35, and 36.

4 MS. JONES: Previously shown to Defense, Your
5 Honor.

6 BY MS. JONES:

7 Q Can you identify those?

8 A These were the still shots I took from the video
9 that was extracted from the DVR.

10 Q Okay. And those are fair and accurate depictions
11 of the stills from this video?

12 A They are.

13 MS. JONES: Your Honor, at this time, State moves
14 32, 33, 34, 35, and 36 into evidence.

15 THE COURT: Without objection?

16 MR. NEWMAN: No objection, Your Honor.

17 *(Whereupon, State's Exhibit No(s). 36 marked for*
18 *identification and received in evidence.)*

19 MS. JONES: Permission to publish.

20 State's 32.

21 (Photos shown on screen.)

22 MS. JONES: And State's 33. State's 34. State's
23 35. And finally, State's 36.

24 BY MS. JONES:

25 Q Aside from these still photographs and that video,

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 did you do anything else to assist in this investigation?

2 A No, ma'am.

3 MS. JONES: I have no further questions for you at
4 this time. Thank you.

5 THE COURT: Okay.

6 CROSS EXAMINATION

7 BY MR. PLEXICO:

8 Q Do you have experience in extracting data from DVR
9 systems?

10 A Yes.

11 Q The fact is, some of those pictures come out
12 distorted because of the camera angles or panoramic views
13 and this sort of thing?

14 A They can.

15 Q Okay. All right. Did you notice any distortion
16 in any of these?

17 A Insomuch as I could tell, I didn't notice any
18 distortion.

19 MR. PLEXICO: All right. I don't have anything
20 further.

21 MR. KOGER: No questions, Your Honor.

22 THE COURT: Mr. Newman.

23 BY MR. NEWMAN:

24 Q There was just a mention of cell phones. This was
25 the only thing you did in this case, correct?

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 A Yes, sir.

2 Q You didn't do any data dump for cell phones,
3 things like that?

4 A No. I did do the data dumps, but I turned those
5 reports over.

6 Q Okay. Did you examine any of that data?

7 A I didn't do the examination. I just dumped it and
8 generated reports from anything that was able to be
9 extracted. I think there was one, whatever reason, that
10 couldn't be read, if I remember correctly.

11 Q Okay. And data dump is just everything that's on
12 there is thrust out, and y'all put it on a thumb drive or a
13 drive?

14 A Extracted and added to the case file, which is a
15 digital case file, if there was --

16 Q You didn't examine any of that data or have any --

17 A I don't believe I did, sir, no.

18 MR. NEWMAN: Okay. Thank you. I have no further
19 questions.

20 THE COURT: Okay. Anything further?

21 MS. JONES: Not from this witness, Your Honor.

22 THE COURT: All right. Agent Lynch, you may be
23 excused, sir. Thank you.

24 THE WITNESS: Thank you, ma'am.

25 THE COURT: Call your next witness.

DIRECT EXAMINATION OF M. LYNCH BY JONES

1 MS. JONES: State calls Detective Jeff Crosby.

2 Thereupon,

3 JEFF CROSBY

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

5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. JONES:

8 Q Detective Crosby, where do you work?

9 A I currently work at the Hardeeville police
10 department.

11 Q And in June of 2015, where did you work?

12 A I worked for the Jasper County Sheriff's Office.

13 Q And in what capacity did you work with the
14 sheriff's office?

15 A I was a sergeant with the detective's office.

16 Q Okay. Were you involved in the investigation for
17 the case we're here today?

18 A Yes, I was.

19 Q Okay. What -- can you explain your involvement a
20 little bit?

21 A I was -- we were having radio problems that day.
22 I overheard a radio transmission from Jasper County dispatch
23 to Jasper County EMS reporting a shooting incident on Clover
24 Circle and -- off of B Street Road in Jasper County.

25 So I called dispatch on the phone, they told

DIRECT EXAMINATION OF J. CROSBY BY JONES

1 us that they had an individual that had been shot. I
2 responded to that location, met with Deputy Sons and Deputy
3 Johnson, who were already on scene. They explained to me
4 what had taken place, walked me through the crime scene,
5 assisted, then was securing the crime scene, requested EMS
6 to respond.

7 Q Okay. After that, was it requested another agency
8 take over?

9 A Yes. When I found out from EMS that the victim
10 was deceased, I contacted Captain Neal with the South
11 Carolina Law Enforcement Division and requested agents from
12 SLED, South Carolina Law Enforcement Division, and their
13 crime scene processing unit to respond.

14 Q And why was that?

15 A The South Carolina Law Enforcement Division has
16 more resources than the Jasper County Sheriff's Office does.
17 You know, if we needed 15, 20 agents down here, they could
18 send 15, 20 agents. We just didn't have the manpower.

19 Q All right. At some point after -- after that, do
20 you have an opportunity to review the surveillance footage?

21 A Yes, I did.

22 Q Okay. And with that surveillance, did you produce
23 a photograph, a still image?

24 A Yes, I did.

25 Q Okay. Can you explain that?

DIRECT EXAMINATION OF J. CROSBY BY JONES

1 A The video was given to me by one of the -- I
2 believe it was Special Agent McCallister. She was the agent
3 that was in charge of investigating the incident.

4 \ I loaded that onto my computer at the office,
5 and I opened it with a program that I use sometimes to open
6 surveillance videos from convenience stores and things like
7 that, when I don't have the proper program to open them
8 with. It's called VCL Media Player, I believe it is.

9 Q Okay. And with that, what did you do?

10 A I stopped that video at a certain location, an
11 individual standing on the porch, and I went into the tool
12 section and just lightened it and sharpened it a little bit
13 so I could get a better image of who was on the screen.

14 Q Okay.

15 MS. JONES: Permission to approach the witness,
16 Your Honor?

17 THE COURT: You may.

18 BY MS. JONES:

19 Q I'm showing you what's been marked as State's
20 Exhibit 67, already shown to the Defense.

21 Can you identify that, please?

22 A That's the still image that I lightened up and
23 kind of sharpened a little bit so I could try to make out
24 the individual's face on it.

25 Q Okay. And that is a copy of the actual image you

DIRECT EXAMINATION OF J. CROSBY BY JONES

1 paused on? Lightened?

2 A That's correct. I didn't add anything to it, I
3 didn't take anything away from it. I just lightened it up a
4 little bit and kind of tried to sharpen it a little bit so I
5 could see who was on there.

6 Q So State's 67, is that a fair and accurate
7 depiction of the photograph, the still image?

8 A It is.

9 MS. JONES: Okay. Your Honor, at this time State
10 moves State's 67 into evidence.

11 THE COURT: Without objection, it's in evidence.

12 MS. JONES: Permission to publish?

13 THE COURT: You may.

14 *(Whereupon, State's Exhibit No(s). 67 marked for*
15 *identification and received in evidence.)*

16 BY MS. JONES:

17 Q And this is the same photograph you have up there?

18 A That's correct. The original image on the
19 surveillance video was darker.

20 Q Okay. Thank you, Investigator Crosby.

21 MS. JONES: I have no further questions for you at
22 this time.

23 MR. PLEXICO: I have nothing, Your Honor.

24 THE COURT: Mr. Koger.

25 CROSS EXAMINATION

CROSS EXAMINATION OF J. CROSBY BY KOGER

1 BY MR. KOGER:

2 Q Just one question. On the photograph that you
3 were just shown, you said that you -- that you lightened it
4 up?

5 A I just kind of lightened it up a little bit.

6 Q Would you say that -- number 67.

7 MR. KOGER: May I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. KOGER:

10 Q Wouldn't you say that supposedly sandy part
11 that -- that is more a whitish color?

12 A Yes, sir.

13 Q And wouldn't you say that that would not be the
14 natural color of the sand?

15 A Of sand?

16 Q Yeah.

17 A No, sir. Like I said, I lightened it up to where
18 it's lighter.

19 Q All right. And you also will see that the grassy
20 part here looks a little more distorted; wouldn't you agree?

21 A Just a little bit, yes, sir.

22 Q So it is some distortion involved when you attempt
23 to light it up, correct?

24 A Those areas that you pointed out, the grass, yes,
25 sir, it appears that way.

CROSS EXAMINATION OF J. CROSBY BY KOGER

1 Q And the sand?

2 A Yes, sir. It's just lighter in color.

3 MR. KOGER: Thank you. I have no further
4 questions.

5 THE COURT: Mr. Newman.

6 MR. NEWMAN: No questions. Thank you.

7 THE COURT: All right. Anything further?

8 MS. JONES: Not from the State, Your Honor.

9 THE COURT: Okay. You may step down, sir.
10 Call your next witness.

11 MS. JONES: State calls Tony Imel.

12 THE COURT: Whenever you're ready.

13 MS. JONES: Thank you, Your Honor.

14 Thereupon,

15 ANTHONY IMEL

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

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Agent Imel, where do you work?

21 A Ma'am, I work at the forensic audio video and
22 image analysis lab at Quantico, Virginia, and I am currently
23 not a federal agent. I'm a retired agent.

24 Q Okay. Were you a federal agent?

25 A I was, ma'am, yes.

DIRECT EXAMINATION OF -A. IMEL BY JONES

1 Q When did you retire?

2 A 2008.

3 Q Okay. What were you doing in 2000 -- when you --
4 did you receive a video or the like in this case?

5 A I did. One DVD -- or excuse me, two DVDs, yes.

6 Q And when was that?

7 A I believe it was August 26th.

8 Q Okay. And at that time, where were you working?

9 A With the FBI.

10 Q Okay. And in what capacity did you work with the
11 FBI?

12 A I'm a forensic examiner with the FBI.

13 Q And how long had you been employed there?

14 A I've been employed with the FBI a little over
15 seven years now.

16 Q As a forensic examiner, what are some of your
17 tasks and duties?

18 A So it's forensic audio video and image analysis.
19 I'm certified in video imagery. Video is very simple. We
20 do enhancements, image extraction, conversions. Basically
21 being able to allow people to critically view video to
22 enable them to see a lot more detail of what's going on.

23 On the imagery side, it's a lot more
24 scientific. I do facial comparisons, I do image
25 comparisons. So objects, such as clothes, vehicles, rocks,

DIRECT EXAMINATION OF A. IMEL BY JONES

1 guns, that sort of thing. Also do height determinations
2 from -- for videos, and vehicle make/model.

3 Q And what were you asked to do in relation to this
4 case?

5 A In this particular case, I was just asked to
6 enhance the video, extract images, and produce some
7 demonstrative images for the Court.

8 Q You weren't asked to evaluate height or weight or
9 any of the other things you said you could have done?

10 A No, ma'am.

11 MS. JONES: Permission to approach the witness?

12 THE COURT: You may.

13 BY MS. JONES:

14 Q I want to show you first, State's Exhibit 98.

15 MR. KOGER: No objection.

16 BY MS. JONES:

17 Q Can you identify that, please?

18 A It is -- it is one of the DVDs that I produced
19 with enhanced video and imagery on it.

20 Q Okay. And is that enhanced video a video you were
21 originally provided?

22 A Yes.

23 Q Okay. And when you say "enhanced," what exactly
24 did you do to enhance it?

25 A So in this particular video, I basically extracted

DIRECT EXAMINATION OF A. IMEL BY JONES

1 those areas that I found of interest. I did a -- I resized
2 the video to basically double the size. I corrected the
3 aspect ratio, I did a little bit of lightening in the
4 levels, so basically turned up the light level just a little
5 bit in the video. I sharpened the video so the lines are a
6 little bit more crisper, and then extracted the video.

7 Q Okay. And from the video, did you extract any
8 images?

9 A I extracted 30 images.

10 Q Okay. I'm going to show you State's 37 through
11 66, previously shown to Defense. Can you identify those?

12 A Yes, ma'am. These are the images that I extracted
13 from the video and produced from the original video.

14 Q Okay. And are those images fair and accurate
15 depictions of the ones you produced?

16 A They are.

17 Q And is that the -- is that a fair and accurate
18 copy of the video you produced?

19 A They are.

20 MS. JONES: Your Honor, at this time, State moves
21 State's 98, the DVD, into evidence.

22 THE COURT: Okay. Without objections?

23 MR. PLEXICO: Without objection.

24 MR. NEWMAN: Without objection.

25 *(Whereupon, State's Exhibit No(s). 98 marked for*

DIRECT EXAMINATION OF A. IMEL BY JONES

1 *identification and received in evidence.)*

2 MS. JONES: And State moves State's 37 to 66 into
3 evidence.

4 THE COURT: Without objection?

5 MR. NEWMAN: Without objection.

6 *(Whereupon, State's Exhibit No(s). 37-66 marked*
7 *for identification and received in evidence.)*

8 MS. JONES: Permission to publish.

9 THE COURT: You may.

10 (Video being played.)

11 MS. JONES: Your Honor, permission to publish
12 State's 37 through 66?

13 THE COURT: You may.

14 BY MS. JONES:

15 Q And these are the enhanced stills you created?

16 A Yes, ma'am.

17 Q While we are setting that up to be displayed on
18 the television, did you create something else for Court in
19 this case?

20 A I did. I was asked to produce a -- it's likely
21 called a collage of the three subjects on three different
22 boards as they go through the video, so an individual could
23 view one of the subjects at a time on a poster board.

24 Q Okay. Great. We're going to go through the still
25 shots first.

DIRECT EXAMINATION OF A. IMEL BY JONES

1 This is State's 37. State's 38. State's 39.
2 State's 40. State's 41. State's 42. State's 43. State's
3 44. State's 45. State's 46. State's 47. State's 48.
4 State's 49. State's 50. State's 51. State's 52. State's
5 53.

6 While you're picking these images, is there a
7 reason you picked certain ones?

8 A So I look at every image in every production that
9 I do, in the eyes of comparison analysis. So I'm looking
10 very specific on the detail of these individuals, both their
11 clothing, their faces, the weapons, trying to derive as much
12 information out of this video and this imagery as possible.
13 It's simply called critical viewing. When you're looking at
14 these videos, what you might miss I might catch because I've
15 watched these things hundreds and hundreds of times. So
16 these images actually depict those finite frames that
17 actually depict a little bit more critical viewing than the
18 other frames.

19 Q You mentioned weapons. Is there a weapon in this
20 picture?

21 A There is. In his right hand.

22 Q State's 54. State's 55. State's 56. State's 57.
23 State's 58. What were you able to determine was in this
24 gentleman's hand?

25 A I'm sorry?

DIRECT EXAMINATION OF A. IMEL BY JONES

1 Q Were you able to determine whether anything was in
2 this gentleman's right hand?

3 A It appears to be a weapon.

4 Q State's 59. Perhaps that's a better view.

5 State's 60. State's 61. State's 62.

6 State's 63. State's 64. State's 65.

7 Does there appear to be something in this
8 gentleman's right hand?

9 A Yes. It appears to be a weapon in his right hand.
10 I do believe each one came running out, each had a weapon in
11 their hands.

12 Q Thank you.

13 And finally, State's 66.

14 And from those stills, you created what you
15 call court exhibits?

16 A Yes.

17 Q Okay. At this point --

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

19 THE COURT: You may.

20 BY MS. JONES:

21 Q I'm showing you State's 71, 72, and 73, previously
22 shown to Defense.

23 A Yes, ma'am.

24 Q And what are these?

25 A These are the collages that I produced. This is

DIRECT EXAMINATION OF A. IMEL BY JONES

1 the first one, the second one.

2 Q All right. And then --

3 A And then the third one.

4 Q Thank you. Okay. And these are the actual ones
5 you produced?

6 A Yes.

7 Q Okay. Have they been altered in any way?

8 A No, they have not.

9 MS. JONES: Your Honor, at this time, State moves
10 71, 72, and 73 into evidence.

11 MR. PLEXICO: No objection.

12 THE COURT: Without objection.

13 *(Whereupon, State's Exhibit No(s). 71-73 marked*
14 *for identification and received in evidence.)*

15 MS. JONES: And permission to publish?

16 THE COURT: You may.

17 BY MS. JONES:

18 Q State's 71, and these are all the photos of -- did
19 you identify these as suspect one, suspect two, suspect
20 three?

21 A I believe I did, but I didn't -- I didn't list
22 them on there. I did them in chronological order as far as
23 who approached first. I believe I stated this person as
24 subject 2, because he was the second person on the porch.

25 Q Okay. And this person?

DIRECT EXAMINATION OF A. IMEL BY JONES

1 A And he was the first person on the porch.

2 Q Okay. And finally, State's 73.

3 A And the third person.

4 Q Aside from the video, the stills, and these court
5 exhibits, did you create anything else for this case?

6 A I did not.

7 MS. JONES: I have no further questions for this
8 witness, Your Honor.

9 MR. PLEXICO: I don't have any questions of this
10 witness, Your Honor.

11 THE COURT: Mr. Koger.

12 MR. KOGER: No questions, Your Honor.

13 THE COURT: Mr. Newman.

14 MR. NEWMAN: Yes.

15 CROSS EXAMINATION

16 BY MR. NEWMAN:

17 Q I notice you used the term in looking at some of
18 the stills, the photographs, is you used the term, "what
19 appears to be a weapon."

20 A Yes. Yes.

21 Q Is that because you couldn't say beyond a
22 reasonable doubt that that was, in fact, a weapon?

23 A I'm not an expert on weaponry. It would take an
24 individual who is an expert on weaponry to define that is or
25 is not a weapon.

CROSS EXAMINATION OF A. IMEL BY NEWMAN

1 Q Okay. So you weren't asked to do that, and you
2 don't have an opinion on that?

3 A No, sir.

4 Q Okay. And a witness viewing glimpses of this in
5 real life wouldn't get the enhancements that you've done,
6 correct? Wouldn't be able to look at stop action, wouldn't
7 be able to adjust the brightness?

8 A No. No, not in real life. But the eyes do
9 accumulate a lot more information than is recorded on
10 camera. You're able to view things that aren't on the
11 camera, and usually pick up a little bit more information.

12 But, no, as far as stopping the action and
13 enhancing, no, you wouldn't do that in real life.

14 Q And eyes are also subject to perception of the
15 witness; are they not?

16 A Fair.

17 Q Now, have you been trained generally in law
18 enforcement?

19 A I was a federal agent with the Air Force Office of
20 Special Investigations. So, yes.

21 Q Okay. So you dealt with touch DNA, what's
22 commonly known as transfer DNA?

23 A No, sir.

24 Q You've never collected a DNA sample?

25 A No, sir.

CROSS EXAMINATION OF A. IMEL BY NEWMAN

1 Q You've never seen an investigation where DNA was
2 collected from the scene?

3 A I was. But my expertise was electronic
4 surveillance and counter intelligence. I dealt mostly with
5 the electronic systems, CCTV systems, covert analogue,
6 audio, video, digital, GPS, that sort of thing. Covert
7 installations.

8 Q So you wouldn't be able to give an opinion if,
9 say, Mr. Jones, Junior and the other two suspects were
10 positively excluded by DNA, you wouldn't be able to give an
11 opinion over a photograph versus the scientific exclusion?

12 A That's not my expertise with DNA. I'm an image
13 expert, so I do comparisons only visually.

14 MR. NEWMAN: Okay. Thank you.

15 THE COURT: Anything further?

16 MS. JONES: No, Your Honor.

17 THE COURT: All right. You may step down, sir.

18 Thank you.

19 THE WITNESS: Thank you, ma'am.

20 THE COURT: Your next witness, is it long? Short?

21 Not expert, are they?

22 MS. JONES: I believe she may be lengthy, not
23 necessarily on my end, but on cross.

24 THE COURT: Okay. Is now a good time to break for
25 the evening? Are y'all ready to break?

COLLOQUY

1 Yeah, I think everyone's tired. I am, too.

2 Ladies and gentlemen, I have to tell you that
3 when we break, you are not to discuss this case when
4 you go home. You, again, are not allowed to talk about
5 the charges, anyone involved in this case, the
6 potential witnesses. You're not to do any independent
7 research.

8 Ladies and gentlemen, go home and get a good
9 night's sleep. I know it's difficult sitting in that
10 seat, and I certainly recognize that, all day long.

11 I would like to start back up at 10 a.m. tomorrow,
12 if that's all right with you, Mr. Foreperson and
13 members of the jury.

14 If you have been taking notes, I need you to leave
15 them here overnight. Thank you very much. And ladies
16 and gentlemen, if you have any other problems or
17 concerns, certainly let the bailiff know, but I will
18 see you all at 10 a.m. tomorrow morning. Thank you.

19 (The Jury exits the courtroom.)

20 THE COURT: And Ms. Mitchell, I need to speak with
21 you as well. Okay? Yeah.

22 Just come right here. I need to ask one question
23 of you, just if you don't mind.

24 Ms. Mitchell, I just wanted to ask you, I remember
25 at the very beginning you talked about having to take

COLLOQUY

1 your father somewhere. And we've been trying to get
2 some kind of documentation --

3 JUROR: Yes, ma'am. He's called -- I called him
4 today to ask him to have his doctors up in the hospital
5 fax the information. He told me don't worry about it.
6 because he didn't want me to get in trouble, like any
7 kind of legal trouble.

8 THE COURT: You're not going to get into any legal
9 trouble. I just need to know, is there someone else
10 that can take him? Is there some other way?

11 JUROR: He said he'd ask one of my cousins to take
12 him.

13 THE COURT: Do you feel comfortable just
14 disclosing to me what kind of --

15 JUROR: He's having a hernia in his stomach
16 removed.

17 THE COURT: Okay.

18 JUROR: And he's being sedated for that. And he's
19 being heavily sedated, which was why he needed someone
20 to take him and bring him back.

21 THE COURT: Okay. But you have since then got a
22 cousin that can take him. Is that okay?

23 JUROR: Yes.

24 THE COURT: And I really appreciate that. I mean,
25 I certainly didn't want you to think you were going to

COLLOQUY

1 get in any kind of trouble. We just have to verify. I
2 would love to keep you as a juror, and I don't want to
3 have to lose you. So if you're able to stay, we would
4 love to keep you. Is that all right with you?

5 JUROR: Yes, ma'am. Yeah. I'll just have them --
6 I told my father to have my cousin call when he's out
7 of surgery, to let me know like how he's doing. And I
8 told them to just call my cell phone. It's in my car,
9 and they can just leave me a message.

10 THE COURT: Absolutely. That sounds perfect. All
11 right.

12 Margaret, we're good? All right. Very good. And
13 if anything happens, you tell them to call to the
14 Clerk's office and we'll come get you. Okay? Thank
15 you again.

16 JUROR: Thank you.

17 THE COURT: All right. Good night.

18 JUROR: Good night.

19 MS. JONES: I just want to make sure, I think I
20 might have mistakenly overheard the bailiff tell them
21 they could take their notebooks home.

22 THE COURT: No, you didn't tell them to take their
23 notebooks, did you?

24 THE BAILIFF: No.

25 THE COURT: Of course not.

COLLOQUY

1 MS. JONES: Okay. Thank you. I misunderstood.

2 THE COURT: We're okay. All right.

3 So -- and except for needing a credit slip at this
4 time, I think we're doing well. You got to witness
5 number 15 today. So I know you said you believed you
6 were going to put 27 up total, potentially. Has that
7 number lessened or --

8 MS. JONES: It's now 25.

9 THE COURT: It's now 25. Perfect. Okay.

10 MS. JONES: I do have a question about the flight
11 testimony. That witness is driving from North
12 Carolina, and we would need to tell him tonight whether
13 we need him to come tomorrow or not.

14 THE COURT: Okay. And I need a little more
15 information about that. So apparently I need to know
16 when an arrest warrant was put out for him.

17 MS. JONES: Okay. An arrest warrant was put out
18 for Senior on July -- I'm sorry. I'm going to have
19 to -- July 6th.

20 THE COURT: Okay. Of 2015.

21 MS. JONES: Yes.

22 THE COURT: And do we have any deputy, McCallister
23 or someone else, did anyone try to contact Mr. Jones,
24 Senior and tell him to come in? Anyone that has spoken
25 with him?

COLLOQUY

1 Did anyone in the investigation call him and say,
2 listen, there's an arrest warrant out for you, you can
3 come turn yourself in. I mean, typically you would do
4 that obviously this much of a time after the incident.
5 And we're talking about a month later.

6 MS. JONES: And I think Agent McCallister would
7 get warrants over like these.

8 AGENT McCALLISTER: Typically when we get warrants
9 like this, we contact the SLED fugitive team. In this
10 case, Special Agent Anthony Sampson was forwarded the
11 warrants. They were put into the active. He actually
12 got all three.

13 And typically what they do is, they try to reach
14 out and contact and locate whatever suspect for
15 whatever case we're currently working, and they work
16 the angle from there.

17 THE COURT: Okay. I need to know what was done
18 with Mr. Jones, Senior in this case. Because I know
19 Mr. Jones, Junior and Mr. Bostick turned themselves in.
20 So obviously someone contacted them, and these
21 gentlemen, and I'm really not positive about Mr.
22 Bostick, but I know Junior turned himself in. So I
23 need to know if that agent did the same thing with each
24 of these people, if he contacted these people, and if
25 he talked to Mr. Jones, Senior, left him voicemails,

COLLOQUY

1 whatever he did do. And whether or not he continued to
2 not turn himself in.

3 MS. JONES: Okay. We're making a phone call to
4 Sampson.

5 THE COURT: Is this the same person that's going
6 to drive?

7 MS. JONES: No. The person that's driving is
8 Burrell.

9 THE COURT: All right. Well, I think you're just
10 going to have to tell Burrell to come. And, again,
11 I'll have to hear more. But I just need more.

12 I understand you're saying that he was at his
13 residence.

14 Your problem, Mr. Plexico, is the amount of time
15 between July 6th and when they went and got him in
16 September.

17 MR. PLEXICO: They don't have a shred of evidence
18 they can put a person from where they -- put a person
19 on the road to say they had sent -- they contacted my
20 client.

21 THE COURT: And that's what I'm asking them.

22 MR. PLEXICO: But there's no evidence right now.
23 So that's -- they need that.

24 THE COURT: That's what I'm asking.

25 MS. JONES: And that's what we are attempting to

COLLOQUY

1 do right now.

2 THE COURT: And that's what they're going to do.
3 I just -- again, you know, they may or may not. But I
4 can tell you, they did contact this one right here,
5 because he turned himself in.

6 MS. JONES: And I just wanted for the record,
7 also, I know Mr. Plexico is adamant that Mr. Senior was
8 at his home. The address, when Agent McCallister ran
9 the address, it was an Estill address. That's the
10 address that was on the warrant. He never provided --
11 never updated.

12 THE COURT: Right. Well, you don't have to prove
13 anything. Did you have a way to show that he had --
14 and, like I said, his driver's license, you tell me. I
15 don't know, was it an Estill, or was his driver's
16 license in North Carolina? What was his -- you know,
17 were there any bills?

18 MS. JONES: His DMV address was the Estill
19 address.

20 THE COURT: It's the Estill address.

21 MR. PLEXICO: Oh, but that's meaningless when
22 you're on the run for a violation of probation. You're
23 not going to go to straighten out your address for the
24 DMV. That's hilarious. You wouldn't be expected.

25 That goes back to the argument of Beahm, and the

COLLOQUY

1 other cases that Johnson, Saltz, Beahm, and the other
2 cases. You know, if you think you're being sought for
3 something else, and you're not aware of this warrant,
4 they have to have proof he's aware of this warrant.

5 THE COURT: And that's what we're trying to find
6 out. We need to find out if he is aware of this
7 warrant.

8 AGENT McCALLISTER: I just spoke with Agent
9 Sampson. They run a packet, they locate family
10 members. They did locate several of both Jones's
11 family members. The family knew that they were wanted.
12 The family was supposed to attempt to help with the
13 apprehension. The family did not contact Agent Sampson
14 back, so they continued their search.

15 THE COURT: Okay. And did Agent Sampson ever talk
16 to Jones, Senior personally?

17 AGENT McCALLISTER: No, ma'am. I do not believe
18 that any contact was made with him.

19 THE COURT: Okay.

20 MS. JONES: And, Your Honor, my argument would be
21 that if family members were contacted, family members
22 that Jones, Senior would have contact with, family
23 members that Jones, Junior obviously had contact with,
24 that let him know to turn himself in, and instead of
25 turning himself in, he ran to North Carolina.

COLLOQUY

1 THE COURT: Understand. But your problem is, is
2 that he had another case. He had a probation case he
3 was fleeing for. And the case law says that if he's
4 fleeing for another reason, it doesn't come in. You
5 can read the case if you want to.

6 MS. JONES: No, I understand that. I understand
7 that's the law. I just think it's disingenuous to take
8 cover under a probation when you're running from
9 murder.

10 THE COURT: Okay. Well, you know, I'm going to
11 have to think on that.

12 MR. PLEXICO: Well, Your Honor, the fact is, for
13 the State to complain that they contacted members and
14 we should impute that these members, family members,
15 talked to him, that's just wrong. That's not what the
16 law says.

17 If we can impute knowledge, then why have this
18 rule? You know, why have this point of law? And it's
19 case after case. They want to impute that he had
20 knowledge. That's not fair to us. It's not valid.

21 MR. NEWMAN: I'll tell you in -- Mr. -- and let's
22 just call him Junior for right now, for today. In his
23 case, he was contacted by a SLED agent or U.S. Marshal,
24 he doesn't remember. He was informed that he had a
25 warrant for him, and they made arrangements where he

COLLOQUY

1 was going to go, and he did that. My client told me he
2 was not asked about his father, about anybody else
3 involved in this case. He gave his statement, and as I
4 told you in court, unfortunate situation, that
5 Mr. Jones, Junior --

6 THE COURT: That they are estranged.

7 MR. NEWMAN: They're estranged.

8 THE COURT: All right. Well, I'm going to have to
9 sleep on it. And he'll just have to come on up. And
10 I'll review the case law. Okay? Thank you.

11 MS. JONES: Thank you, Your Honor.

12 THE COURT: All right. Tomorrow morning, what
13 other -- what do we have to take up other than just
14 continue with our witnesses?

15 MS. JONES: I don't think anything.

16 THE COURT: All right. 9:30, can y'all be here at
17 9:30? Does that work for everybody? (

18 Okay. All right. We'll see you at 9:30 tomorrow
19 morning.

20 MS. JONES: Thank you, Your Honor.

21 MR. KOGER: Thanks, Your Honor.

22 THE COURT: Thank you.

23 (Whereupon, the Court recessed for the day.)
24
25

COLLOQUY

1 In the Court of General Sessions for the
2 State of South Carolina, County of Jasper
3
4 Case No.: 2015-GS-27-0433; 0434; and 0437
5 2015-GS-27-0345; 0346; and 0349
6 2015-GS-27-0333; 0336; and 0337
7 State of South Carolina,
8 Plaintiff(s),
9 vs. Transcript of Record
10 Casey Jones, Sr.
Jarrod Bostick
11 Casey Jones, Jr.,
12 Defendant(s).

TRIAL TRANSCRIPT

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14
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18 October 25, 2017

19 Ridgeland, South Carolina
20
21
22

23 BEFORE:

24 The Honorable Carmen T. Mullen
25

COLLOQUY

10-25-2017 PROCEEDINGS

1
2 THE COURT: All right. Are you ready to come up
3 and bring the Defendants out? It's five minutes till
4 ten. This jury should all be coming in.

5 (The Jury enters the Courtroom.)

6 THE COURT: All right. Well, good morning. I
7 need to hear some more argument potentially, I guess,
8 testimony on flight. Obviously, I did the research
9 overnight. I will tell you what my concern is, and
10 this is what I'm looking at.

11 I hear you, Ms. Jones, when you say that he was in
12 North Carolina, this bond -- or, I'm sorry, this arrest
13 warrant was issued on July 6th of 2015. They didn't
14 find him until September. When they did finally
15 apprehend him, he was hiding in a closet, under
16 clothing, in a garbage bag was my understanding.

17 Mr. Plexico, I hear you tell me that that was his
18 residence where he was living. However, his driver's
19 license has an Estill address on it, he was being
20 followed by probation at Beaufort County, and that was
21 not his residence.

22 So my question then becomes is, there's got to be
23 a nexus between his flight and this incident. And I
24 hear your argument that he was running because he was
25 on probation and there was an arrest warrant, my

COLLOQUY

1 understanding, is out for him for probation. I need to
2 know when the arrest warrant was for probation. And,
3 again, I know the burden is on the State to prove that
4 he had knowledge of this arrest warrant, but it's hard
5 to believe that he didn't know there was an arrest
6 warrant out there for murder.

7 Apparently you are telling me he knew he was in
8 violation of his probation and there was an arrest
9 warrant out there for the probation case, which I
10 understand there was. But, again, how would he know
11 that there was an arrest warrant out there for murder?

12 And even for the simple fact that when they
13 finally did find him in North Carolina, he was still
14 hiding, and still hiding in a closet. So, again, I'm
15 concerned about what the nexus is again. But all the
16 case law says, it has to be directly connected to this
17 case to be able to infer, you know, some type of guilt.

18 So who wants to go first? I guess, Ms. Jones, I'm
19 going to allow you to go. Tell me what else you know.

20 MS. JONES: Okay. I actually spoke with probation
21 this morning, so I have some dates on when everything
22 happened with them. It looks like he was -- his
23 initial intake for probation was on April 7th of 2014,
24 and he did that original interview. He had a follow-up
25 on May 12th of 2014. But then after an arrest on May

COLLOQUY

1 16th, 2014, he failed to report ever again.

2 THE COURT: So what was he arrested for on May
3 16th, 2014, or do you have any idea?

4 MS. JONES: I am not sure. It was something in
5 Estill -- he was released immediately, it had to have
6 been a municipal court charge.

7 A warrant was issued on January 16th of 2015.

8 THE COURT: Okay.

9 MS. JONES: So about five months before this
10 murder happened.

11 THE COURT: Okay.

12 MS. JONES: What I am relying on, and I believe
13 when I heard Mr. Plexico argue yesterday, was that he
14 was always in North Carolina. That is where he lives,
15 that is why he was in North Carolina.

16 When Dominique Coleman was here two days ago, and
17 she testified under oath that she worked for Estill
18 police department between June of 2014 to September of
19 2015, and that was the time period she got to know
20 Mr. Casey Jones, Senior. That is evidence that that
21 time period, he was in Estill. He was not in North
22 Carolina. He was in Estill enough for her to know who
23 he is.

24 I believe if he was running from probation, he
25 would have ran prior to that. He would have ran when

COLLOQUY

1 he absconded in May 2014, and he didn't. He stayed
2 until -- at least until June 3rd, 2015 would be my --
3 the State's contention obviously.

4 THE COURT: Right.

5 MS. JONES: By him staying after he was already
6 absconded for over a year, apparently that shows that
7 he wasn't that worried about this violation of
8 probation. He didn't flee to North Carolina until
9 after this murder, based on Dominique Coleman's
10 testimony that she had seen him around town.

11 And I think another part, I spoke with Agent
12 Sampson, who was part of the task force. He is a U.S.
13 Marshal task force officer -- or, no, he's part of
14 SLED's fugitive task force. And he said that the way
15 that they got the information on his house, is that is
16 where the locals told him that Mr. Senior lived. (

17 They went there three times. they were never able
18 to get a good phone number for him, they told that they
19 spoke with an elderly lady, and they said we are
20 looking for Senior, we are looking for him on these
21 warrants, and it would behoove him to turn himself in
22 on these warrants on three separate occasions, to an
23 address that was known to be his home.

24 I just find it highly unlikely that this
25 information was given to somebody that is in his own

COLLOQUY

1 home and he doesn't receive it. I also find it suspect
2 that he, based on Dominique Coleman, was in the area
3 until at least after this murder.

4 MR. PLEXICO: May I respond to that?

5 THE COURT: Yes, sir.

6 MR. PLEXICO: First of all, Dominique Coleman
7 testified that she never had a conversation with my
8 client, that she saw him around town and could not give
9 the Court any dates specifically or a time when she saw
10 him. She was simply familiar with having seen him.

11 Furthermore, Dominique Coleman testified that SLED
12 Agent McCallister gave her the names of the people, and
13 said this is who we are looking for. She never
14 testified -- she testified she never had a conversation
15 or a professional contact with Casey Jones, Senior.
16 There is no evidence that anybody they talked to in
17 Estill talked to my client and informed him that there
18 was a warrant out for his arrest in relation to this
19 matter.

20 So while they may term this as "highly suspect,"
21 clearly, there's not a shred of evidence that they have
22 that someone told him he was being sought for this
23 crime. And the evidence is to the contrary, when he
24 apparently absconded almost within a month, and they
25 never had another contact with him after May 12th. And

COLLOQUY

1 he was placed on probation in April, then in May, he
2 had a report, and they never heard from him after that.

3 THE COURT: Let me ask you a question. Is his
4 alibi witness the same woman that he supposedly lived
5 with at this home?

6 MR. PLEXICO: No, Your Honor.

7 THE COURT: No. Different person.

8 MR. PLEXICO: Correct.

9 THE COURT: Okay. And we don't know the name of
10 the woman that they met at this house and told three
11 different times?

12 MS. JONES: Agent Sampson could not remember her
13 name.

14 THE COURT: Okay.

15 MR. PLEXICO: Now, I have the witness that he
16 lived with, who was his wife, Mrs. Cochran, who can
17 testify that that was his regular place of residence.

18 THE COURT: Okay. And his alibi is his girlfriend
19 in the town next door; is that correct?

20 MR. PLEXICO: Yes. If they had a disagreement, so
21 he would go stay with his girlfriend.

22 THE COURT: All right. Anything else we need to
23 take up this morning before we start again?

24 MR. PLEXICO: I have Mr. Herd here, if you want to
25 hear straight from probation and parole.

COLLOQUY.

1 THE COURT: Okay. So was he on parole or was he
2 on probation?

3 MR. PLEXICO: Probation. Excuse me.

4 THE COURT: He was on probation.

5 My understanding his probation was out of
6 Beaufort; is that correct, Mr. Heard?

7 MR. HERD: That is correct, Your Honor. Well, as
8 the probation started here in Jasper County, I mean, in
9 Hampton County, before he was sentenced. Then I think
10 he was held on a magistrate charge and then released,
11 and didn't make a report to Beaufort County. I didn't
12 catch all the information, but I got a summary here
13 that answers any information. But his probation was
14 terminated on October the 2nd of 2015.

15 Our department issued the warrant. On January the
16 16th, 2015, we considered him absconded. When he was
17 taken into custody on the present charge which he's
18 being tried on, our warrant was served and, I guess,
19 they transported him over to Beaufort and had the
20 hearing on October the 2nd, 2015. And went ahead and
21 just terminated probation because I think he had more
22 serious matters pending.

23 THE COURT: Matters to deal with. Okay.

24 MR. HERD: In fact, I think he does --

25 THE COURT: Sounds like it was me, from what Mr.

COLLOQUY

1 Plexico says.

2 MR. HERD: Yeah, that's what from the records that
3 I see here, too.

4 THE COURT: Okay. Well, other than that, do you
5 have any other issues this morning we need to take up
6 from the State?

7 MS. JONES: I don't believe so.

8 THE COURT: From the Defense? Anyone else? Mr.
9 Newman? Mr. Koger? No?

10 MR. PLEXICO: Would it aid the Court to hear from
11 the witness, the wife? I could proffer what she would
12 say.

13 MS. JONES: If Mr. Plexico knows she'll say, I --

14 THE COURT: Still, even if you say that she lives
15 in North Carolina, what about him hiding when they come
16 to get him? He was in a closet, with a bag over his
17 head.

18 MR. PLEXICO: That is not an issue. That is not
19 an issue. Because it doesn't matter where they find
20 him, whether it was in the bathtub, or the closet, or
21 he was hiding in the cellar. That is not the issue.
22 Okay? The issue is, does he have knowledge that he's
23 being sought for this crime? They have not a shred of
24 evidence that he has any knowledge that he's being
25 sought for this crime.

COLLOQUY

1 And on top of that, he is on probation, for which
2 a warrant is out for. He knows he's on probation, he's
3 reported before and absconded essentially the next
4 month. And he has five years over his head.

5 When the police come knocking, he certainly knows
6 that he's on probation. Of course, he's going to hide
7 himself in a bag. Where he is hiding is not the issue.
8 It is why he's hiding. Does he have a guilty mind
9 because of this case, and should have known -- it is
10 like pre-trying him. He has pled not guilty, and you
11 cannot attribute a guilty mind to him in that decision.
12 That is why the laws of the Beahm, Robinson and
13 Torrence is set up that way, in Robinson and Foutz.

14 THE COURT: Is the whole jury -- is everyone here
15 from the jury?

16 THE CLERK: Yes, ma'am.

17 MS. JONES: I just have a little bit of more
18 information about them actually finding him. It was
19 the U.S. Marshal. I don't think it's commonplace for
20 probation to send the U.S. Marshals out to go get
21 somebody. They made themselves known, they was given
22 the apartment multiple times. It was potentially a
23 stand-off situation. Nobody would come to the door,
24 even though they saw lights coming on and off inside
25 the apartment. Eventually, a note pops up in a window,

COLLOQUY

1 I believe in the back of the house, that said, "He's in
2 here, back door is unlocked, come upstairs."

3 And the U.S. Marshals get word from these two
4 individuals in the home, which was the wife and I
5 believe her adult son. And the reason they didn't
6 answer the door is because they were scared, and he
7 told them not to.

8 U.S. Marshals then go upstairs, back door is
9 unlocked, they go in, and they find him where they
10 found him, in a closet, in a trash bag with clothes
11 covered on top of him. So --

12 I just don't see any argument that he's running
13 from probation when it comes to those facts.

14 MR. PLEXICO: That argument also goes to them
15 serving, the Federal Marshals. Then she's saying they
16 would not be serving a murder warrant either because
17 they are Federal Marshals, but they are not supposed to
18 serve a probation warrant, which is a State warrant.
19 But they can serve another State warrant, which is a
20 murder warrant.

21 So that doesn't even make sense, and it goes to
22 the drama of the arrest. It has nothing to do with
23 Beahm, which was cited by State V Robinson. That still
24 doesn't show he had knowledge of a warrant out for this
25 murder. It doesn't show a guilty mind.

COLLOQUY

1 THE COURT: Okay. I understand the charges. All
2 right. I'm going to step down for five minutes and
3 I'll be back with y'all. Okay?

4 MR. NEWMAN: Your Honor, if I could. You just
5 made a two-headed question on that, because I know a
6 little bit of how law enforcement works on -- with the
7 task force. There is a U.S. Marshal here to ask him
8 whether or not -- what kind of warrants they serve.

9 THE COURT: My question is, would he know that?

10 MS. JONES: I think maybe probation would know
11 that.

12 THE COURT: No, no. Would Jones know that? I
13 mean, would he know he's being picked up for a
14 probation violation or a murder warrant?

15 MS. JONES: Well, I think he's been on the run for
16 essentially a year by this point on probation violation
17 and nobody has stormed his house. And then this murder
18 happens in June, and three months later his house was
19 surrounded by the U.S. Marshals.

20 MR. PLEXICO: Supposition.

21 THE COURT: Okay. Give me a five minutes and we
22 will come back. I hear the jury is all here. I'll be
23 right back. Thank you.

24 (Whereupon, the Court was in recess.)

25 THE COURT: Thank you. Please be seated.

COLLOQUY

1 Okay. Before we bring the jury in, I think the
2 flight issue is a close call. I'm going to go ahead
3 and say that. In my mind, clearly, if we could have
4 had an officer that had spoken with him or could
5 testify that they clearly told him to come turn himself
6 in, just like the other two, which, I would have hoped
7 would have happened, I think out of an abundance of
8 caution, again, because there was a South Carolina
9 probation warrant, we don't have any way for me to feel
10 firmly comfortable in Mr. Jones, Senior having notice
11 that he was being sought on a murder warrant versus a
12 probation warrant. I'm not going to let the flight in.

13 Okay. So with that said, as I said, that's a
14 close call.

15 MS. JONES: Thank you, Your Honor.

16 THE COURT: So other than that, if you need to go
17 release someone, you're welcome to go do that. If you
18 want to take just a few minutes before we start, I'd
19 like the witnesses to stay. you can go do whatever you
20 need to do.

21 MS. JONES: Yes, Your Honor. Thank you.

22 THE COURT: Sure.. Sure.

23 (Pause.)

24 MS. JONES: Thank you.

25 THE COURT: You ready to go? All right. Let's

COLLOQUY

1 bring the jury out, please.

2 (The Jury enters the courtroom.)

3 THE COURT: Good morning, ladies and gentlemen.

4 It's a pleasure to see you all. We were going to go
5 ahead and continue with the trial of this case.

6 Ms. Jones, if you'll call your first witness for
7 this morning.

8 MS. JONES: Thank you, Your Honor. State calls
9 Agent Katie McCallister.

10 THE COURT: Okay.

11 Thereupon,

12 KATIE MCCALLISTER

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

15 DIRECT EXAMINATION

16 BY MS. JONES:

17 Q Good morning, Agent McCallister.

18 A Good morning.

19 Q Where do you work?

20 A I work for the South Carolina Law Enforcement
21 Division.

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

23 A I am a special agent in the Lowcountry region,
24 investigative services.

25 Q And do y'all -- does SLED occasionally assist

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 other agencies throughout the state?

2 A We do.

3 Q How long have you been with SLED?

4 A Almost five years.

5 Q And were you asked to assist in the investigation
6 for the case we are here for today?

7 A I was.

8 Q Can you please tell the Court a little bit about
9 that, how you got involved?

10 A Yes. On June 3rd, 2015, I received a phone call
11 from my lieutenant. He advised me that there had been a
12 murder in Jasper County. I proceeded to Jasper, to ■
13 Clover Circle, which is here in Jasper County. Once I
14 arrived on scene, our crime scene unit from Columbia was
15 already there, and there was crime scene tape up, and from
16 there we began our investigation.

17 Q Were there any other civilians aside from law
18 enforcement on scene?

19 A No. The four juveniles that I was told initially
20 were in the home, they had been taken to the Jasper County
21 CID office and were interviewed there.

22 Q Okay. And were you briefed or -- you were the
23 lead case officer for this case, correct?

24 A Yes.

25 Q So you received information that was coming in

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 from other agents who had possibly assisted?

2 A Yes. They got there before I did.

3 Q Okay. So were you briefed for the interviews of
4 these juveniles?

5 A Yes.

6 Q And were you given the name, Jamarcus Brisbane?

7 A I was.

8 Q And in what manner?

9 A One of the juveniles identified Mr. Brisbane.

10 From there, we located Mr. Brisbane, and the next day, which
11 would have been June 4th, I interviewed him.

12 Q Okay. And were you able to exclude him as a
13 suspect?

14 A I was, yes.

15 Q How so?

16 A Mr. Brisbane had recently been released from
17 prison. He was picked up by family members. He had been in
18 the custody of his family members since his release, which
19 would include the day of the murder. He had seen his
20 father, who lived in Walterboro, upon his release, and from
21 there, he stayed with his aunt, who was a school teacher.
22 When she was at work, her husband, who -- he works nights, - I
23 can't remember what he did -- but her husband was home
24 during the day doing little things around the house, and he
25 was not left alone.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Q Did he have an alibi?

2 A He did.

3 Q Did any of the other juveniles identify

4 Mr. Brisbane?

5 A They did not.

6 Q You eventually learned there were surveillance

7 cameras, correct?

8 A Yes.

9 Q And what happened with that?

10 A The day of the incident, when I arrived, we saw

11 the cameras. Our crime scene contacted computer crimes,

12 they were disconnected, crime scene transported the DVR

13 system to Columbia.

14 I believe it was the next day, I obtained a

15 search warrant for that system. I sent it off to Columbia,

16 to Michael Lynch, and he processed the DVR and gave me the

17 results, which were the video and the still shots.

18 Q Okay. And with that video and the stills, what

19 did you do?

20 A Initially I viewed them.

21 Q And then what?

22 A And then we prepared a bulletin. I didn't know

23 who they were. The bulletin went out statewide for any law

24 enforcement that may have information to view them, so see

25 if -- if they could -- it was basically a request for