

 ORIGINAL

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

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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

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

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

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT # 98 (DVD)**

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 information. And from there, we showed people.

2 Q Okay. So you viewed the video first?

3 A I did.

4 Q You watched it?

5 A Yes.

6 Q Did you have an opportunity to interview a man
7 named Devondra James?

8 A I did.

9 Q Okay. And why was he interviewed?

10 A In their interviews, one of the children -- or I'm
11 sorry, one of the juveniles heard the name "Dog." We didn't
12 know if it was a term of endearment or if that was the
13 gentleman's real nickname. We got information that Devondra
14 James goes by the nickname of Dog. We interviewed Mr.
15 James.

16 When Mr. James came in to speak with us, he
17 was using a walker. He had recently been in a car accident,
18 and his -- I believe it was his left leg was broken, and he
19 needed a walker to assist him with walking. He was in -- he
20 was in pretty bad shape.

21 Q And what was the date of your interview with
22 Mr. James?

23 A June 4th, the day after the incident.

24 Q Okay. When you reviewed the interview, how many
25 of the suspects -- or not the interview.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 When you reviewed the recording, how many of
2 the men on the recording are walking with the assistance of
3 a walker?

4 A None.

5 Q Okay. Back to the recording itself. You said you
6 showed it to people?

7 A Yes.

8 Q Okay. And how did that process go about?

9 A Typically with everybody, I explained who I was,
10 what we were doing, that we were trying to investigate a
11 homicide. I asked them if they could view the still shots
12 and/or the video and see if there was anybody that they
13 recognized.

14 Q How did you determine who to show this video to,
15 or the still shots to?

16 A Initially we received a tip that one of the men
17 could have been from Estill. So we approached officers with
18 Estill police department to see if they were maybe familiar
19 with them.

20 Q Okay. Who was the first person you showed the
21 video and/or the stills to?

22 A That would be Special Agent Jeff Croft with SLED.

23 Q Okay. And what did you show him?

24 A I showed him the stills and the video.

25 Q Okay. And --

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 MS. JONES: Permission to approach the witness?

2 THE COURT: You may.

3 BY MS. JONES:

4 Q Agent McCallister, I'm showing you what has
5 already been admitted as State's 15. What is that?

6 A That is the video from the surveillance system.

7 Q Okay. So this is the only video you have in your
8 possession at that time?

9 A Yes.

10 Q And is this the video you show to a group of
11 people?

12 A Yes.

13 Q Okay. Do you show it to people in groups, in
14 pairs, or one at a time?

15 A One at a time.

16 Q Okay. And so the first one was Agent Jeff Croft?

17 A Yes.

18 Q Do you -- what do you say to him before you show
19 him this video?

20 A Agent Croft had been there that day assisting me.
21 I asked him if would view the video and the stills to see if
22 there was anybody he recognized.

23 Q Did he do so?

24 A He did.

25 Q And did he recognize anybody?

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 A He did.

2 Q And what -- I guess it would be easy to say there
3 were three men in the video. The first one on the porch,
4 the second one, the third one. Which one did he identify?

5 A He identified the second male.

6 Q Did he provide a name?

7 A Yes.

8 Q Okay. Did you in any way influence him?

9 A No.

10 Q Did you tell him who to pick out?

11 A No.

12 Q Okay. Did he do that on his own accord?

13 A He did.

14 Q Okay. Who was the next person you showed the
15 stills or the video to?

16 A I believe it was Officer Dominique Coleman with
17 the Estill police department.

18 Q Okay. And --

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

20 THE COURT: You may.

21 BY MS. JONES:

22 Q Agent McCallister, I'm going to show you State's
23 32 through 36. Are these the actual still photographs you
24 used in your identifications?

25 A Yes.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Q Okay. So this coupled with the only video is what
2 you would have shown these people?

3 A Yes.

4 Q And who is Dominique Coleman?

5 A She's a police officer with the Estill police
6 department.

7 Q Okay. And what did you show her? Did you show
8 her the video and the stills?

9 A I believe both, yes.

10 Q Okay. Was she able to make an identification?

11 A She was.

12 Q Okay. Was it suspect one, two, or three?

13 MR. PLEXICO: I would object as to hearsay, Your
14 Honor.

15 MS. JONES: I'll withdraw the question.

16 BY MS. JONES:

17 Q She made a positive identification?

18 A She did. She identified two --

19 MR. PLEXICO: Your Honor.

20 THE COURT: She already testified.

21 MR. PLEXICO: Not to who.

22 MS. JONES: Dominique Coleman.

23 THE COURT: I apologize. Okay. Never mind. Go
24 ahead.

25 BY MS. JONES:

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Q Prior to you showing her this footage or this
2 photograph, what did you say to her?

3 A I told her that we were investigating a murder
4 that had taken place in Jasper County, and I asked if she
5 would view the video and the stills to see if there was
6 anyone she recognized.

7 Q Okay. Did you influence or suggest to her anybody
8 to identify?

9 A No.

10 Q Who is the third person you showed the images and
11 the surveillance to?

12 A I believe it was deputy chief -- well, deputy
13 chief at the time, Collins, from Estill police department.

14 Q Okay. And, again, what do you say to him prior to
15 showing him these images and videos?

16 A That we were investigating a murder that had taken
17 place in Jasper County. I asked him to view the stills and
18 the video to see if there was anyone he knew.

19 Q Again, did you suggest in any way who he should
20 identify, that he needs to identify. In any way, did you
21 influence him?

22 A No.

23 Q Any identification he would have made was
24 voluntary and on his own accord?

25 A Yes.

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 Q Who was the next person you showed it to?

2 A Starsheika Scott.

3 Q And who is Ms. Scott?

4 A She is the victim, Jeremiah Wilson's sister.

5 Q Okay. And do you show her the photos or the
6 video?

7 A The still shots.

8 Q And does -- again, what do you say to her prior to
9 showing her these?

10 A Unfortunately, Ms. Scott was aware that we were
11 investigating the homicide of her brother. I asked her to
12 take a look at the photos to see if there was anyone she
13 recognized.

14 Q Again, did you suggest or influence her in any
15 way?

16 A No.

17 Q Okay. Did you show it to another person?

18 A Yes, Craig Proctor King.

19 Q Okay. And did you show him the video and the
20 stills?

21 A Yes.

22 Q And, again, prior to showing him this, what do you
23 advise him?

24 A That there had been a murder in Jasper County that
25 we were investigating. I asked him to take a look at the

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 video and the stills to see if there was anyone that he
2 recognized.

3 Q Okay. And after that, as the lead officer, you
4 get arrest warrants.

5 A Yes.

6 Q Okay. What address did you have for Mr. Jones,
7 Senior?

8 MR. PLEXICO: I object, Your Honor. That is not
9 relevant.

10 THE COURT: Okay. Are you going to tie these
11 somehow? Is it relevant?

12 MS. JONES: It is relevant. Could we have a side
13 bar, Your Honor?

14 THE COURT: Sure.

15 (Off-the-record discussion held.)

16 BY MS. JONES:

17 Q Okay. Agent McCallister, what was Mr. Jones,
18 Senior's address?

19 A ■■■ First Street, Estill, South Carolina.

20 MR. PLEXICO: I would object, improper foundation,
21 Your Honor. I would move to strike that.

22 THE COURT: Okay. It's overruled.

23 MS. JONES: Thank you.

24 BY MS. JONES:

25 Q And how about Mr. Jones, Junior?

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 A [REDACTED] Savannah Highway, Estill, South Carolina.

2 Q Okay. And while we are at it, Mr. Bostick?

3 A [REDACTED] Highland Road, Decatur, Georgia.

4 Q Okay. Thank you.

5 And where did you obtain those addresses?

6 A Through the DMV.

7 Q Okay. Eventually, you come into contact with
8 Mr. Jones, Junior; is that correct?

9 A Yes.

10 Q Okay. And do you have an opportunity to talk to
11 him?

12 A I do.

13 Q Okay. Prior to talking to him, what do you tell
14 him?

15 A I advise him of his Miranda rights.

16 Q Okay.

17 MR. NEWMAN: Sorry, Your Honor. May we approach?

18 THE COURT: Certainly.

19 (Off-the-record discussion held.)

20 MR. NEWMAN: I have no objection, Your Honor.

21 BY MS. JONES:

22 Q Agent McCallister, you mentioned Miranda rights.

23 A Yes.

24 Q I'm going to show you what has been marked as
25 State's Exhibit 70. Can you please identify that?

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 A This is a SLED Miranda rights form that I signed
2 and Agent Bancroft signed, and so did Mr. Jones, Junior.

3 Q Okay. What is the date of that?

4 A July 13th, 2015.

5 Q Okay. And if you could just read that and tell me
6 what it says.

7 A It says, Miranda rights, the place would be Jasper
8 County criminal investigations office. The date was July
9 13th, 2015. the time was 1:31 p.m.

10 It says, "Before we ask you any questions,
11 you must understand your rights. You have the right to
12 remain silent. Anything you say can be used in court as
13 evidence against you. You are entitled to talk to a lawyer
14 now and have him present now or at any time during
15 questioning. If you cannot afford an attorney, one will be
16 appointed for you without cost. If you decide to answer
17 these questions now without a lawyer present, you will still
18 have the right to stop answering at any time. You also have
19 the right to stop answering at any time until you talk to a
20 lawyer. Do you understand these rights? Do you wish to
21 talk to us at this time?"

22 And then at the bottom, it says, "Waiver of
23 Rights. I have read the statement of my rights and I
24 understand what my rights are. I'm willing to talk now
25 without a lawyer present. I understand and know what I am

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 doing. No promises or threats have been made to me, and no
2 pressure or coercion of any kind has been used against me."

3 Q Okay. And is that what you presented to
4 Mr. Jones, Junior that day?

5 A It is.

6 Q And did he acknowledge he understood all of that?

7 A He did. By his initials, and then his signature
8 at the bottom under the waiver.

9 Q Okay. And that's your signature as well?

10 A It is. Mine is the top one.

11 Q At any time during your questioning, does he
12 appear not to understand what you are asking him?

13 A No.

14 Q Are his answers rationally based?

15 A Yes.

16 Q And he has no trouble reading that form or
17 understanding your questions?

18 A No.

19 Q And does he waive his rights?

20 A He does.

21 Q And does he, in fact, talk to you?

22 A He does.

23 Q And you get a statement from him that day?

24 A I do.

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

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 State's 70 into evidence.

2 THE COURT: Without objection?

3 MR. NEWMAN: That's correct.

4 THE COURT: It's in evidence without objection.

5 *(Whereupon, State's Exhibit No(s). 70 marked for*
6 *identification and received in evidence.)*

7 MS. JONES: Permission to approach?

8 THE COURT: You may.

9 BY MS. JONES:

10 Q I'm showing you now what's been marked State's 69.
11 Can you identify that?

12 A This is a SLED voluntary statement form.

13 Q Okay. And how can you identify that form?

14 A This is the form that Mr. Jones gave his statement
15 to us on.

16 Q Okay. And is that indicated by signatures
17 anywhere?

18 A Yes. His signature at the bottom and his name and
19 identifying information at the top.

20 Q Okay. And is your signature on that form?

21 A It is, at the bottom.

22 Q Okay. And is that, in fact, the statement he gave
23 you that day?

24 A It is.

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

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 moves State's 69 into evidence.

2 THE COURT: Without objection, in evidence.

3 MR. PLEXICO: Without objection.

4 *(Whereupon, State's Exhibit No(s). 69 marked for*
5 *identification and received in evidence.)*

6 BY MS. JONES:

7 Q And, Agent McCallister, if you could read to the
8 Court what his statement says.

9 A It says, "I get up in the morning around 11 for
10 work every day. I landscape several yards until about five
11 and then goes to my girl house and mom's house almost
12 everyday."

13 Q Was this specific about June 3rd, 2015?

14 A It is not.

15 Q Thank you. I can get those from you.

16 Did you at any point in your investigation
17 attempt to find some photographs of these individuals?

18 A I did.

19 Q And were you able to come across one of Mr. Jones,
20 Junior?

21 A Yes.

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

23 THE COURT: You may.

24 BY MS. JONES:

25 Q Why were you looking for a new -- for a different

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 photograph of Mr. Jones, Junior?

2 A At least one of the juveniles in their interviews
3 told us that one of the suspects had gold teeth.

4 Q Okay. Agent McCallister, I'm showing you State's
5 68. Can you identify that?

6 A This is a photo of Casey Jones, Junior.

7 Q Is that a photo that you came across during your
8 investigation of this case?

9 A Yes.

10 Q And is it a fair and accurate copy of the photo
11 that you had in your possession?

12 A It is.

13 MS. JONES: Your Honor, at this time, State moves
14 68 into evidence.

15 THE COURT: Without objection?

16 MR. PLEXICO: No objection.

17 *(Whereupon, State's Exhibit No(s). 68 marked for*
18 *identification and received in evidence.)*

19 MS. JONES: Permission to publish.

20 THE COURT: You may.

21 BY MS. JONES:

22 Q And this is the photo that's in your hand right
23 now?

24 A It is.

25 Q And why did you keep this photograph for this

DIRECT EXAMINATION OF K. MCCALLISTER BY JONES

1 investigation?

2 A Looking at the photo, he has two front gold teeth.

3 Q Thank you.

4 MR. PLEXICO: Agent McCallister, I have no further
5 questions for you at this time. If you could answer
6 any questions that the Defendants may have.

7 THE COURT: Mr. Plexico.

8 CROSS EXAMINATION

9 BY MR. PLEXICO:

10 Q Good morning, ma'am.

11 A Good morning.

12 Q Now, you interviewed, you said, Chief Collins; is
13 that correct?

14 A Yes, sir.

15 Q And you interviewed Dominique Coleman, the other
16 officer.

17 A Yes, sir.

18 Q And these are both Estill officers?

19 A Yes, sir.

20 Q Did you interview them on the same day?

21 A Yes.

22 Q Did you make contemporaneous notes as you
23 interviewed them, or did you make the notes later?

24 A I made the notes later.

25 Q All right. Could you have interviewed Chief

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 Collins first and then Dominique Coleman second? Could you
2 have done that?

3 A Yes, sir, that's possible.

4 Q That's possible?

5 A Yes.

6 Q Okay. All right. And Chief Collins, he was in
7 his office that day working?

8 A He was.

9 Q All right. And I believe Dominique Coleman was on
10 patrol that day, or did she come in later?

11 A I think she happened to come into the office while
12 I was there.

13 Q Okay. All right. All right. Now, when you
14 interviewed Dominique Coleman, did you tell her the names of
15 the three defendants who are on trial today?

16 A I do not recall doing --

17 Q Prior -- excuse me?

18 A I'm sorry. Go ahead.

19 Q Prior to her looking up those videos or stills?

20 A I do not recall giving her names, no.

21 Q Could you possibly have given her names?

22 A It is possible.

23 Q And you have no personal knowledge about anything
24 that happened besides what's already been presented to you
25 by the Solicitor's office and the Defense and the Court; is

CROSS EXAMINATION OF K. MCCALLISTER BY PLEXICO

1 that correct?

2 A Yes.

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

4 CROSS EXAMINATION

5 BY MR. KOGER:

6 Q Agent McCallister, do you recall before you spoke
7 with Agent Croft of giving the name of "Bugs"?

8 A I do not recall giving him a nickname, no.

9 Q Okay. Is it possible?

10 A It is possible.

11 Q Okay. And I think you just testified to that you
12 didn't know whether you spoke with -- it could have been
13 possible that you could have reversed the order in which you
14 spoke with Chief Collins and Agent Coleman, correct?

15 A Yes, sir. I don't remember which one I spoke to
16 first. I believe it was Chief Collins.

17 Q Okay. Now, you said in your report that you
18 received information from -- that Deputy Russell received
19 information from Craig Proctor that he had some information
20 on this case, correct?

21 A Yes.

22 Q All right. And you didn't actually speak with Mr.
23 Proctor, correct?

24 A I did speak with Mr. Proctor, yes, sir.

25 Q Did you send Mr. Russell, or you spoke with him

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 personally?

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

3 THE COURT: You may.

4 (Off-the-record discussion held.)

5 BY MR. KOGER:

6 Q Agent McCallister, did you speak with him
7 personally, or you sent Deputy Russell to speak with Mr.
8 Proctor?

9 A I spoke with Mr. Proctor personally.

10 Q And was he -- where was Mr. Proctor residing at
11 that particular time?

12 A I don't know where he lived.

13 Q Okay. Was he -- was he at the Hampton County
14 Detention Center at that particular time?

15 A He was, yes.

16 Q And do you know how long had he been there before
17 he attempted to contact you?

18 A I don't know.

19 Q Do you know what charges he was in the Hampton
20 County Detention Center for?

21 A I don't recall, no, sir.

22 Q Okay. But is your testimony at the time that
23 either you or Deputy Russell spoke to him, he was in the
24 Hampton County Detention Center?

25 A Yes, sir, he was.

CROSS EXAMINATION OF K. MCCALLISTER BY KOGER

1 Q And according to report, he was there on unrelated
2 charges?

3 A Yes.

4 MR. KOGER: Thank you. No further questions.

5 THE COURT: Mr. Newman.

6 CROSS EXAMINATION

7 BY MR. NEWMAN:

8 Q Agent McCallister, this case originated from the
9 Jasper County Sheriff's Office as the original responding
10 law enforcement, correct?

11 A Yes, sir.

12 Q Jasper County, due to, I think what I've heard, is
13 limited resources would reach out to SLED, that has more
14 resources?

15 A Yes, sir.

16 Q All right. And you were called in?

17 A Yes, sir.

18 Q All right. And you became the lead investigator
19 in the case, correct?

20 A Yes, sir.

21 Q And you would be the person who was sitting in
22 court the whole time, you would be the person most familiar
23 with the investigation in this case, correct?

24 A Yes.

25 Q And in your training at SLED, you were taught how

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 to investigate a case, correct?

2 A Yes.

3 Q All right. Now, almost immediately, and within
4 the res gestae, for lack of a better word, the oldest child
5 gave you the name of Mr. Jamarcus Brisbane.

6 A Yes, sir.

7 Q And you went and interviewed Mr. Jamarcus
8 Brisbane.

9 MR. NEWMAN: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 BY MR. NEWMAN:

13 Q You went and interviewed this gentleman, correct?

14 A Yes, sir.

15 Q Jamarcus Brisbane?

16 A Yes.

17 Q All right. Now, Mr. Brisbane told you that -- or
18 you had tracked down records that he had been recently
19 released from prison?

20 A Yes.

21 Q About a week beforehand?

22 A Yes.

23 Q All right. And Mr. Brisbane was in prison for
24 robbery and drug charges, correct?

25 A I believe so, yes, sir.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q All right. Would it be reasonable to assume that
2 this fellow with robbery and drug charges, he just got out
3 of prison, probably didn't have any money?

4 MS. JONES: Objection, speculation.

5 MR. NEWMAN: She is an investigator, did it cross
6 your mind?

7 THE COURT: She can potentially -- if she can
8 answer it.

9 A I'm not sure.

10 BY MR. NEWMAN:

11 Q Did you ask him?

12 A No, sir.

13 Q All right. Now, he told you he couldn't have done
14 this crime because your report says he was at his mama's
15 house. I think you testified he said he was at his aunt's
16 house?

17 A Give me just one second.

18 Q Yes, ma'am, please.

19 A He was at -- he was with his aunt and his father,
20 I believe.

21 Q His aunt and his father. All right. And what is
22 his aunt's name?

23 A I do not recall her name.

24 Q What is his father's name?

25 A I can't remember that one either.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q What was the address of the aunt? Where did she
2 live?

3 A It was a local address here in Jasper County.

4 Q Okay. Give me the address.

5 A I don't know it off the top of my head.

6 Q Well, how far is it from Clover Circle?

7 A I don't know.

8 Q All right. What is the father's address?

9 A I believe it was a Walterboro address.

10 Q Okay. And what was that address?

11 A I don't know the exact address.

12 Q So you have got a suspect that matches all the
13 descriptions, although they are vague, you've got the oldest
14 child, who ostensibly saw the most of this, identifies to
15 the responding deputies, later to you, and then a
16 photograph, Jamarcus Brisbane. And your investigative
17 skills told you to interview an aunt that you don't know who
18 she is or where she lives, and you rule him out as a suspect
19 based on that; is that correct?

20 A Yes, sir.

21 Q And you did nothing to verify this supposed alibi
22 from two family members?

23 A I did. I spoke with his aunt.

24 Q Right. What was her criminal record?

25 A I don't know.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q You don't know her address, and you don't know her
2 name?

3 A I can't recall her name.

4 Q You didn't have the aunt and/or the father give
5 any written statements?

6 A No.

7 Q What were the exact times he was at the aunt's
8 house, that you don't -- you know the local address, but
9 don't know where it is?

10 A I don't recall the exact times.

11 Q So they gave you vague information that he was to
12 the house. This fellow, this young man that just got out of
13 prison hang out with daddy and aunt and not go out at night.
14 Not go out, looking to go thug around and get money. You
15 just accepted that from this robber, drug dealer, that, boy,
16 he's okay. I cleared him.

17 A Yes, sir.

18 Q Even though the child in the house identified him,
19 and the child in the house knows who he is. And had seen
20 him before. And I think is distantly related to him. And
21 you just accepted that?

22 A Yes, sir.

23 Q And that was in step with your training as an
24 investigator to not -- to just accept that.

25 A I found the aunt and Mr. Brisbane and his father

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 to be credible.

2 Q Okay. This jury doesn't have that chance to find
3 whether they are credible or not, do they, because we don't
4 know who they are; is that correct?

5 A Yes, sir.

6 Q Now, you mention that you have shown these some
7 videos, some photographs, and some combination of the video
8 and the photograph to Agent Croft, correct?

9 A Yes, sir.

10 Q And he is a member of your department, correct?

11 A Yes, sir, he is.

12 Q He is a fellow, and you've worked with him before?

13 A Yes, sir.

14 Q All right. You have shown them to Dominique
15 Coleman, to Deputy Chief, now Chief Collins, to Starkeisha
16 (sic) Scott, and to Craig Proctor, correct?

17 A Yes, sir.

18 Q All right. These images and stills were also
19 shown to the Yemassee police officer named Joel Loadholt,
20 correct?

21 A Yes, sir.

22 Q And in your investigative report, did Mr. Loadholt
23 make -- did you write down and note that Mr. Loadholt made
24 an identification of, I believe, Junior and Senior?

25 A I was not the agent who showed Mr. Loadholt the

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 photos or the video.

2 Q Right. And that was Agent Croft?

3 A Yes, sir.

4 Q All right. A fellow agent in your department?

5 A Yes, sir.

6 Q And you are lead investigator and have most
7 knowledge about that case?

8 A Yes.

9 Q Okay. Understanding that, did you report that
10 Mr. Loadholt, likewise, made an identification of Junior and
11 Senior?

12 A Yes.

13 Q Mr. Loadholt is not here today, and is not being
14 called as a witness by the State, correct?

15 A Yes, sir.

16 Q And is that because Mr. Loadholt denies that he --
17 Officer Loadholt --

18 MS. JONES: Objection.

19 MR. NEWMAN: -- denies --

20 MS. JONES: Objection, hearsay.

21 THE COURT: It is hearsay.

22 BY MS. JONES:

23 Q Officer Loadholt is not here and not being called
24 by the State, correct?

25 A Yes, sir. That is correct.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q All right. I'll ask Mr. Croft further about that,
2 if, in fact, he testifies.

3 Now, when you got the arrest warrants for
4 Mr. Jones, Junior, either you, somebody from SLED, or a
5 warrants division picked up the telephone and called
6 Mr. Jones, Junior, correct?

7 A I believe that's how it happened, yes, sir.

8 Q And they said we have arrest warrants for you,
9 correct?

10 A Yes.

11 Q And he made an arrangement, a date and time to
12 turn himself in, and turned himself into custody; did he
13 not?

14 A Yes.

15 Q And he showed up, and he made that appointment and
16 date and time and turned himself in; did he not?

17 A He did.

18 Q And, in fact, you told him he didn't have to make
19 statements?

20 A I did.

21 Q And he told you that he generally gets up around
22 11-ish and goes to work, he does landscaping, correct?

23 A Yes.

24 Q He never admitted to you or told you that he was
25 in any way, shape, or -- involved in this, correct?

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 A Yes.

2 Q Now, Mr. Jones turns himself in and gives you his
3 address, you are able to look at his driver's license to get
4 any identifying information, correct?

5 A Yes.

6 Q Okay. And in your investigation, Mr. Jones is now
7 in custody, at least temporarily, correct?

8 A Yes.

9 Q All right. Now, you have at this point some IDs,
10 and one of them, I think, on Mr. Jones, Senior, just kind of
11 the way he walks or something, can even identify the gait.
12 You have got some information based on people's opinions
13 looking at still shots and some videos, correct?

14 A Yes.

15 Q All right. So in -- there is distinctive clothing
16 that can be seen; is there not?

17 A Yes.

18 Q Okay. And what are claiming to be firearms in
19 each of the people's -- the assailants' hands, correct?

20 A Yes.

21 Q All right. You didn't get a search warrant for
22 their house, for Mr. Jones' house?

23 A No, sir.

24 Q Wouldn't you have liked to get a search warrant?

25 A I would have liked to, yes, sir.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Okay. And say, Judge, I'm looking for -- I'm
2 looking for a hat, I'm looking for a black shirt, shorts,
3 cell phones, any firearms. Now, you didn't do that?

4 A No, sir.

5 Q You didn't ask Mr. Jones even if he would consent
6 to a search of his residence, did you?

7 A No, sir.

8 Q Would you have not liked to have the clothing from
9 these individuals?

10 A I would have liked to, yes, sir.

11 Q And you had an address for Mr. Bostick?

12 A Yes, sir.

13 Q All right. And I believe it was in Georgia?

14 A Yes, sir.

15 Q All right. State to state, you're a state agent,
16 is there any problem -- is it that difficult to go and
17 request assistance from a fellow Georgia law enforcement
18 agency and have them get a search warrant from a -- I think
19 they call them Recorder Judge over there, similar to our
20 magistrate -- you could have got a search warrant over there
21 quite easily; could you have not?

22 A Yes, sir, could have.

23 Q All right. And, likewise, you could have gone
24 through Mr. Bostick's residence and looked for clothing,
25 looked for firearms, looked for money, anything that may

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 have been taken, correct?

2 A Yes, sir.

3 Q And that would have been important information,
4 correct?

5 A It would have, yes, sir.

6 Q All right. It would have also been important
7 information, if you searched Mr. Jones' house and
8 Mr. Bostick's house and found none of that. You could at
9 least say, Well, we didn't get anything.

10 A Yes, sir.

11 Q Because in this case, we have no firearms, we have
12 no money recovered, we have no clothing recovered, we have
13 no hat recovered, we have no cell phone recovered, correct?

14 A Yes, sir.

15 Q And these people in the video, at least one of
16 them is seen holding a cell phone?

17 A Yes, sir.

18 Q Could have got a search warrant for that as well,
19 correct?

20 A Could have, if we had had the right information.

21 Q Sure. But you just generally get brought any and
22 all cell phones belonging to Mr. Jones, correct?

23 A Yes, sir.

24 Q Or to Mr. Brisbane, or to Mr. Senior.

25 A Yes, sir.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q None of that was done?

2 A No, sir.

3 Q And you could have looked at cell phone records.
4 Maybe they had tower pings on them, maybe they had messages
5 back and forth. Maybe they had calls that were made at the
6 time someone was seen making a call. And you tracked none
7 of that down, correct?

8 A No, sir.

9 Q And you could have done that?

10 A Yes, sir.

11 Q All right. Now, you did get a warrant --

12 MR. NEWMAN: I'm hearing one.

13 THE COURT: Sorry. I heard it a little bit, too.
14 I'm sorry. I don't know what it is. It's a little bit
15 of feedback.

16 MR. NEWMAN: Yeah, static feedback.

17 BY MR. NEWMAN:

18 Q Now, you got records of Mr. Bostick's cell phone
19 data -- what is it, text and Facebook, that type of
20 information, correct?

21 A I got his Facebook, yes, sir.

22 Q Okay. In fact, you got 2500 or-- 2957 pages of
23 data and material from those sources, correct?

24 A Yes, sir. I don't recall the exact number, but
25 that's close.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Okay. A little over 2900. I wrote down 2957 by
2 the Bate stamps, but I'm not sure.

3 A Yes, sir, that's probably close.

4 Q And isn't it true that there is not one piece of
5 information extrapolated from all that data that in any way
6 links Mr. Bostick to Mr. Jones, Junior or Senior, correct?

7 A I believe there were some messages referencing Mr.
8 Jones, Junior.

9 Q Let's see them. I didn't see any.

10 A I have to -- I can pull the disc and look at it.

11 Q Okay. Okay.

12 A I don't have the disc in my possession.

13 Q And what were those exact messages?

14 A I don't recall the exact.

15 Q In fact, there are no communications between
16 Mr. Jones, Junior, Senior, or Mr. Bostick; isn't that
17 correct? You don't need to look at the Solicitor for
18 answers.

19 A I don't recall.

20 Q Let me posit the question this way: Had there
21 been some communication that showed these two even knew each
22 other, you, as an experienced investigator, would have
23 pulled those pages, marked those, and questioned or put them
24 in your report, correct?

25 A The report was already written. We would have

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 done an addendum.

2 Q Okay. If there was any information connecting,
3 linking Mr. Senior, Junior, or Mr. Bostick, you would have
4 noted that, pulled those records, and made an addendum,
5 correct?

6 A Yes.

7 Q And you made no such addendum in this case; is
8 that true?

9 A Yes, sir.

10 Q Okay. Now, the only thing that I heard about a
11 vehicle from Mr. Jones, Junior, I didn't hear about anybody
12 else, was that he had some type of red Nissan or Toyota; is
13 that correct? Or you don't know?

14 A I don't know.

15 Q Okay. Now, there was a white Volkswagen Passat?

16 A Yes, sir.

17 Q That is seen on the video?

18 A Yes, sir.

19 Q And you were able to -- not able to link
20 Mr. Jones, Senior, Junior, or Mr. Bostick to that vehicle,
21 correct?

22 A No, sir.

23 Q And, likewise, there are ways to track down
24 vehicles, correct?

25 A There are.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q And y'all didn't track anything down on this
2 vehicle, correct?

3 A Yes, sir. I have the rental agreement where the
4 vehicle was rented.

5 Q Okay. Now, crime scene, y'all had a specialist
6 come in and process the crime scene, correct?

7 A Yes, sir.

8 Q That was Agent Johnson?

9 A Yes, sir.

10 Q Johnson. Thank you. And they made -- crime scene
11 is trained to do a very detailed search of a crime scene?

12 A They are.

13 Q Or an incident scene, a location. And, in fact,
14 Ms. Johnson did that?

15 A She did.

16 Q And she documented with photographs?

17 A She did.

18 Q And she did three sets, it looks like nine DNA
19 swabs?

20 A Yes.

21 Q And swab was the door, swab was the -- I think
22 what y'all called an Air Jordan shoebox that was in there?

23 A Yes.

24 Q Which is -- you are thinking that is where part of
25 the money was?

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 A Based off their observations of the scene, they
2 believe that box to have been touched at some point, so that
3 is why they swabbed it.

4 Q And the baby wipe thing?

5 A Yes, sir.

6 Q Likewise, you find out later information that that
7 is what would have contained the money?

8 A Yes.

9 Q And Ms. Gelinda gave you a statement that that's
10 where the money was, correct?

11 A Yes.

12 Q And that she had actually taken the money out and
13 then put it back in sometime close to this robbery, correct?

14 A I believe that's correct, yes.

15 Q Okay. And, of course, Gelinda was not there when
16 this incident occurred?

17 A No, she was not present.

18 Q She was at work, at least according to her
19 statement?

20 A Yes.

21 Q Okay. Did you ever verify that she was at work?

22 A She was on the way to work. She had stopped by
23 her mother's house.

24 Q Okay. Who is her mother?

25 A I cannot remember her name.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

- 1 Q Did you talk to her mother?
- 2 A I believe I did, yes.
- 3 Q And you don't remember her name?
- 4 A No, sir.
- 5 Q You don't take notes when you do an investigation?
- 6 A I do.
- 7 Q But you didn't take notes this time?
- 8 A I don't recall whether I wrote it down or not.
- 9 Q Well, if you had written it down, it would have
10 been in your report, no?
- 11 A Possibly.
- 12 Q Well, you didn't write down who Mr. Brisbane's
13 aunt or father was, or what their addresses were, correct?
- 14 A I don't remember if I wrote them down or not.
- 15 Q Well, wouldn't it be safe to assume if you wrote
16 them down, you would put them in your report, I spoke to Joe
17 Brown at █████ Bowman Circle on this date and time, and here is
18 what he said?
- 19 A Yes.
- 20 Q Okay. And we have none of that?
- 21 A Yes.
- 22 Q So DNA swabs were taken from certain areas in the
23 house, and from the shell casings, correct?
- 24 A Yes.
- 25 Q According to your report. And there were a number

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 of swabs done, correct?

2 A Yes.

3 Q All right. And I don't know if I need to ask you
4 to -- I'll reserve those questions for the analyst. She'd
5 be better.

6 But you -- in your report, it is noted that
7 DNA was collected by Agent Johnson. She wrote a separate
8 report on that, that it was collected, turned in chain of
9 custody, and maintained as evidence in the case, correct?

10 A Yes, sir.

11 Q All right. And let me ask you this: In this
12 case, did you or one of your agents do what are called
13 buccal swabs on Mr. Jones, Junior, Senior, and Mr. Bostick?

14 A Yes, sir.

15 Q Okay. And those were collected, chain of custody,
16 and turned into evidence, correct?

17 A Yes.

18 Q And just for edification, a buccal swab is no more
19 than kind of a long Q tip that you rub on each side of the
20 cheek to get dead -- or cells or a slide of. They are put
21 into a specific container, you label them, you notate time
22 where you got them and who you got them from, and you,
23 likewise, turn those into evidence, and they are eventually
24 taken to a DNA analyst, correct?

25 A Yes, sir.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Q Okay. And that was done in this case?

2 A Yes, sir.

3 Q So chain of custodies were correct in this case,
4 and labeled, correct?

5 A Yes.

6 Q All right. You also mentioned this to Mr.
7 Brisbane that his aunt, who lived locally, was at work part
8 of the time. Where did the aunt work?

9 A I believe she worked for the Jasper County school
10 district.

11 Q So she worked for the school district. Would it
12 be safe to assume that during the morning hours -- nine,
13 ten, 11 -- that she would have been at work?

14 A Yes.

15 Q All right.

16 MR. NEWMAN: Judge, I don't have any further --
17 let me check with co-counsel, but I don't believe I
18 have any further questions. One moment, please.

19 (Pause.)

20 MR. NEWMAN: Thank you, Your Honor. Thank you for
21 the indulgence.

22 THE COURT: Thank you, Mr. Newman.

23 MS. JONES: Thank you, Your Honor.

24 Your Honor, may we approach?

25 THE COURT: You may.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 (Off-the-record discussion held.)

2 THE COURT: Ladies and gentlemen of the jury, we
3 are going to take a brief recess. Again, do not
4 discuss this case, it would not be appropriate to do.
5 We will be right back with you shortly. Okay? Thank
6 you.

7 (The Jury exits the courtroom.)

8 THE COURT: Okay. We are going to take a quick
9 break. I guess my concern is this: Number one, I
10 understand why you are wanting to use this. However,
11 how do you get it in without showing that this was done
12 at Jenkins Correctional Center? How do you do it where
13 you don't show that --

14 MS. JONES: What it is.

15 THE COURT: Exactly.

16 MS. JONES: Your Honor, and that, I do agree.
17 What it is is prejudicial. However, I can limit, if
18 you are going to allow it, I can limit my questioning
19 on cross to Agent McCallister that, Did you receive
20 information that Mr. Bostick used Mr. Jones, Junior as
21 a reference?

22 MR. NEWMAN: Hearsay.

23 THE COURT: If she learned through her
24 investigation.

25 MR. NEWMAN: I can clear that up, because I intend

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 to call Mr. Bostick to the stand, so that I can
2 cross-examine that subject and determine whether or not
3 he authored it or knows anything about it.

4 THE COURT: Well, then you're going to have to be
5 introducing it apparently.

6 MR. NEWMAN: No, I'm not introducing it. I'm
7 saying --

8 THE COURT: She's not introducing it either.

9 MS. JONES: I don't have to.

10 THE COURT: She's just asking.

11 MR. NEWMAN: That is complete hearsay.

12 THE COURT: She's asking whether or not in her
13 investigation she was able to establish whether or not
14 these two people know each other.

15 MR. NEWMAN: And I couldn't ask the officer,
16 because it would have been hearsay, if Joel Loadholt
17 says that Agent Croft is lying, I gave no such
18 statement. And I asked -- that was within the course
19 of her investigation, and you ruled that was hearsay.

20 MS. JONES: This is not hearsay. It is not being
21 offered -- I'm not offering that into evidence.

22 MR. NEWMAN: You're exactly offering it --

23 THE COURT: You are not offering it for the truth
24 of the matter asserted, you are offering it to show --

25 MS. JONES: To show that they knew each other.

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 THE COURT: Well, how is she going to ask how they
2 knew each other? I mean, what happens then? So you
3 asked, can you figure out whether or not Mr. Bostick
4 and Mr. Jones, Junior know each other?

5 MS. JONES: I mean, I can't say because it was in
6 the gang world. I can just say -- I can't.

7 MR. NEWMAN: You can't say it was in a gang world.

8 MS. JONES: I said that I can't say that.

9 MR. NEWMAN: Oh.

10 MS. JONES: I'm very aware of that. I can ask if
11 they knew each other and she could say, yes, and be
12 able to tell me why, and I think that was in the line
13 of questioning.

14 MR. NEWMAN: She can't determine they were. She
15 has a document that we don't have a foundation to, that
16 we don't know who authored it, although there may be a
17 name on it, it states a name on it.

18 THE COURT: She's not introducing the document
19 though.

20 MR. NEWMAN: I understand that. But the interview
21 is saying that is how the information came in. I would
22 have to cross-examine that, and I may even call
23 Mr. Bostick. But Mr. Koger tells me he's refusing to
24 testify, he will not take the stand, and he has that
25 perfect right to because it would be prejudicial

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 information to Mr. Bostick. I would ask him where and
2 when or if he even authored that document. Whichever
3 he wants to do.

4 THE COURT: Okay. Well, I'm not going to let you
5 use this. If she has other ways to know, I mean -- but
6 really, the answer is, well, they know each other
7 because I see them in the video walking into this house
8 together. I mean, that's a real simple answer that she
9 could say.

10 But, again, I don't know if any of the other
11 people, either Dominique Coleman, the chief of police
12 of Estill, could even say that they've seen them all
13 together. I don't know the answer to that.

14 We are just not going to use this as a way to get
15 it in. Okay? I just don't see how you do it without
16 opening up just a huge can of worms.

17 MS. JONES: I agree that it is touchy, and it is
18 on the line. And I respect your ruling, Your Honor.
19 It is interesting to read, if you would like to keep
20 that copy.

21 MR. PLEXICO: She probably has better things to
22 read.

23 THE COURT: All right. I will give that back to
24 you.

25 Let's just take ten minutes, y'all. It is about

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 11:30 or so, and I'll be right back. Okay?

2 MS. JONES: Thank you.

3 THE COURT: You know, I'm trying to differentiate
4 how is that any different than like a jail call?

5 MS. JONES: I don't think it is.

6 THE COURT: But it is, because we -- on a jail
7 call, you can say -- you can say this is so and so, I'm
8 making a call.

9 MR. NEWMAN: They have to use a pin number.

10 THE COURT: They have to use their number to dial
11 up, whereas this is not like signed for.

12 Anyway, but if there's some other way that she can
13 connect them, you can ask it. And she can testify that
14 she's learned about it in her investigation.. I just
15 think that is --

16 MS. JONES: Is dangerous.

17 MR. NEWMAN: Once again, that would be from
18 hearsay and I will make the appropriate objection.

19 THE COURT: Okay. We are going to be at ease for
20 ten minutes, y'all.

21 (Whereupon, the Court was in recess.)

22 MR. NEWMAN: Your Honor, when Ms. McCallister came
23 down off the stand, she had conversations with several
24 people in the hallway, and they went over to the
25 Solicitor's office, and I don't think she's supposed to

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 be talking to the potential witnesses or other officers
2 in the case.

3 MS. JONES: I wasn't here, I didn't see any of
4 that. I wasn't in the courtroom. I think she could be
5 asked.

6 THE COURT: Did you talk to anybody?

7 AGENT MCCALLISTER: I stepped over to the
8 Solicitor's office to smoke.

9 THE COURT: To smoke. Okay. Speak up.

10 AGENT MCCALLISTER: I stepped to the Solicitor's
11 office to smoke, and then as I came back one of the
12 witnesses was very upset, and I asked her just to
13 please come inside. She was crying.

14 THE COURT: Okay. And who was that?

15 AGENT MCCALLISTER: Starsheika Scott.

16 THE COURT: Okay. And did you have any further
17 conversation other than that?

18 AGENT MCCALLISTER: No, ma'am. I just asked her
19 to please be quiet and come on inside.

20 THE COURT: Okay.

21 MR. NEWMAN: I would ask, at this point, Your
22 Honor, since she did speak to a witness, before we have
23 that testimony, there is a sequestration order in this
24 case. There is a question as to witnesses that have
25 been raised, whether these two fellows, Junior and

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 Bostick, know each other, and have been seen together
2 by witnesses. I would ask, based on that, either for a
3 mistrial for contacting another witness and/or the
4 remedy of the State having no further examination of
5 this witness.

6 THE COURT: Okay. Well, she's gone ahead and
7 testified that the only thing she did was go over and
8 smoke a cigarette. And when she saw another witness
9 crying, she told them to step inside so they were not
10 in public crying, I presume. Is that correct?

11 AGENT MCCALLISTER: Yes, ma'am.

12 THE COURT: And you didn't have any substantive
13 conversations with Ms. Scott about anything in
14 reference to the case, correct?

15 AGENT MCCALLISTER: No, ma'am.

16 THE COURT: All right. So I find that she has not
17 done anything wrong, and respectfully I am going to
18 deny your motion for a mistrial.

19 And certainly deny your motion to take her off the
20 stand. Let's just finish up with this witness. Okay?

21 MS. JONES: Thank you, Your Honor.

22 THE COURT: All right. Let's bring the jury in.

23 (The Jury enters the courtroom.)

24 THE COURT: Welcome back, ladies and gentlemen.

25 At this time, we will go ahead and continue with this

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 witness.

2 MS. JONES: Thank you, Your Honor. Very briefly.

3 BY MS. JONES:

4 Q Agent McCallister, how much time had passed from
5 the incident date and Mr. Jones, Junior turning himself in?

6 A I believe it was a little over a month.

7 Q Okay. And I want to show you -- I'll show you
8 what's been admitted as State's Exhibit 69. Does -- that is
9 Mr. Jones, Junior's statement?

10 A It is.

11 Q Whose phone number does he give?

12 A He gives a home phone and a cell phone number.

13 Q Okay. Do those belong to him?

14 A I believe the cell phone number belonged to his
15 girlfriend at the time.

16 Q Okay. You never got his cell phone number to run
17 a check on, did you?

18 A No.

19 Q Or Mr. Senior's?

20 A No.

21 MS. JONES: And I have no further questions.

22 Thank you.

23 THE COURT: Mr. Plexico, anything?

24 MR. PLEXICO: I don't have anything.

25 THE COURT: Anyone? Mr. Newman?

CROSS EXAMINATION OF K. MCCALLISTER BY NEWMAN

1 MR. NEWMAN: No, ma'am. Thank you.

2 THE COURT: All right. You may step down. Thank
3 you.

4 All right. State will call their next witness.

5 MS. JONES: State calls Craig King Proctor.

6 Thereupon,

7 CRAIG KING PROCTOR

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

10 DIRECT EXAMINATION

11 BY MS. JONES:

12 Q Good morning, Mr. Proctor. How are you this
13 morning?

14 A All right.

15 Q Are you all right? Do you remember speaking with
16 this lady right here, Agent McCallister?

17 A Yes, ma'am.

18 Q Okay. Back in 2015?

19 A Yes, ma'am.

20 Q And why did she speak with you?

21 A About the case.

22 Q Okay. Is it about the case we are here for today?

23 A Yes.

24 Q Okay. And did she ask you to do something?

25 A No.

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 Q Okay. Did she ask you to look at something?

2 A Yes.

3 Q Okay. And what was that?

4 A The video and pictures.

5 Q Okay.

6 MS. JONES: Permission to approach?

7 THE COURT: You may.

8 BY MS. JONES:

9 Q Mr. Proctor, I'm showing you what has been
10 admitted as State's 15. Do you recognize that?

11 A Yes.

12 Q And what is that?

13 A The DVD with the video on it.

14 Q Okay. And how do you know that is the video?

15 A My initials.

16 Q So you watched this video to confirm this is the
17 video you were shown?

18 A Yeah.

19 Q Okay. And when you are watching this video, what
20 are you supposed to be doing?

21 A Ma'am?

22 Q What were you asked to do when you watched this
23 video?

24 A Really, nothing. I just watched it.

25 Q Okay. Was there a reason you watched it?

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 A Yeah.

2 Q And what was that?

3 A To identify who was on it.

4 Q Okay. To see if you knew anybody?

5 A Yeah.

6 Q Okay. And you said you were also shown some,
7 photographs?

8 A Yes.

9 Q Okay. I'm going to show you State's 32 through
10 36. Do you recognize those photographs?

11 A Yes.

12 Q Okay. And what are those?

13 A The photographs from the video.

14 Q Mona is our court reporter, and she takes down
15 everything you say, so you have to speak through the
16 microphone. Okay?

17 A Okay.

18 Q So are these the photographs you were shown by
19 Agent McCallister?

20 A Yes, ma'am.

21 Q Okay. And why were you shown these?

22 A To identify them.

23 Q Okay. Were you able to identify the person in
24 State's 36?

25 A No.

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 Q No. Do you know that person?

2 A No.

3 Q Have you ever seen this person?

4 A No.

5 Q You don't know who this is?

6 A No.

7 Q So you didn't tell Agent McCallister a name, did
8 you?

9 A No.

10 Q Okay. How many of the remaining two suspects were
11 you able to identify?

12 A Two people.

13 Q Both of them?

14 A Yeah.

15 Q Okay. I'm going to show you a little bit of this,
16 of the video.

17 (Shows witness the video.)

18 Q Were you able to identify this person?

19 A Yes.

20 Q You are?

21 A Yes.

22 Q Who is this person?

23 A Casey.

24 Q Do you know his last name?

25 A Jones.

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 Q Okay. Did you identify him in this photograph as
2 well, State's 32?

3 A Yeah.

4 Q Okay. That's the same person?

5 A Yes.

6 Q How do you know Casey?

7 A I don't really know him, but I seen him.

8 Q Okay. About how many times have you seen him?

9 A Like two or three. Like a couple times when I'm
10 passing by my brother house and a few other times. That's
11 it.

12 Q Okay. Are y'all friends?

13 A No.

14 Q Who -- what's -- what is your connection to him?

15 A Nothing.

16 Q Okay. Where have you seen him?

17 A Like around Estill, like passing through like
18 Estill or whatnot.

19 Q Okay. Passing through Estill?

20 A Yeah. And around.

21 Q Do you know the --

22 A No.

23 Q All right. When you looked at this video and this
24 photograph, State's 32, how quickly did you -- did you
25 recognize this person?

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 A Quick.

2 Q Quick?

3 A Yes.

4 Q And how certain are you that the person in this
5 video and this photograph is Casey Jones, Junior?

6 A Certain.

7 Q Certain?

8 A Yes.

9 Q Do you see Casey Jones, Junior in the courtroom
10 today?

11 A Yes, ma'am.

12 Q Can you please point him out?

13 A (Pointing.)

14 Q Okay. Can you maybe describe what color shirt he
15 has on?

16 A Yellow. It's yellow.

17 Q Thank you.

18 MS. JONES: May the record reflect the witness did
19 identify Casey Jones, Junior.

20 Q Okay. Watch a little bit more of this video.

21 A (Witness complies.)

22 Q Do you recognize this person?

23 A Yes.

24 Q Yes?

25 A (Nods in the affirmative.)

DIRECT EXAMINATION OF C. PROCTOR BY JONES

- 1 Q And do you know this person's name?
- 2 A That's Jarrod.
- 3 Q Okay. You are going to have to speak up.
- 4 A I said, Jarrod.
- 5 Q Okay. Do you know his last name?
- 6 A Bostick.
- 7 Q Okay. How do you know Jarrod Bostick?
- 8 A Through my brother.
- 9 Q Okay. How many times do you think you've seen
10 Jarrod Bostick?
- 11 A Like five or six times.
- 12 Q Okay. You are familiar with him?
- 13 A Yes.
- 14 Q You know his face?
- 15 A Yes.
- 16 Q You know his walk?
- 17 A Yeah.
- 18 Q Okay. I'm going to show you State's 33, 34, and
19 35. Who is the man in those photographs?
- 20 A Jarrod.
- 21 Q Okay. How quickly were you able to recognize
22 Jarrod?
- 23 A Quick.
- 24 Q And how certain are you that this man in this
25 video and these photographs is Jarrod Bostick?

DIRECT EXAMINATION OF C. PROCTOR BY JONES

1 A Certain.

2 Q And do you see Jarrod Bostick in the courtroom
3 today?

4 A Yes, ma'am.

5 Q Can you please point him out?

6 A (Pointing.)

7 Q Can you describe what he's wearing.

8 A White shirt.

9 MS. JONES: Thank you. And may the record reflect
10 he did identify Mr. Bostick.

11 Mr. Proctor, I have no more questions for you.
12 Thank you.

13 THE WITNESS: Okay.

14 THE COURT: Mr. Plexico, anything from you?

15 MR. PLEXICO: I have no question, Your Honor.

16 THE COURT: Mr. Koger.

17 CROSS EXAMINATION

18 BY MR. KOGER:

19 Q Mr. Proctor, at the time you gave the statement,
20 did you live at ■ Holly Street in Ridgeland?

21 A Yes.

22 Q Okay. And prior to living at ■ Holly Street in
23 Ridgeland, did you live at ■ Kings Colony in Ridgeland?

24 A No.

25 Q Okay. You didn't?

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 A No.

2 Q Okay. You contacted Deputy Russell to give
3 information in this case, correct?

4 A Did I what?

5 Q You contacted Deputy Russell to give contact -- to
6 give information in this case, correct?

7 A No.

8 Q You didn't contact Deputy Russell?

9 A No.

10 Q How did you come in contact with Agent
11 McCallister?

12 A I didn't come in contact. They came in contact
13 with me when I got locked up.

14 Q Okay. You got locked up. Okay.

15 A Yeah.

16 Q And where were you locked up?

17 A In Hampton County.

18 Q Okay. And what were your charges over there?

19 A Sell -- attempt -- manufacturing and distribution
20 of marijuana.

21 Q Okay. All right. And what date were you locked
22 up over at Hampton County Detention Center?

23 A October 6th, 2015.

24 Q Okay. Could it have been October 6th, 2015?

25 A Yes. It was October 6th, 2015.

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 Q Okay. All right. And from your conversation, the
2 statement that you gave Agent McCallister, you gave that
3 statement on October 9th, correct?

4 A Yeah.

5 Q Correct?

6 A Yes.

7 Q Okay. All right. And then you actually -- what
8 were your initial bond on those charges?

9 A My bond?

10 Q Yeah, your original bond.

11 A \$125,000.

12 Q Okay. So when you was arrested on October 6th,
13 2015, your bond was \$125,000?

14 A Yes.

15 Q On drug charges?

16 A Yes.

17 Q Distribution, manufacture of marijuana?

18 A Yes.

19 Q All right. And then somehow you got in contact
20 with SLED Agent McCallister and you gave a statement to her
21 on October 9th?

22 A Somehow she got in contact with me.

23 Q Well, on October 9th, you gave a statement to her.

24 A Yes.

25 Q 2015, correct?

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 A Yes.

2 Q All right. And did you go to court the week of
3 October 26th, 2015 before Judge Buckner?

4 A I can't remember.

5 Q Okay. Well, did you go to what you call "big
6 court" in Hampton?

7 A I didn't go to big, I went to a bond hearing.

8 Q Okay. A bond hearing.

9 A Yeah.

10 Q Okay. Well, was that bond hearing in big court?

11 A Yeah, I think -- yes, I think so.

12 Q Okay. And at that bond hearing, isn't it true
13 that your bond reduction was reduced -- your bond was
14 reduced?

15 A Yes.

16 Q Correct?

17 A Yes.

18 Q Okay. And what was your ending bond? What -- how
19 far was it reduced, or what amount that you were able to get
20 out on?

21 A \$35,000.

22 Q Okay. So your bond was reduced from \$125,000 to
23 \$35,000.

24 A Yeah.

25 Q Okay. And after that bond was reduced, how long

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 after were you able to get out on bond with the
2 35,000-dollar bond?

3 A The next day.

4 Q The next day?

5 A Yeah.

6 Q So you got out sometime in the last week in
7 October of 2015.

8 A I got out in November.

9 Q You got out in November. Okay.

10 A Yes.

11 Q And that's November of 2015, correct?

12 A Yeah.

13 Q And you have been out since that particular time?

14 A Yeah.

15 Q All right. Now, on these current charges, are
16 these charges still pending?

17 A Yes.

18 Q Okay. And they have been pending since October of
19 2015?

20 A Yeah.

21 Q And have you been going to court to roll call on
22 those charges?

23 A Yes. Yes.

24 Q Okay. And those charges are still pending?

25 A Yes.

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 Q Okay. All right. Have you requested a trial on
2 those charges?

3 A Sir?

4 Q Have you requested a trial on those charges?

5 A No, not yet. Not yet.

6 Q Not yet. All right.

7 Now, your -- wouldn't you agree that an
8 identification is just an opinion? It's just -- it's just
9 your opinion what you saw on these photographs?

10 A Can you repeat it again?

11 Q Yeah. Your identification of Mr. Bostick is just
12 an opinion of what you saw in these photo, -- just your
13 opinion, correct?

14 A Yes.

15 Q All right. And you were not on the scene on that
16 particular day, correct?

17 A No.

18 Q So you are not an eyewitness or anything?

19 A No.

20 Q Okay. And just for clarification again, you was
21 arrested on October 6, 2015.

22 A Yes.

23 Q On drug charges.

24 A Yeah.

25 Q You gave a statement three days later, October

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 9th, 2015?

2 A Yeah.

3 Q Okay. Approximately three weeks later, your bond
4 was reduced from \$125,000 --

5 A Yes.

6 Q -- to \$35,000.

7 A Yes.

8 Q All right. And these charges are still pending?

9 A Yes.

10 Q Okay. And you have during -- during that two
11 years, you have cooperated fully with law enforcement in
12 this case, correct?

13 A Yeah.

14 Q Okay. By giving that statement on October 9th,
15 correct?

16 A Yes.

17 Q Okay. And you are inspecting that after your
18 testimony, here today that your charges will be dismissed,
19 correct?

20 A No.

21 Q You are not expecting that?

22 A No.

23 Q Okay. But your charges were -- your bond were
24 reduced \$90,000?

25 A No, not because of that.

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 Q Huh?

2 A Not because of this.

3 Q Okay. But your bond were reduced -- your bond was
4 reduced from \$125,000 to \$35,000, correct?

5 A Yes.

6 Q After you gave a statement?

7 A No. After I waited for my bond reduction.

8 Q But you gave the statement October 9th.

9 A Yeah.

10 Q All right. Okay. And your bond were reduced
11 \$90,000 when you went to court on October 27th, correct?

12 A Yeah.

13 MR. KOGER: Thank you. No further questions.

14 CROSS EXAMINATION

15 BY MR. NEWMAN:

16 Q Did you grow up in the Ridgeland area,
17 Mr. Proctor?

18 A Yes, sir.

19 Q Okay. Do you recall testifying in a hearing on
20 Monday?

21 A Yes, sir.

22 Q Okay. Do you recall making the statement that you
23 didn't recognize anybody on the video, you had to look at
24 the photo?

25 A No. You got it backwards. I didn't recognize

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 nobody on the photos.

2 Q Oh, you couldn't identify anybody from the photos?

3 A Yeah.

4 Q Okay. Now, you told me that you smoke weed every
5 day?

6 A Yeah.

7 Q Did you smoke weed today?

8 A No.

9 Q Okay. So you smoke weed every day, and when I
10 asked you on Monday did you smoke weed on Monday, you said
11 no. Did you smoke yesterday?

12 A Yeah.

13 Q So you smoke every day except when you go to
14 court?

15 A Yeah.

16 Q Okay. Now, you had mentioned being in a strip
17 club. Did you smoke when you were at the strip club?

18 A No.

19 Q Okay. So when you go to strip clubs and court,
20 that's the only time you don't smoke weed?

21 A Yeah.

22 Q If I got your testimony straight, you claimed to
23 have seen Mr. Jones, Junior, quote, "passing by" two, maybe
24 three times?

25 A Yeah.

CROSS EXAMINATION OF C. PROCTOR BY KOGER

1 Q All right. And we have all heard about your
2 90,000-dollar bond reduction and the fact that your charges
3 are still pending. You are getting prosecuted by this same
4 Solicitor's office, aren't you?

5 A Yes, sir. I guess, I don't really know.

6 MR. NEWMAN: I don't have any further questions.

7 THE COURT: Anything further?

8 MS. JONES: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. JONES:

11 Q Mr. Proctor, you don't want to be here today, do
12 you?

13 A No.

14 Q You were forced to come here?

15 A No.

16 Q Well, you had a subpoena to come, right?

17 A Yes.

18 Q Okay. Did I promise you anything about your
19 pending marijuana charge?

20 A No.

21 Q You were never promised anything from anybody
22 about your pending marijuana charge?

23 A No.

24 Q How about bond?

25 A No.

REDIRECT EXAMINATION OF C. PROCTOR BY JONES

1 Q Okay. Did you have a hearing in front of a judge
2 like this?

3 A Yes.

4 Q And after you reduced it?

5 A Yes.

6 MS. JONES: I have no further questions.

7 CROSS EXAMINATION

8 BY MR. PLEXICO:

9 Q You are related to Jeremiah Wilson's wife, aren't
10 you? Linda Heyward?

11 A Yes. Yes.

12 Q Okay. And you know -- how long have you known
13 her? How long have you known Linda?

14 A All my life.

15 Q You lived here in town and they were -- you live
16 near them?

17 A No.

18 Q Okay. But you know about Linda all her life,
19 right? She is your relative?

20 A Yes. It's my cousin.

21 Q Okay. You know all about Jeremiah's business?

22 A What business?

23 Q The drug business.

24 A No, I don't.

25 Q You had no idea?

CROSS EXAMINATION OF C. PROCTOR BY PLEXICO

- 1 A No.
- 2 Q You had no idea he did anything about drugs?
- 3 A No.
- 4 Q Okay.
- 5 THE COURT: Anything further? Anyone?
- 6 MR. KOGER: No, ma'am.
- 7 THE COURT: All right. Anything further?
- 8 MS. JONES: No, Your Honor.
- 9 THE COURT: Mr. Proctor, you are excused, sir.
- 10 MS. JONES: State calls Starsheika Scott.

11 Thereupon,

12 STARSHEIKA SCOTT

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 afternoon, Ms. Scott.
- 18 A Good afternoon.
- 19 Q Just a couple questions.
- 20 Who is Jeremiah to you?
- 21 A My brother.
- 22 Q Okay. Your older brother?
- 23 A No, he was the middle brother.
- 24 Q Okay. Were you the youngest?
- 25 A Yeah, I am the baby.

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY JONES

1 Q Okay. Do you remember speaking with this lady,
2 Agent McCallister, on June -- July 17th, 2015?

3 A I don't remember the day, but I remember speaking
4 to her.

5 Q Okay. And she asked you to look at a series of
6 still images, still photographs?

7 A Yes.

8 Q Okay.

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

10 THE COURT: You may.

11 BY MS. JONES:

12 Q Ms. Scott, I'm going to show you a series of
13 photographs. I'm going to show you what's been marked as
14 State's 32, 33, 34, 35, and 36. Okay. I know it's hard,
15 but can you take a look at those photographs, please?

16 A Yes.

17 Q Okay. Do you recognize those pictures?

18 A They showed me this one, and I told them I
19 recognized it because of the beard and the facial -- the
20 facial on the video. And it was more clearer.

21 Q Okay. So you saw on the video also?

22 A Yes.

23 Q Okay. Let's go back to that first person. Okay?
24 Were you asked to look at these to see if you could
25 recognize anybody?

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY JONES

1 A Well, when they -- the first time, they did it a
2 second time when I was tagged in a post on Facebook. And
3 then the second time, they didn't show me the whole video or
4 whatever, they just showed me clips from it.

5 Q Okay. And I'm sorry to ask you to do this, but,
6 Ms. Scott, I know this is difficult, but do you -- were you
7 able to recognize this person?

8 A Yes.

9 Q Okay. And is that the same person we see in this
10 photograph?

11 A Yes, ma'am.

12 Q Okay. And who is this person?

13 A Casey.

14 Q Okay. How do you know Casey?

15 A I remember him when me and my brother was going to
16 pick up my car, and he was in the work Tahoe, it's like
17 gold. And he was in a Tahoe, and my brother stopped and
18 talked to him. We was pulling in, and it was pulling out.
19 And him and this other guy was together, Poochie -- whatever
20 his name, Pooch, whatever. And they was talking, and my
21 brother was like, you know, which I don't tell y'all boss
22 man or whatever. And he was laughing. And they was just
23 whatever. And they pulled off and my brother pulled up.

24 Q Okay. Were you able to see this man when he was
25 in the car?

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY JONES

1 A I remember he had the beard and he had gold teeth
2 in his mouth. And I asked him, how did they know, then I
3 asked about who was that? He was like, Well, why you being
4 nosy? And I was like, I'm just asking. And he was like,
5 That's Casey. And I was like, Oh, and that was it.

6 Q Okay. So you were able to recognize this man as
7 being the same man you saw in the car that day?

8 A Yes.

9 Q Okay. And are you certain that this is the same
10 Casey?

11 A Yes, ma'am.

12 Q And do you see the man you know as Casey in the
13 courtroom today?

14 A Yes, ma'am.

15 Q Can you please point him out and describe what
16 he's wearing?

17 A He has on a yellow polo.

18 Q Thank you.

19 MS. JONES: May the record reflect she did
20 identify Casey Jones, Junior.

21 BY MS. JONES:

22 Q Ms. Scott, I'm going to show you State's 33, 34,
23 and 35. Okay? And, again, I'm sorry to show you these.

24 Were you asked to look at those photographs?

25 A Yes.

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY JONES

1 Q Okay. And if we could fast forward the video a
2 little bit.

3 And, Ms. Scott, when you were shown this
4 video, did you recognize this man?

5 A Yes, ma'am.

6 Q And was this the same man in the photographs?

7 A Yes.

8 Q Okay. I'll take those from you so you don't have
9 to hold those.

10 And, Ms. Scott, who is this man?

11 A Bug. Real name Jarrod.

12 Q Okay. And how do you know him?

13 A I have been around multiple times in the area,
14 same place. So never knew there was a problem, never had a
15 problem with him.

16 Q How quickly were you able to recognize this man on
17 this video?

18 A Quick. By the head.

19 Q And how certain are you that this man is the man
20 you know as Jarrod or Bug?

21 A A hundred percent sure.

22 Q Okay. And, Ms. Scott do you see that man in the
23 courtroom today?

24 A Yes.

25 Q Can you please point him out?

DIRECT EXAMINATION OF STARSHEIKA SCOTT BY JONES

1 A In the middle.

2 Q Okay. And what color shirt is he wearing?

3 A White.

4 MS. JONES: May the record reflect the witness did
5 identify/Mr. Bostick.

6 BY MS. JONES:

7 Q And finally, I'm going to show you State's 36.
8 You didn't know that person, did you?

9 A I don't know him.

10 Q Okay. So you didn't identify this person?

11 A Huh-uh. (Indicating negatively.)

12 Q And, again, you are a hundred percent certain on
13 your identification?

14 A Yes, a hundred percent sure.

15 Q Okay. Ms. Scott, I have no further questions for
16 you. If you could answer any that any of these gentlemen
17 may have.

18 THE COURT: Mr. Plexico.

19 MR. PLEXICO: I actually have no questions, Your
20 Honor.

21 THE COURT: All right. Mr. Koger.

22 CROSS EXAMINATION

23 BY MR. KOGER:

24 Q Ms. Scott, your identification of that picture is
25 just your opinion, correct?

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 A Which picture?

2 Q Of Mr. Bostick.

3 A No, it's not an opinion.

4 THE COURT: Mr. Newman.

5 BY MR. NEWMAN:

6 Q Ms. Scott, do you recall testifying in a hearing
7 in this case on Monday?

8 A Yes, sir, I do.

9 Q In this courthouse right here?

10 A Yes, sir, I do.

11 Q And didn't you say that, quote, you couldn't see
12 the face in the photograph, but you know it's him?

13 A I held the picture up in my hand and I showed you
14 the beard and I pointed at the nose.

15 Q Okay. So what you recognized was the beard and
16 the nose.

17 A Yes. And I said something about the hair, I had
18 seen a picture before.

19 Q Seen what pictures before?

20 A No. Earlier when you asked me in the hearing and
21 I brought it up. But I was like, I seen the facial and the
22 nose, and I had the picture up and I pointed at what I seen
23 and what I recognized.

24 Q Okay. But you agree you can't see the eyes and
25 nose and the face, correct?

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 A No. The beard and the nose.

2 Q Just the beard and the nose. Okay.

3 A And I described him from what I seen him, and I
4 seen my brother talking to him. That's what I know this
5 black guy with the beard.

6 THE COURT: Can I ask you to just pull back a
7 little bit with the microphone. All right. There you
8 go. Okay.

9 BY MR. NEWMAN:

10 Q Okay. And you don't remember when this encounter
11 was that you say you had with Mr. Jones.

12 A I told you it was on somewhere I went to, but they
13 was working with the landscape company. I told you I don't
14 remember the day. So I said it had to be summer.

15 Q Okay. And one time you saw him, he was in a gold
16 Tahoe, y'all were pulling up as they were pulling out?

17 A No. They was pulling in -- they was pulling out
18 and they stopped. They stopped and talked to my brother.
19 He was driving, and I was on the passenger's side.

20 Q You were in your car?

21 A No. We was in my brother car. We was going to
22 pick up my car.

23 Q Right. Right. Right. So you were in your car
24 when they were talking?

25 A No. We wasn't in my car, we was in my brother's

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 car going to pick up my car.

2 Q Yes. All right. Let me ask a question. You and
3 I aren't communicating very well, and I apologize for that.

4 You were in your car, you -- y'all are
5 pulling into the --

6 A No. We was in my brother's car, pulling in. My
7 brother was talking to them. We wasn't in my car.

8 THE COURT: Ms. Scott, again, just pull back a
9 tiny bit. It's just reverberating.

10 BY MR. NEWMAN:

11 Q I apologize when I said your car. The vehicle
12 that you were riding in was your brother's car.

13 A Yeah, and we were going to pick up my car.

14 Q Yes. I got that. You were inside that vehicle.

15 A Yes. I was in the passenger side and my brother
16 was on the driver's side.

17 Q And your brother got out --

18 A No, he never got out the car.

19 Q Didn't get out the car.

20 A No, he never -- no, sir. Nobody got out.

21 Q Okay. So the brief encounter that you had with
22 Mr. Jones sometime in the summertime, we don't know what
23 year?

24 A No. I never had an encounter with him. My
25 brother was talking to him.

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 Q Oh, you never were actually talking to him.

2 A No. I was on the passenger side.

3 Q Okay. So this brief encounter, you saw who you
4 think was Casey Jones seated in a vehicle.

5 A No. My brother told me it was Casey when I asked
6 him.

7 Q Okay. So you never see -- okay. Never mind.
8 The guy never got out of the car; is that
9 correct?

10 A Nobody never got out of the car. They was in
11 their work vehicle.

12 Q Thank you. That's all I have.

13 A You're welcome.

14 THE COURT: Anything further?

15 MS. JONES: No, Your Honor.

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

17 Ms. Scott.

18 MS. JONES: (State calls Special Agent Jeff Croft.

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 Good afternoon.

DIRECT EXAMINATION OF JEFF CROFT BY JONES

1 A Good afternoon.

2 Q Agent Croft, where do you work?

3 A For the South Carolina Law Enforcement Division.

4 Q And how long have you worked with SLED?

5 A Since 2012.

6 Q Okay. So you were -- were you working there in

7 June 2015?

8 A Yes, ma'am, I was.

9 Q Okay. Did you assist this agent, Agent
10 McCallister, with the case we are here for today?

11 A Yes, ma'am, I did.

12 Q Okay. And do you remember meeting with her on
13 June 8th of 2015?

14 A Yes, ma'am, I do.

15 Q And what were you asked to do?

16 A I was asked to take a look at some photos and a
17 video.

18 Q Okay. And what was the reasoning for you looking
19 at this video and the photos?

20 A An attempt to identify one of the subjects
21 responsible for the incident.

22 Q Okay. I'm going to start with a couple of
23 photographs. I'm going to show you State's 32.

24 MS. JONES: Permission to approach?

25 THE COURT: You may.

DIRECT EXAMINATION OF JEFF CROFT BY JONES

1 BY MS. JONES:

2 Q Agent Croft, is State's 32 one of the pictures you
3 were shown that day?

4 A Yes, ma'am, it is.

5 Q Okay. And were you able to identify the person in
6 State's 32?

7 A No, ma'am, I was not.

8 Q Okay. And on the video, if we could see the
9 person depicted in State's 32.

10 You don't know this person?

11 A No, ma'am, I do not.

12 Q Okay. And I'm going to go forward a little bit.
13 State's 36, were you shown this image?

14 A Yes, ma'am, I was.

15 Q Okay. And who is the person in this photograph?

16 A I don't recognize that person.

17 Q Okay. And back to the video. You don't know who
18 that is?

19 A No, ma'am, I do not.

20 Q So you -- did you provide any sort of
21 identification for these two to Agent McCallister?

22 A No, ma'am, I did not.

23 Q Now, I'm going to show you State's 33, 34, and 35.
24 Do you recognize those?

25 A Yes, ma'am, I do.

DIRECT EXAMINATION OF JEFF CROFT BY JONES

1 Q Okay. And are those photographs you were shown by
2 Agent McCallister?

3 A Yes, ma'am, it is.

4 Q Okay. And were you able to recognize that person?

5 A Yes, ma'am, I was.

6 Q And if we can see it on the video as well. And is
7 this the same person in this photograph?

8 A Yes, ma'am, it is.

9 Q And do you recognize this person?

10 A Yes, ma'am, I do.

11 Q And who is this person?

12 A That is Jarrod Bostick.

13 Q Do you know him by a nickname?

14 A His nickname is Bugs.

15 Q Okay. And how long have you known Jarrod Bostick?

16 A Approximately ten years.

17 Q And how quickly were you able to identify him?

18 A Immediately.

19 Q And how certain are you of your identification?

20 A One hundred percent.

21 Q And do you see the man who is depicted in the
22 video and the stills in your hand and who you have named
23 Jarrod Bostick in court today?

24 A Yes, ma'am, I do.

25 Q And can you please identify him for the Court?

DIRECT EXAMINATION OF JEFF CROFT BY JONES

1 A Yes, ma'am. He is sitting right beside Mr.
2 Mr. Josh Koger.

3 MS. JONES: Okay.. May the record reflect the
4 witness did identify Mr. Bostick. I can grab those
5 pictures from you.

6 And Agent Croft, I have no further questions for
7 you.

8 THE WITNESS: Thank you.

9 THE COURT: Mr. Plexico, anything?

10 MR. PLEXICO: I have no questions of this witness,
11 Your Honor.

12 THE COURT: Mr. Koger?

13 MR. KOGER: Yes, Your Honor.

14 CROSS EXAMINATION

15 BY MR. KOGER:

16 Q Agent Croft, before you were asked to identify any
17 photographs, did Agent McCallister tell you the name of Bugs
18 or Bug?

19 A I learned the name of Bugs or Bug, Bud, sometime
20 during the investigation. I don't recall if it was prior to
21 or after the viewing of the video.

22 Q But it could have been possible that you could
23 have heard that name before you viewed the video and the
24 photographs?

25 A Again, I can't say when I actually was given the

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 nickname of Bugs.

2 Q Okay. And you didn't participate to -- you didn't
3 participate in any of the crime scene collection, did you?

4 A No, sir, I did not.

5 Q Okay. But you are trained in investigations,
6 correct?

7 A Yes, sir, I am.

8 Q Okay. All right. And isn't it true that DNA
9 touch evidence or other related DNA evidence can identify or
10 confirm a suspect?

11 A I don't think I could testify to anything
12 regarding DNA.

13 Q Okay. But in your training as an investigator,
14 isn't a case stronger if you have a suspect, and the case
15 can be made stronger by the collection, by DNA trace
16 evidence, or DNA evidence confirming a suspect?

17 A From an investigative aspect, I would like to have
18 DNA, but I can't testify to any strengths of DNA.

19 Q Okay. But from a crime scene, right?

20 A I'm sorry, sir?

21 Q I said, from a crime scene. If a suspect
22 identification is alleged, wouldn't a positive collection of
23 DNA trace evidence, or any other DNA evidence, would make
24 that case stronger?

25 A I would say yes.

CROSS EXAMINATION OF STARSHEIKA SCOTT BY KOGER

1 Q Okay. And in a -- in a burglary case, if there's
2 any type of DNA trace evidence or other physical evidence at
3 a point of entry, that would make a burglary case stronger,
4 correct, if you have -- if you have alleged identification
5 of a suspect?

6 A I would say yes.

7 Q Okay. And items that would have been allegedly
8 touched inside a location with an earlier identified
9 suspect, if their fingerprints or any other DNA evidence is
10 found inside that location, that would make a case stronger,
11 correct?

12 A I would say yes.

13 MR. KOGER: Thank you. I have no further
14 questions.

15 THE WITNESS: Thank you, sir.

16 THE COURT: Mr. Newman.

17 MR. NEWMAN: I have no questions, Your Honor.
18 Thank you.

19 THE COURT: All right. Anything further?

20 MS. JONES: Not from the State, Your Honor.

21 THE COURT: All right. Mr. Croft, you are
22 excused.

23 THE WITNESS: Thank you, ma'am.

24 THE COURT: Do you have a short witness or -- or
25 is now a good time for a lunch break? It is 12:30.

COLLOQUY

1 I'm just --

2 Ladies and gentlemen of the jury, how are you all
3 feeling? Are y'all okay? Is someone ready for lunch?
4 Anyone ready? Do you have a short witness, or should
5 we go ahead and break for lunch now?

6 MS. JONES: They are both about the same. We can
7 break for lunch.

8 THE COURT: Okay. Let's do this, ladies and
9 gentlemen. Let's go ahead and break for lunch.

10 At the clock in the back of the courtroom, it is
11 12:30. I am asking you return to your jury room at
12 1:45, where we are going to go ahead and continue with
13 the trial of this case.

14 Mr. Foreperson, I also need you to inquire of the
15 jury what time they are able to work till tonight.
16 Again, I don't know where we are as far as witnesses,
17 I'll talk to the lawyers. But I need to know y'all's
18 schedule first. Okay?

19 I look forward to seeing y'all back. Do not
20 discuss this case, do not do any independent research.
21 Go get a bite to eat and we'll see y'all when you get
22 back. Okay?

23 (The Jury exits the Courtroom at [].)

24 THE COURT: All right. Anything y'all want to
25 take up before we come back?

COLLOQUY

1 MS. JONES: No, not from the State, Your Honor.

2 MR. PLEXICO: I had an objection, Your Honor.

3 THE COURT: You did.

4 MR. PLEXICO: I mentioned two things that -- at
5 the bench.

6 THE COURT: Your objection that I heard was as to
7 the address of Mr. Jones, Senior. I think your
8 objection was it wasn't relevant.

9 MR. PLEXICO: Yes. And I also said it was
10 hearsay, Your Honor. I don't know if you caught that
11 or not. But -- and then I had another one, it was
12 foundation, but that was on the record.

13 THE COURT: Okay. All right. We will just note
14 it in for the record.

15 MR. PLEXICO: Thank you, Judge.

16 THE COURT: Thank you.

17 All right. Anything else? If y'all will be back
18 maybe at about 20 till two, I think that will be good,
19 to take up anything you need to.

20 Ms. Jones, do you think that you're going to round
21 out the day with your witnesses, or what is your
22 anticipation?

23 MS. JONES: I do. I have five left, and we will
24 go through them pretty quickly.

25 THE COURT: Okay. Sounds good.

COLLOQUY

1 All right. Have a nice lunch, everybody. I will
2 see you all at about 20 till. Okay?

3 MR. NEWMAN: Thank you, Your Honor.

4 THE COURT: Thank you.

5 (Lunch recess.)

6 THE COURT: All right. State ready?

7 MS. JONES: Yes, Your Honor.

8 THE COURT: Defense ready?

9 MR. PLEXICO: Yes, Your Honor.

10 THE COURT: Let's go. Let's bring the jury out.

11 (The Jury enters the courtroom at 2:10 p.m.)

12 THE COURT: Welcome back, ladies and gentlemen.

13 Y'all ready to go?

14 (Jury indicates.)

15 MS. JONES: Thank you, Your Honor. State calls

16 Chief Mark 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 Good afternoon, Chief Collins.

24 A Good afternoon.

25 Q Chief Collins, where do you work?

DIRECT EXAMINATION OF MARK COLLINS BY JONES

1 A I am the chief of police, Estill police
2 department, Estill, South Carolina.

3 Q All right. And how long have you been the chief
4 of police over there?

5 A I started there in 2013. They made me interim
6 chief January 2016, and I was appointed chief April 2016.

7 Q All right. Do you remember speaking with this
8 lady, Agent McCallister, July 2nd, 2015?

9 A I do.

10 Q Okay. And do you remember her showing you some
11 video and some photographs?

12 A I do.

13 Q Okay. I'm going to show you a snippet of the
14 video. She asked you to watch this to see if you knew
15 anybody, correct?

16 A Yes.

17 (Video shown to witness.)

18 Q Okay. She asked you if you knew this individual?

19 A No.

20 Q You don't know this person?

21 A No, I do not.

22 Q Okay. And that -- that is the same person
23 depicted in State's 36?

24 A Yes, ma'am.

25 Q Okay. And you don't know who that is?

DIRECT EXAMINATION OF MARK COLLINS BY JONES

1 A No, ma'am.

2 Q You didn't identify that person?

3 A No, ma'am.

4 Q All right. If we can go to the video.

5 A (Witness watches portion of video.)

6 Q Did you recognize this person?

7 A Yes, ma'am.

8 Q Okay. And I'm going to approach ---

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

10 THE COURT: You may.

11 BY MS. JONES:

12 Q -- with State's Exhibit 32. Is that one of the
13 photographs you were shown?

14 A Yes, ma'am.

15 Q And is that the same person in this video right
16 here?

17 A Yes, ma'am.

18 Q And who is that person?

19 A Casey Jones, Junior.

20 Q And how long have you known --- do you know Casey
21 Jones, Junior?

22 A I have seen him and had casual encounters with him
23 during my duties of going throughout the town.

24 Q Okay. And how long have you known Casey Jones,
25 Junior?

DIRECT EXAMINATION OF MARK COLLINS BY JONES

1 A Since coming into Estill in 2013.

2 Q Okay. And how quickly were you able to identify
3 this person as Casey Jones, Junior?

4 A Less than a minute.

5 Q Okay. And how certain are you that this is Casey
6 Jones, Junior?

7 A A hundred percent.

8 Q And do you see Casey Jones, Junior in the
9 courtroom today?

10 A Yes, ma'am. He's right here, on my far left.

11 Q Okay.

12 MS. JONES: May the record reflect the witness did
13 identify Casey Jones, Junior.

14 BY MS. JONES:

15 Q Okay. Fast forward.

16 Okay. And do you know this person?

17 A Yes, ma'am.

18 Q Okay. I'm going to show you State's 33, 34, and

19 35. Is that the same person depicted in the video?

20 A Yes, ma'am.

21 Q And do you know that person?

22 A Yes, ma'am. Jarrod Bostick.

23 Q I'm sorry?

24 A Jarrod Bostick.

25 Q That is Jarrod Bostick, is this man?

DIRECT EXAMINATION OF MARK COLLINS BY JONES

1 A Yes, ma'am.

2 Q Okay. And how long have you known Mr. Bostick?

3 A Since coming to Estill in 2013.

4 Q And how quickly were you able to identify this --
5 this person as Mr. Bostick?

6 A A minute, minute and a half.

7 Q Okay. And how certain are you that this is a
8 video capture of Mr. Bostick?

9 A A hundred percent.

10 Q Okay. And do you see Mr. Bostick in the courtroom
11 today?

12 A Yes, ma'am. Right here in the middle, ma'am, to
13 my left.

14 MS. JONES: May the record reflect the witness
15 identified Mr. Bostick. I can grab those photographs
16 from you. Thank you.

17 THE WITNESS: Thank you.

18 MS. JONES: And I have no further questions for
19 you at this time. Thank you.

20 THE WITNESS: Thank you.

21 MR. PLEXICO: May it please the Court?

22 THE COURT: Yes.

23 CROSS EXAMINATION

24 BY MR. PLEXICO:

25 Q Good afternoon, sir.

CROSS EXAMINATION OF MARK COLLINS BY PLEXICO

1 A Good afternoon.

2 Q Now, you testified on Monday, correct?

3 A Yes.

4 Q All right. And did you discuss your testimony --
5 let me put it this way: Have you been -- you have been with
6 Officer Dominique Collins; is that correct?

7 A Coleman. I believe the last name is Coleman.

8 Q Coleman. I'm sorry. And on Tuesday and
9 Wednesday?

10 A Repeat the question again?

11 Q At least this morning, and Tuesday and Wednesday,
12 you have been sitting with her out there?

13 A Yes.

14 Q Okay. All right. Have y'all discussed any of the
15 testimony that you have had?

16 A No.

17 Q All right. Agent McCallister came to see you that
18 morning?

19 A I can't remember the time. I just know that she
20 came.

21 Q To the office?

22 A To the office, Estill police department.

23 Q Okay. And talked with you. Now, she told you
24 they were trying to identify someone they had stills for and
25 the videos?

CROSS EXAMINATION OF MARK COLLINS BY PLEXICO

1 A She told me that a incident happened at Jasper
2 County and they believe the individuals that were involved
3 in that incident lived in our town, and wanted to know if we
4 could identify them.

5 Q And did she name to the three defendants?

6 A No.

7 Q Prior to you looking at them?

8 A No.

9 Q You're positive that she did not?

10 A Positive.

11 Q Okay. And you did not -- you didn't discuss your
12 testimony at all with Officer Coleman?

13 A No.

14 Q Okay.

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

16 THE COURT: Mr. Koger.

17 CROSS EXAMINATION

18 BY MR. KOGER:

19 Q This is just your opinion of the photographs,
20 correct?

21 A Excuse me?

22 Q This is just your opinion, your identification on
23 the photographs, correct?

24 A What I know in my memory of who those individuals
25 are, yes.

CROSS EXAMINATION OF MARK COLLINS BY KOGER

1 Q Okay. And in a -- well, are you trained in
2 investigations, I would assume, correct?

3 A Yes.

4 Q Okay. And in an identification case, isn't a case
5 is stronger if you have physical evidence?

6 A It is not any case.

7 Q Okay. Well, in your general training as an
8 investigator, police officer, cases that you have
9 investigated, isn't a case stronger if there is accompanying
10 physical evidence?

11 A Depending on what the case is, yes.

12 Q Okay. Well, if it is a burglary case and items
13 was touched inside of the place that was alleged to be
14 burglarized, wouldn't it be a stronger case to get physical
15 evidence like fingerprints?

16 MS. JONES: Your Honor, objection.

17 THE COURT: He can answer it.

18 THE WITNESS: Can you read that one more time?

19 BY MR. KOGER:

20 Q Yes. In a burglary case, isn't a case is stronger
21 if physical evidence such as fingerprints or other DNA type
22 evidence is found to confirm or disaffirm an identification?

23 A Very important, yes.

24 MR. KOGER: Thank you. No further questions.

25 MR. NEWMAN: I don't have any questions.

CROSS EXAMINATION OF MARK COLLINS BY KOGER

1 THE COURT: You don't have any questions?

2 MR. NEWMAN: No, ma'am.

3 THE COURT: All right. Anything further from the
4 State?

5 MS. JONES: No, Your Honor.

6 THE COURT: You're excused, sir.

7 THE WITNESS: Thank you, ma'am.

8 MS. JONES: State calls Officer Dominique Coleman.

9 Thereupon,

10 DOMINIQUE COLEMAN

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 Officer Coleman, good afternoon.

16 A Good afternoon.

17 Q Where do you work?

18 A Rock Hill police department.

19 Q And prior to working in Rock Hill, where did you
20 work?

21 A The Town of Estill police department.

22 Q Okay. And how long were you with Estill police
23 department?

24 A Eighteen months.

25 Q And in what capacity did you work with the Estill

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 PD?

2 A Patrol officer.

3 Q Okay. For those 18 months?

4 A Yes, ma'am.

5 Q On July 2nd of 2015, were you still with Estill
6 police department?

7 A Yes, ma'am.

8 Q And do you remember speaking with Agent
9 McCallister that day?

10 A Yes, ma'am.

11 Q Okay. Did she ask you to watch some surveillance
12 and look at some photographs?

13 A Yes, ma'am.

14 Q And why were you looking at these?

15 A A crime was committed in Jasper County and she
16 wanted to identify the suspects.

17 Q Okay.

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

19 THE COURT: You may.

20 BY MS. JONES:

21 Q Is this the video she asked you to review?

22 A Yes, ma'am.

23 Q This individual we see walking up the steps right
24 now, this person, did you identify him?

25 A No, ma'am.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 Q Okay. And I'm going to show you State's 33, 34,
2 and 35. Is that the same man as in the video?

3 A Yes, ma'am.

4 Q You don't know that person?

5 A No, ma'am.

6 Q So you didn't identify that person?

7 A No, ma'am.

8 Q Okay. I can take those back from you.

9 Okay. I'm going to hand you what has been
10 marked as State's Exhibit 32. Do you recognize that?

11 A Yes, ma'am.

12 Q Okay. And is that one of the photographs you were
13 shown that day?

14 A Yes, ma'am.

15 Q All right. And is -- and is State's 32 the same
16 man we see here?

17 A Yes, ma'am.

18 Q Okay. And do you know this person?

19 A Yes, ma'am.

20 Q And who is this person?

21 A Casey Jones, Junior.

22 Q All right. And how long have you known Casey
23 Jones, Junior?

24 A I know him from my time in Estill as a police
25 officer.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 Q So 2013, I believe you testified to?

2 A Fourteen.

3 Q Fourteen, my apologies. Okay. And how quickly
4 were you able to identify this man as being Casey Jones,
5 Junior?

6 A Fairly quickly.

7 Q And how certain are you that that is Casey Jones,
8 Junior?

9 A Positive.

10 Q You are positive?

11 A Yes, ma'am.

12 Q All right. And do you see Casey Jones, Junior in
13 the courtroom today?

14 A Yes, ma'am.

15 Q Can you please identify him for Court?

16 A Yes, ma'am. It is the gentleman in the yellow
17 shirt.

18 Q Thank you.

19 MS. JONES: May the record reflect the witness did
20 identify Mr. Casey Jones, Junior.

21 BY MS. JONES:

22 Q Okay. And I'm going to show you what has finally
23 been marked as State's Exhibit 36. And can you identify
24 that?

25 A Yes, ma'am.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 Q All right. And what -- is that one of the
2 photographs you were shown that day?

3 A Yes, ma'am.

4 Q Okay. And on the video -- is this -- does this
5 video depict the same person in that State's exhibit?

6 A Yes, ma'am.

7 Q And do you know this person?

8 A Yes, ma'am.

9 Q And who is this person?

10 A Casey Jones, Senior.

11 Q All right. And how long have you known Casey
12 Jones, Senior?

13 A Since 2014, tenure in Estill.

14 Q And how quickly were you able to identify this
15 person as being Casey Jones, Senior?

16 A Fairly quickly.

17 Q And how positive and how certain are you that this
18 is actually Casey Jones, Senior?

19 A I'm positive.

20 Q And do you see Casey Jones, Senior in the
21 courtroom today?

22 A Yes, ma'am.

23 Q Can you please identify him?

24 A The red, white, and blue plaid shirt.

25 Q Thank you.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 MS. JONES: May the record reflect the witness did
2 identify Casey Jones, Senior. I can grab those
3 photographs from you. Thank you, Officer Coleman.

4 THE WITNESS: Yes, ma'am.

5 MS. JONES: And I have no further questions for
6 you.

7 THE COURT: Mr. Plexico.

8 MR. PLEXICO: May it please the Court.

9 CROSS-EXAMINATION

10 BY MR. PLEXICO:

11 Q You testified previously on Monday, correct?

12 A Yes, sir.

13 Q Okay. All right. Now, you said that you worked
14 there for 18 months; is that correct?

15 A Yes.

16 Q All right. And during those 18 months, did you
17 live in Estill?

18 A No.

19 Q Where did you live?

20 A Hampton.

21 Q Okay. Where did you live at first?

22 A Columbia, South Carolina.

23 Q Where are you from?

24 A I'm from Sumter, South Carolina.

25 Q And you had never been to Estill before?

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 A No, sir.

2 Q So you got a job, and when did that job start?

3 A In June of 2014.

4 Q In June of 2014. Now, you didn't live there in
5 the first month, correct?

6 A No, sir.

7 Q All right. Now, you said that you seen the video,
8 correct?

9 A Yes, sir.

10 Q You testified earlier that you could not identify
11 the person in State's 36 from the video; is that correct?

12 A No, sir.

13 Q Okay. All right. Didn't you say that you
14 identified them from the stills?

15 A I'm sorry. Repeat the question?

16 Q From the still photographs?

17 A The --

18 Q Item No. 36, you said you identified that person
19 from the still photographs; is that true?

20 A I identified them from the video, and they were
21 the subjects that were also pictured in the still
22 photographs.

23 Q Okay. You testified you couldn't see the face on
24 the video of the third person; isn't that true?

25 A Correct.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 Q Okay. So at this point, when you are making an
2 identity of an individual without seeing their face; is that
3 correct?

4 A Correct.

5 Q All right. Now, you said you identified them by
6 their -- by their walk; is that correct?

7 A Correct.

8 Q All right. Now, you also testified that you had
9 seen him walk before, correct?

10 A Correct.

11 Q But you never testified that you ever seen him --
12 seen that person run before?

13 A Correct.

14 Q Okay. All right. And that person is not walking
15 in that video, is he? This person, the last person to get
16 out of the car is not walking in that video, correct?

17 A Correct.

18 Q So you're -- when you said that you were
19 identifying him because you knew that person's walk, in
20 fact, you don't have an opportunity on that video to see
21 that person's walk; that's true, isn't it?

22 A Correct.

23 Q Okay. Then you said you identified him by the
24 shoes; is that correct?

25 A Correct.

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 Q So this person is wearing a pair of white shoes.

2 A Correct.

3 Q What are there, 300 million people in America?

4 A (No response.)

5 Q Thereabouts? You wouldn't argue that, would you?

6 A No, sir.

7 Q So if everybody had a pair of shoes, that would be
8 300 million shoes.

9 A Correct.

10 Q If they all had four each, that would be 1.2
11 billion shoes.

12 A Correct.

13 Q Don't you imagine, out of a possible 1.2 billion
14 shoes, that there are a lot of white shoes in America?

15 A Yes, sir.

16 Q Okay. So by identifying this person by their
17 shoes, you don't think that's a credible identification
18 yourself, do you?

19 A I do, based on my knowledge of the person.

20 Q Okay. But your identity is based on their gait,
21 correct?

22 A Correct.

23 Q And the shoes, correct?

24 A Correct.

25 Q And nothing else. That's what you testified to

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 earlier, correct?

2 A Yes, sir.

3 Q All right. You also said you never had a
4 conversation with either one of these people. That's what
5 you testified to earlier; correct?

6 A I stated that I spoke to them on numerous
7 occasions, but as far as an actual conversation, no.

8 Q You said you drove by and waved.

9 A Right. And when I see them in stores and things
10 of that nature, I said that I acknowledged them.

11 Q Just like you do everybody else?

12 A Yes, sir.

13 Q Okay. So you -- all right. Now, so -- but you
14 never had a conversation with them?

15 A Not that I can remember, no, sir.

16 Q Okay. All right. And you were only there for 18
17 months?

18 A Yes, sir.

19 Q You didn't live in the town, correct?

20 A No, sir.

21 Q You didn't grocery shop in the town?

22 A No, sir.

23 Q You didn't go to bars in the town?

24 A No, sir.

25 Q You didn't go to restaurants in the town except

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 maybe for lunch?

2 A Correct.

3 Q Okay. All right. So you didn't spend much time
4 in the town?

5 A I spent a lot of time in the town.

6 Q You were driving around in your car?

7 A Not always driving around in my car, but when I
8 was on duty I spent a lot of time in town.

9 Q Okay. All right. When you were at the station,
10 you had to file reports every time you do something,
11 correct?

12 A Most of the time, it if warrants a police report,
13 correct.

14 Q Okay. All right. And you said you never had any
15 police contact with my client, correct?

16 A Not myself, no, sir.

17 Q Okay. All right. And you also said you couldn't
18 say a specific place that you had ever seen my client?

19 A Walking around town.

20 Q All right. But did you not testify that -- you
21 said that you couldn't say, you couldn't remember a specific
22 place and a specific time that you saw my client?

23 A Correct.

24 Q Okay.

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

DIRECT EXAMINATION OF D. COLEMAN BY JONES

1 MR. KOGER: No questions of this witness.

2 THE COURT: Anything?

3 MR. NEWMAN: Yes, ma'am.

4 CROSS EXAMINATION

5 BY MR. NEWMAN:

6 Q Officer Coleman, just to follow-up a little bit.

7 My eyes are bad; is that Rock Hill you work for?

8 A Correct.

9 Q If I got the testimony straight from this and
10 another hearing we had, you are claiming that you've seen
11 Mr. Casey Jones, Junior, quote, "seeing him around town."

12) A Correct.

13 Q Fair statement?

14 A Yes, sir.

15 Q And you don't have any -- you don't recall any
16 specific places, times, dates, lengths of times, things like
17 that?

18 A No, sir.

19 Q Okay. And you've never been to Mr. Jones'
20 residence.

21 A Not to my knowledge, no, sir.

22 Q Okay. In fact, you don't even know where he
23 lives, do you?

24 A Correct.

25 Q Okay. And you were called in to attempt an

CROSS EXAMINATION OF D. COLEMAN BY NEWMAN.

1 identification. And if I got your testimony right, from the
2 hearing that we had on Monday, you were specifically given
3 the names, Casey Jones, Junior, Senior, and Jarrod Bostick
4 by Agent McCallister.

5 A Correct.

6 Q Okay. So you were attuned into knowing who you
7 were looking for?

8 A Correct.

9 Q Okay. And if I have your testimony correct, you
10 have never seen Mr. Bostick; don't know him?

11 A No, sir.

12 Q Okay. Would that be fair to assume that any time,
13 these times that you've seen Mr. Jones around town, you
14 wouldn't have seen him with Mr. Bostick because you have
15 never seen Mr. Bostick?

16 A Correct.

17 Q Thank you.

18 MS. JONES: Nothing further from the State.

19 THE COURT: You may step down. Thank you,
20 Officer.

21 THE WITNESS: Yes, ma'am.

22 MS. JONES: State calls Cathy Leisy.

23 Thereupon,

24 CATHERINE LEISY

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

DIRECT EXAMINATION OF C. LEISY BY JONES.

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. JONES:

4 Q Good morning -- or good afternoon. My apologies.

5 A Good afternoon.

6 Q Where do you work?

7 A I work for the South Carolina Law Enforcement
8 Division, more commonly referred to as SLED.

9 Q And in what capacity do you work for SLED?

10 A I am a forensic scientist assigned to the DNA case
11 work unit.

12 Q Okay. And did you have to receive some sort of
13 specialized training to do this position?

14 A Yes. I have a bachelor of science degree in
15 genetic engineering from Cedar Crest College in Allentown,
16 Pennsylvania. I had approximately four years of experience
17 as a forensic scientist at a DNA testing facility known as
18 Orchid Cellmark in Germantown, Maryland. And since I have
19 been at SLED for about the past 11 years, I have received
20 in-house training from other court qualified analysts in all
21 the different types of testing analysis I'm required to
22 perform.

23 Q Have you testified in court before?

24 A I have.

25 Q In general sessions court?

DIRECT EXAMINATION OF C. LEISY BY JONES

1 A Yes.

2 MS. JONES: Your Honor, at this time, the State
3 moves Agent Leisy as an expert in DNA.

4 MR. PLEXICO: No objections at this time.

5 THE COURT: Any questions, Mr. Newman?

6 MR. NEWMAN: I do not, Your Honor. I believe
7 she's qualified as a forensic DNA examiner.

8 THE COURT: All right. Ladies and gentlemen, in
9 this case, Agent Leisy is being qualified in the area
10 of DNA analysis.

11 Ladies and gentlemen, that allows her to give her
12 opinion or reasons for her opinion, and that's for you
13 to see as you need and use appropriate with other
14 evidence in the case. But it, again, allows her to
15 talk about her opinion.

16 MS. JONES: Thank you, Your Honor.

17 THE COURT: Thank you.

18 BY MS. JONES:

19 Q And were you asked to analyze some swabs of
20 potential DNA for this case we're at today?

21 A Yes, I was.

22 MS. JONES: Permission to approach?

23 THE COURT: You may.

24 BY MS. JONES:

25 Q Well, before I get that far, can you tell me a

DIRECT EXAMINATION OF C. LEISY BY JONES

1 little bit about DNA and how it can be transferred.

2 A DNA stands for deoxyribonucleic acid. It is the
3 genetic materials in all of our body cells with the
4 exception of our red blood cells. And DNA is packaged into
5 structures called chromosomes, which is in our genes. And
6 genes are simply strands of DNA that confer physical
7 characteristics, such as our height or our eye color.

8 Now, approximately 99.9 percent of an
9 individual's DNA is identical to that of everyone else's,
10 and it's that remaining -- variation in that remaining .1
11 percent that allows us to tell different people apart.

12 So with forensic DNA testing, typically what
13 we are looking for is a bodily fluid, such as blood, saliva,
14 or semen, and we also test for what is known as touch DNA.
15 And that's DNA that's transferred to an [REDACTED] through
16 physical contact with an individual, and their skin cells in
17 DNA are then transferred to that item.

18 Q Okay. And you were asked to analyze a few
19 different sets of swabs for this particular case?

20 A Correct.

21 Q And when you're analyzing different swabs of
22 potential DNA, is it easy to have a known person to compare
23 it to?

24 A It is. Essentially what we are trying to do is
25 develop a DNA profile from an unidentified biological

DIRECT EXAMINATION OF C. LEISY BY JONES

1 material at a crime scene or on an item of evidence, compare
2 that to the DNA profile of a known individual and try to
3 determine if that individual is the contributor of that
4 material.

5 Q Okay. And you had some known profiles in this
6 case, correct?

7 A I did.

8 Q You actually have them and they actually have
9 already been admitted. You had a known profile from the
10 victim?

11 A I did.

12 Q And did you have one from Jarrod Bostick?

13 A Yes, ma'am.

14 Q And from Casey Jones, Senior?

15 A I had listed as Casey Kasan Jones.

16 Q Okay. And did you have another Casey Jones?

17 A Yes.

18 Q Okay. So two Casey Joneses and of Mr. Bostick?

19 A That's correct.

20 Q And the victim. Okay.

21 MS. JONES: And those are the swabs that have
22 already been admitted, Your Honor. Thank you.

23 And permission to approach?

24 THE COURT: You may.

25 BY MS. JONES:

DIRECT EXAMINATION OF C. LEISY BY JONES

1 Q I am going to hand you what has been marked
2 State's -- or what has already been admitted as State's 92,
3 93, 94, and 95. Can you identify those?

4 A These are four sets of sets of swabs that were
5 submitted for testing in this case. I recognize both the
6 SLED case number and item number as well as my initials on
7 each envelope.

8 Q Okay. And State's Exhibit 96, what is that?

9 A These tubes actually contain the DNA that was
10 extracted from each of the items that were tested. Once
11 testing is completed, we dry the DNA down and return each
12 tube along with each item of evidence that it corresponds
13 to.

14 Q And those are the tubes of the dried down DNA for
15 this case?

16 A That's correct.

17 THE COURT: Okay. And at this time, State moves
18 State's 96 into evidence.

19 THE COURT: Any objection?

20 MR. PLEXICO: No.

21 THE COURT: It is in evidence without objection.

22 *(Whereupon, State's Exhibit No(s). 96 marked for*
23 *identification and received in evidence.)*

24 BY MS. JONES:

25 Q Agent Leisy, if you could now tell the Court

DIRECT EXAMINATION OF C. LEISY BY JONES

1 regarding the swabs from the -- let's start with the
2 doorknob, swabs from the doorknob. Were you able to detect
3 Mr. Casey Jones, Senior -- Mr. Casey Jones's DNA?

4 A Well, the profile that was developed from the
5 swabs from the doorknob is a mixture of at least three
6 individuals, and Casey Jones was excluded as a possible
7 contributor to this mixture.

8 Q And how about, Casey Kasan Jones?

9 A Was also excluded as a possible contributor.

10 Q And Mr. Bostick?

11 A Mr. Bostick also excluded as a possible
12 contributor.

13 Q Okay. How about the Air Jordan shoebox?

14 A The DNA profile developed from the shoebox is
15 also a mixture of at least three individuals. Jeremiah
16 Wilson cannot be excluded as a possible contributor to this
17 mixture. Casey Kasan Jones, Jarrod Bostick, and Casey Jones
18 are excluded as possible contributors to this mixture.

19 Q Okay. And the baby wipe container.

20 A The DNA profile developed from the baby wipe
21 container is a mixture of at least two individuals. The DNA
22 profile developed from the major contributor to this mixture
23 matches the DNA profile of Jeremiah Wilson. The probability
24 of randomly selecting an unrelated individual having a DNA
25 profile matching the major contributor to this mixture is

DIRECT EXAMINATION OF C. LEISY BY JONES

1 approximately one in 8.8 sextillion. And Casey Kasan Jones,
2 Jarrod Bostick, and Casey Jones are excluded as possible
3 minor contributors to this mixture.

4 Q Okay. And how about the -- you were also given
5 the swabs of the cartridge cases, the head stamps of the
6 cartridge cases?

7 A Correct. No DNA profile was developed from the
8 head stamps from the cartridge cases:

9 Q Okay. Is it common to find the DNA profile on
10 cartridge cases?

11 A It's really very rare for us to be able to develop
12 a profile from this type of item. There's just not enough
13 material present for us typically to develop a profile
14 suitable for comparison.

15 Q Okay. So if I get this right, you were not able
16 to detect DNA from any of the three Defendants?

17 A That's correct. They were excluded from all the
18 profiles I have that are suitable for comparison.

19 Q But you tried?

20 A Yes, ma'am.

21 Q Thank you.

22 MS. JONES: I have no further questions for this
23 witness.

24 THE COURT: All right. Mr. Plexico.

25 CROSS EXAMINATION

CROSS EXAMINATION OF C. LEISY BY PLEXICO

1 BY MR. PLEXICO:

2 Q Now, you had an opportunity to develop DNA on some
3 of these items, correct?

4 A That's correct.

5 Q All right. So the ones that -- and you did your
6 job, did your protocols, and you came back where you did
7 find DNA, and there was absolutely no question in your mind,
8 it is not Casey Jones, as you reported, right?

9 A It is my opinion based on the profiles developed
10 that it is appropriate to exclude Mr. Jones as a possible
11 contributor to those profiles, yes, sir.

12 Q Cannot be his DNA?

13 A Again, based on the profiles I developed, I
14 believe he is excluded as a possible contributor.

15 Q It can't be his; yes or no?

16 A No, not based on the profile.

17 CROSS EXAMINATION

18 BY MR. KOGER:

19 Q In relation to my client, Mr. Jarrod Bostick, he
20 is also excluded in the profiles, correct?

21 A That's correct, sir.

22 Q And it cannot be him?

23 A Again, he is excluded from that profile, that is
24 correct.

25 MR. KOGER: Thank you.

CROSS EXAMINATION OF C. LEISY BY KOGER

1 THE COURT: Mr. Newman.

2 CROSS EXAMINATION

3 BY MR. NEWMAN:

4 Q From your report, ma'am -- I'm Jared Newman, by
5 the way. I don't think we have met.

6 A We've spoke.

7 Q On your report -- do you date your reports?

8 A Yes, sir, we do.

9 Q Okay. And generally, let's see if we can get them
10 in order. When -- what are the dates that you did work on
11 this case, or submitted the report anyway?

12 A The original report was issued on August the 28th
13 of 2015. I then issued a supplemental report on February
14 the 1st of 2016. Another supplemental report on March the
15 15th of 2016. And then a final supplemental report on
16 September the 20th of this year.

17 Q Okay. And that is, I'm presuming, that you would
18 have first got in probably a DNA sample from the autopsy of
19 the decedent, correct?

20 A That's correct.

21 Q And you would also receive, because they processed
22 on scene very early, you would have received the touch or
23 transfer DNA swabs, correct?

24 A That's correct. That first report included those
25 touch samples as well as the profile from Mr. Wilson.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 Q Correct. And you need the buccal swabs from the
2 suspects to be able to match them up?

3 A That's correct.

4 Q Okay. And in getting a -- and I know you don't do
5 it per se, but I'm assuming you are familiar with the
6 procedure. Getting a buccal swab is a relatively simple
7 procedure. It is basically two long Q tips that are put in
8 a sealed -- the person wears gloves to make sure we don't
9 get genetic material on the buccal swab. And you just
10 basically rub inside the cheek and gum just for a couple
11 seconds, put them in a container that is marked for chain of
12 custody purposes, and that is it. That is how you can get a
13 DNA sample, correct?

14 A That is correct. A very simple procedure.

15 Q Okay. It is non invasive, it is relatively easy
16 to do.

17 A I would consider it non invasive, yes, sir.

18 Q Okay. If I had a Q tip, I could rub my cheeks and
19 put it in a thing and you would be able to test it, correct?

20 A That's correct.

21 Q Okay. And I noticed that there are a number of
22 forms that SLED uses for being able to submit items to the
23 laboratory, correct?

24 A That's correct.

25 Q Okay.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 MR. NEWMAN: And if I may approach the witness, I
2 just want to see --

3 BY MR. NEWMAN:

4 Q Would this be an example of a laboratory
5 submission form?

6 A It would. It includes information such as
7 submitting agency, names of the individuals, items of
8 evidence and so forth.

9 Q Okay. And that is so we can be very careful and
10 track this down. And I notice it has an L number, L1507414.

11 A Correct. That would be the SLED laboratory number
12 for this particular case.

13 Q And that's tracked, it has a bar code?

14 A Yes, sir.

15 Q Okay. And no question in your mind that all the
16 appropriate protocols and procedures for chain of custody
17 were performed in this case so that you could make a
18 reliable report of your testimony?

19 A That's correct.

20 Q If there had been any problem with the chain of
21 custody, or mislabeling, you would have to note that or
22 maybe not even be able to test the materials; is that
23 correct?

24 A Depending on the issue, it could prevent us from
25 testing, but it would be documented.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 Q Okay. But maybe a wrong name was on it?

2 A Correct.

3 Q Nothing like this happened in this case?

4 A Could you be more specific?

5 Q Okay. Let me put it this way: Are you confident,
6 a hundred percent, in the report that you did that you had
7 right samples that matched the bar codes that matched the
8 chain of custody?

9 A I am confident in that, yes, sir.

10 Q Okay. And you are confident on your report that
11 excludes Casey Jones, Casey Kasan Jones, and Jarrod Bostick?

12 A Yes, sir, I am.

13 Q Okay. Now, as to the touch or transfer DNA, those
14 are from skin cells?

15 A Typically, unless we perform specific serological
16 testing, meaning we are looking for a body fluid. When we
17 are testing for touch, typically we are just looking for
18 skin cells that have rubbed off the body and been
19 transferred to an [REDACTED] or in contact.

20 Q Okay. And let me ask you if, within your
21 knowledge, that this is correct or not correct, an average
22 human sheds about 400,000 skin cells a day; is that correct?

23 A I can't give you a specific number. I know some
24 people shed much more readily than others, so some will
25 leave more cells during contact than other individuals will.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 But it is quite a large number.

2 Q Quite a large number.

3 A It can be, yes.

4 Q It makes a difference if people tend to touch
5 their face a lot, or eyes, or pick at things like that.

6 A Absolutely.

7 Q Scratch their head, and scratch their beard?

8 A Yeah. How often they wash their hands. There are
9 quite a few different things that can go into the transfer.

10 Q Just like dandruff, if I scratch my head now and
11 got some on the -- those little flakes contain thousands and
12 thousands and thousands of cells..

13 A They can, yes, sir.

14 Q Okay. So -- and I know you don't do crime scene,
15 but in your work in the laboratory, the crime scene
16 investigators typically, when they are wanting to do swabs,
17 would have a practice or protocol of -- we think the
18 suspects touched this item, and that they would want to swab
19 this item for likely places where the suspect touched.

20 A As he said, I don't do crime scene, but typically
21 that is what we are looking for. Any object or area where
22 an individual may have come in physical contact is suitable
23 for swabbing to test for possible DNA profile.

24 Q Okay. And in this case, it was from the doorknob
25 and door area from the front of a residence.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 A Correct. It was identified as exterior front
2 doorknob and doorknob area.

3 Q Okay. And another set from an Air Jordan shoebox?

4 A Correct.

5 Q All right. And another set from some type of baby
6 wipes. Baby wipe container in the bedroom.

7 A Correct.

8 Q Okay. And I understand that you said shell
9 casings, typical are difficult to get DNA samples from
10 because the item is very small.

11 A The item is small. We don't expect there to be a
12 tremendous amount of contact with that item. And, you know,
13 the combustion if the weapon is fired and we are testing
14 after it's been fired, that can also degrade or break down
15 the DNA, making it more difficult for us to develop a
16 profile.

17 Q And once it's -- once you don't have enough, you
18 will call it LCN low copy number, too low of a copy number
19 that you can't do SRP repeats on.

20 A That's right. There is a minimum amount of DNA or
21 cells that need to be present for us to be able to develop a
22 profile that's strong enough for comparison.

23 Q And the profiles that you were able to develop
24 from the doorknob and door frame area, from the Air Jordan
25 shoebox, and the baby wipe container overturned in the

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 bedroom, you were able to get a sufficient amount of DNA to
2 be able to do SRT testing on it and to get a reliable
3 result?

4 A That's correct. We did perform STR testing and I
5 was able to develop a profile suitable for comparison for
6 each of those items.

7 Q Okay. And I know it makes it a little more
8 difficult, but your lab is equipped to, and you are trained
9 in being able to develop profiles from multiple
10 contributors?

11 A That's correct. As I mentioned, these are
12 mixtures. Meaning, there are multiple individuals' DNA
13 present on these items.

14 Q Okay. Such as you, I, and the court reporter had
15 handled this Bible, you might get not necessarily get -- you
16 might get a mixture of three individuals.

17 A That would be possible, yes, sir.

18 Q And you are scientifically able to keep evolving
19 that into separate DNA profiles?

20 A We can pull out what we call a major contributor.
21 So if one individual were to contribute significantly more
22 DNA than the others to a three-person mixture, say, we can
23 essentially pull out their DNA profile and treat it as if it
24 is single source. With a mixture that is a more even
25 distribution of the individuals we can't necessarily

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 separate those profiles out.

2 So when we are making a comparison with a
3 mixture like that, we are just checking to see if there is
4 consistency between a known individual and the profile that
5 is a mixture, to see if they could have been a possible
6 contributor.

7 Q Okay. In this case, in the process, you were able
8 to, without scientific question, from the baby wipe box,
9 from the shoebox, and from the door frame, you were
10 scientifically competently able to exclude the mixture as
11 including Casey Jones, Junior, or Casey Kasan Jones.

12 A I do believe that Casey Kasan Jones is excluded
13 from the profiles that I developed, yes, sir.

14 Q Okay. And the same with Mr. Bostick as to the
15 three items, the door/doorknob area, the Air Jordan shoebox,
16 and the baby wipe container.

17 A That's correct.

18 Q Okay. And if you are not able to do that, there
19 is another term that y'all use, if you can't tell one way or
20 the other, it would be inconclusive. I can't say it's him,
21 and I can't rule him out, correct?

22 A We previously did sometimes generate results as
23 inconclusive, basically meaning there is some consistency
24 between a known individual's DNA profile and the evidence.
25 Not enough that we are confident enough to say, yes, they

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 are included and do a statistic, but enough consistency we
2 do not want to exclude that individual. So we would
3 sometimes report things out as inconclusive. We basically
4 just don't have enough information to competently make a
5 conclusion.

6 Q And in this case, you were able to scientifically
7 exclude Casey Kasan Jones, Jarrod Bostick, and Casey Jones,
8 Senior.

9 A Correct. I did exclude those individuals from
10 those three items.

11 Q Any question in your mind?

12 A No. I believe they are excluded from the profiles
13 I was able to develop.

14 MR. NEWMAN: Thank you, ma'am.

15 THE WITNESS: Yes, sir.

16 MR. NEWMAN: No further questions, Your Honor.

17 THE COURT: Anything further from this witness?

18 MS. JONES: Not from the State, Your Honor.

19 THE COURT: You are excused, Agent.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Call your next witness.

22 MS. JONES: State calls Chad Smith.

23 THE COURT: All right. And as that witness is
24 coming in, everyone stand up and take a stretch. Up.
25 Up.

CROSS EXAMINATION OF C. LEISY BY NEWMAN

1 (Jury complies.)

2 Thereupon,

3 CHAD SMITH

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 Agent Smith, where do you work?

9 A I'm employed by the South Carolina Law Enforcement
10 Division, which is also known as SLED. Specifically, I work
11 in the firearms department at SLED's forensic services
12 laboratory in Columbia.

13 Q How long have you worked there?

14 A It will be nine years in November.

15 Q And to work in the firearms department, you had to
16 receive special training, education?

17 A Yes, ma'am. I received a bachelor's of science
18 degree from Clemson University in biological sciences. And
19 then when I started my training at SLED in the firearms
20 department, I completed that training. It lasts between
21 three to five years, it is supervised by the court qualified
22 examiners of the firearms department. It involves extensive
23 reading and studying. There's multiple examinations and
24 tests given during this period.

25 Also had the opportunity to help other

DIRECT EXAMINATION OF CHAD SMITH BY JONES

1 examiners prepare their own casework. I attended various
2 seminars and classes. And at the end of my training period,
3 I received a comprehensive multi-part examination, which I
4 successfully passed, and then I began to receive my own
5 casework.

6 Q And have you testified in court before?

7 A Yes, ma'am.

8 Q In general sessions court?

9 A Yes, ma'am.

10 MS. JONES: And, Your Honor, at this time, the
11 State moves Agent Chad Smith in as an expert in
12 firearms.

13 THE COURT: Any voir dire?

14 MR. PLEXICO: No.

15 THE COURT: Without objection.

16 Ladies and gentlemen, in this case Agent Smith is
17 being qualified as an expert in the area of firearms.
18 Again, that allows him to give his opinion and the
19 reasons for his opinion. And that's for you to use as
20 you see appropriate in with other evidence in the case.
21 All right?

22 MS. JONES: Thank you, Your Honor.

23 BY MS. JONES:

24 Q Agent Smith, were you asked to analyze some items
25 in this case?

DIRECT EXAMINATION OF CHAD SMITH BY JONES

1 A Yes, ma'am.

2 Q And what were those?

3 A I received a semiautomatic pistol, a .40 Smith and
4 Wesson caliber, which came with a magazine, and there was
5 some unfired cartridges with that. And I also received
6 seven fired .9 millimeter Luger caliber cartridge cases, as
7 well as four fired bullets.

8 Q And just so I'm aware, tell me what exactly a
9 cartridge case is.

10 A A cartridge case is the actual container of a
11 cartridge. Some people get confused and call the whole
12 thing a bullet. Well, a cartridge is actually a unit of
13 ammunition. So it is made up of various parts. You've got
14 the cartridge case, which is basically the container for all
15 the other parts. And the other parts included the bullet,
16 which is the projectile. The cartridge case holds the
17 gunpowder as well, and then there's a primer at the bottom
18 of the cartridge case, which is -- causes the ignition of
19 the cartridge itself.

20 MS. JONES: Permission to approach the witness?

21 THE COURT: You may.

22 BY MS. JONES:

23 Q Agent Smith, I'm going to show you what has
24 already been admitted as State's 85 to 91. Can you identify
25 those?

DIRECT EXAMINATION OF CHAD SMITH BY JONES

1 A Yes, ma'am. These are the cartridge cases that I
2 received for examination.

3 Q Okay. And I can take those back from you. Thank
4 you.

5 I'm now going to show you State's 81 through
6 84. Can you identify those?

7 A Yes. These are the four fired bullets that I
8 received for examination.

9 Q Okay. You can give those to me. Thank you.

10 And I'm now going to show you previously
11 admitted State's 77. Can you tell the Court what this is?

12 A Ladies and gentlemen of the jury, this firearm has
13 a cable lock going through the magazine well, and so it's
14 safe to handle.

15 Yes, this is the firearm I received for
16 examination.

17 Q Okay. And what type of firearm is that?

18 A It is a Glock brand, it is a model 22. It's a
19 semiautomatic pistol, .40 Smith and Wesson caliber with a
20 serial number of VVS891.

21 Q And that's the gun that you used to test against
22 the shell casings as well as the bullets you received?

23 A Yes, ma'am. Actually the caliber, it was totally
24 different from the submitted evidence.

25 Q Okay.

DIRECT EXAMINATION OF CHAD SMITH BY JONES

1 A So --

2 Q So did that gun fire any of the bullets?

3 A No, ma'am.

4 Q Did that gun produce any of these shell casings?

5 A No, ma'am.

6 Q Okay. I can take that from you.

7 With regard to the four bullets that you
8 have -- that you analyzed, what were your findings with
9 those?

10 A I was able to conclude that all four of those
11 bullets, they were consistent with a .9 millimeter Luger
12 caliber, and they were all fired by the same firearm.

13 Q Okay. With regard to the shell cases, what were
14 your findings with those?

15 A I was able to determine that there were three
16 different guns involved. Based on the markings created on
17 the shell casings, I was able to determine that three
18 different firearms fired those shell casings. Three
19 different groups.

20 Q Okay. So the evidence that you had, you analyzed,
21 showed that three guns were used?

22 A Yes, ma'am.

23 Q One of them not being this gun?

24 A Correct.

25 MS. JONES: Your Honor, that is all the questions.

DIRECT EXAMINATION OF CHAD SMITH BY JONES

1 I have for this witness.

2 Thank you, Agent Smith.

3 THE COURT: Mr. Plexico?

4 MR. PLEXICO: I have no questions, Your Honor.

5 THE COURT: Mr. Koger?

6 CROSS EXAMINATION

7 BY MR. KOGER:

8 Q How many guns did you receive to test?

9 A Just one.

10 Q Just one.

11 A Yes, sir.

12 Q Okay. And that was not the gun that fired the
13 cartridges and the casings that you tested, correct?

14 A Correct.

15 MR. KOGER: Thank you.

16 CROSS EXAMINATION

17 BY MR. NEWMAN:

18 Q I'm assuming the only -- is the gun in there?

19 MS. JONES: Yes, sir.

20 BY MR. NEWMAN:

21 Q I'm assuming the only gun we are going to have in
22 evidence in this case for the jury is -- is this one,
23 correct?

24 A Yes, sir.

25 Q And that is not the weapon used in the commission

CROSS EXAMINATION OF CHAD SMITH BY NEWMAN

1 of the crime, correct?

2 A Correct.

3 Q Okay. And this is under Federal law, what's known
4 as a high capacity magazine; is it not?

5 A It is a high capacity magazine.

6 Q Okay. Mr. Wilson was a convicted felon. Would
7 you know how he would be able to get ahold of a weapon with
8 a high capacity magazine like this?

9 A No, sir.

10 Q Oh, and the actual bullet part, I understand you
11 explained what a cartridge versus the projectile.

12 A Right.

13 Q The four projectiles that were found all were from
14 the same weapon?

15 A Yes, sir. All fired by the same firearm.

16 MR. NEWMAN: Okay. Thank you.

17 THE COURT: Anything further?

18 MS. JONES: Not for this witness, Your Honor.

19 THE COURT: All right. Agent Smith, you may be
20 excused, sir. Thank you.

21 THE WITNESS: Thank you.

22 MS. JONES: State calls Dr. Reimer.

23 Thereupon,

24 DR. ELLEN REIMER

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

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. JONES:

4 Q Good afternoon, Dr. Reimer.

5 A Good afternoon.

6 Q Where do you work?

7 A I work at the Medical University of South Carolina
8 as a forensic pathologist.

9 Q And what does that mean?

10 A A forensic pathologist is a medical doctor who
11 sub-specializes in determining cause and manner of death by
12 performing autopsies on deceased individuals.

13 Q And did you have to receive some specialized
14 training and education to become a forensic pathologist?

15 A Yes. So I got a medical degree, so I got my M.D,
16 and following receiving my Doctor of Medicine degree, I did
17 a residency training in pathology, which is a field of
18 medicine that specializes in diagnosis of disease, and by
19 examination of tissues and fluids. And that is sort of your
20 basic pathology training, and that was four years.

21 And following that, I did a subspecialty
22 training fellowship year in forensic pathology at the office
23 of the chief medical examiner of the state of Maryland, and
24 that was one year. And I'm board certificate in pathology
25 and forensic pathology.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 Q Thank you. And have you testified in general
2 sessions court before?

3 A On multiple occasions.

4 MS. JONES: Okay. Your Honor, at this time, the
5 State moves Dr. Reimer in as an expert in forensic
6 pathology.

7 THE COURT: Any voir dire?

8 MR. NEWMAN: No objection, no voir dire.

9 THE COURT: Ladies and gentlemen, in this case,
10 Dr. Reimer is being qualified in the area of forensic
11 pathology. Again, that allows her to give her opinion
12 and the reasons for her opinions.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Dr. Reimer, were you asked to perform an autopsy
16 on Jeremiah Wilson?

17 A Yes.

18 Q And when was that?

19 A If it's okay, I'm going to refer back to my notes.

20 I performed the autopsy on June 4th, 2015.

21 MS. JONES: And, Your Honor, if I may ask this
22 witness to step down.

23 THE COURT: Okay. Dr. Reimer, you are welcome to
24 step down. If you want to take your notes, of course.

25 A (Witness complies.)

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 BY MS. JONES:

2 Q Would a visual aid you in describing each of
3 Mr. Wilson's wounds?

4 A Yes.

5 MR. NEWMAN: Your Honor.

6 THE COURT: Yes, you are welcome to come over
7 here, y'all.

8 MR. NEWMAN: Thank you.

9 BY MS. JONES:

10 Q Dr. Reimer, how many gunshot wounds did you
11 discover?

12 A After I -- over the course of doing the autopsy, I
13 discovered that the victim had six gunshot wounds total.

14 Q Okay. And if you could, one by one, if you could
15 describe those. And I have some stickers that might help
16 you with your visual depiction.

17 A Okay. That's fine. Okay. So what I'll do is, I
18 will use blue to indicate an entrance wound and then red to
19 indicate an exit wound. Okay.

20 Now, the six gunshot wounds, four of them
21 went through and through. So there was no bullet recovered
22 in the body. So four of them had exit wounds. And then two
23 of them did not have an exit wound, but instead terminated
24 in the body with a projectile recovered somewhere in the
25 body. So I'll mention that.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 So in no particular order, I will start with
2 a first gunshot wound.

3 Q And you say that there's no order because you
4 don't know the order that they came?

5 A That's correct. So I have to, you know, order
6 them in my report. You know, give them letter A, B, C, D.
7 But it's just so I can refer back to them. But if they
8 are -- they are not -- I don't know what order they -- the
9 victim sustained these gunshot wounds.

10 So the first one is on the left side of the
11 head, and one of the gunshot wounds was to the left side of
12 the head, and that went through the skull and the brain and
13 then terminated. It actually didn't exit, so I'm just going
14 to make a little tiny mark to -- but it was kind of in back
15 of the right side of the head. So it didn't actually exit;
16 there was a bullet in there. It's almost just a little
17 piece to indicate that. Okay. So that was one of the
18 gunshot wounds.

19 Q And what was the trajectory in that?

20 A The trajectory was from left to right, and so you
21 can see every gunshot wound, you know, going through space
22 or a body has a trajectory. And what we do is --

23 (Disruption in the courtroom.)

24 THE COURT: Okay. Ladies and gentlemen, we're
25 just going to take a brief recess. Again, do not

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 discuss the case. It would not be appropriate to do
2 so. You can go back to your jury room. Can we all
3 please move over to let the jury come.

4 Take her out.

5 (The Jury exits the courtroom.)

6 THE COURT: Okay. We are going to take about
7 a ten-minute break. You need to go back and talk to
8 them. If they can't contain themselves, they are not
9 coming back in this courtroom. We need to decide what
10 we are going to do with the gentleman. I'm sorry, I
11 forgot his name, and again I think everyone needs to
12 stay out for right now. I just think it's a better
13 idea. Okay? And I want him out of the courthouse, I
14 don't want to hear anyone, and I want them gone.

15 MS. JONES: I'll ask them.

16 THE COURT: We will take ten minutes. Okay?
17 Thank you.

18 And Honeycutt, you need to go. You go do whatever
19 you need to do, Honeycutt.

20 OFFICER: It's okay, I can just stay here.

21 THE COURT: I have every confidence. Are you
22 okay?

23 MR. NEWMAN: I want to keep this gentleman in the
24 courtroom.

25 THE COURT: Okay. You all are fine, right? Okay.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 Dr. Reimer, you are welcome to step down if you
2 want. We are just going to take just a quick -- if you
3 need any water or anything, just ask the bailiffs.

4 THE WITNESS: No problem.

5 THE COURT: You just can't talk about your
6 testimony with anyone.

7 THE WITNESS: Yeah, no problem. I'm not talking.

8 THE COURT: I know that you are good. Okay.

9 THE WITNESS: No, I'm fine.

10 (Whereupon, the Court was in recess.)

11 THE COURT: Okay. Are we ready to go?

12 Dr. Reimer, are you ready to go?

13 THE WITNESS: Yes.

14 THE COURT: Sort of like, yes, get me out of here.
15 Okay. Let's bring the jury in.

16 (The Jury enters the courtroom.)

17 MS. JONES: Okay.

18 THE COURT: All right. Let's continue.

19 THE WITNESS: So just mentioning the trajectory
20 through the body. So for every gunshot wound, I just

21 --

22 MS. JONES: Please, if you could wait a second so
23 that the Defendants can get over here.

24 MR. NEWMAN: Sorry. Thank you.

25 THE WITNESS: Okay. So for every gunshot wound, I

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 assign it an accurate direction, which corresponds to
2 how it goes through the body. It doesn't describe how
3 anybody is standing nearby or anything like that.

4 So if the entrance is on the left side of the
5 head, and the bullet is recovered in the back of the
6 head, so it's from front to back, and from left to
7 right. And in this case, it was a little bit downward
8 as well.

9 So that's -- and that bullet went through the
10 brain.

11 BY MS. JONES:

12 Q Would that wound have been fatal?

13 A Yes.

14 Q Thank you.

15 A And now, I'm going to move on to another gunshot
16 wound, which was on the right side of the back, about there.
17 Okay. And that gunshot wound went through a couple of the
18 ribs on the right side in the back, and then went through
19 the right lung, and the ascending aorta, which is the major
20 blood vessel as it leaves the heart, and so the blood gets
21 pumped out of the heart into the aorta, so this went through
22 the ascending aorta, and also the right atrium of the heart.
23 So right chamber of the heart.

24 And then after coming through into the front,
25 it actually exited the front of the chest just on the right.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 side. So here it is on the right side and exiting on the
2 right side as well, but it still has a slightly right to
3 left trajectory. And the injury trajectory is from back to
4 front and upward.

5 Q And would this wound have been fatal?

6 A Yes, because it went through the heart. That is a
7 non-survivable injury.

8 And then another gunshot wound went into
9 the -- or entered, I should say, into the left side of the
10 back, around there. Okay. And that wound, or that gunshot
11 wound went through the back and then through the liver, and
12 then the diaphragm, which is a muscle that is used for
13 breathing. It separates like the lungs from the liver.
14 Okay. And then as -- and so it went through the liver, the
15 diaphragm, and then into the right lung, and exited on the
16 right side of the chest. So that makes it a red one. Okay.

17 Okay. That was the -- so exit on the right
18 side of the chest, so, yeah, that is somewhere here. And so
19 that was the entrance, and the exit is over here. And so we
20 have got, it is going from back to front, its main
21 trajectory, and left to right and upward.

22 Q Okay. And would this one have been fatal?

23 A Well, you know, those are significant injuries.
24 And they went through the diaphragm, which is going to
25 interfere with breathing. The liver causes a lot of

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 bleeding into the abdomen and into the right lung. So, I
2 mean, it could have been fatal, not as rapidly as the injury
3 to the head.

4 Q Okay. Thank you.

5 A So, now, we are done with three. Okay. And then,
6 another gunshot wound is on the left side of the back, kind
7 of on the lower part down here. And that gunshot wound also
8 exited the body. and after going into the left side of the
9 lower back, it went through the left iliac artery, which is
10 a major blood vessel that, like a branch of the abdominal
11 aorta that feeds the left lower extremity. But it is in the
12 kind of the pelvis kind of region, so it's, you know, this
13 is all the pelvis region.

14 It went through the -- that bullet on the way
15 through the body went through the left iliac artery, the L4
16 vertebra. Okay. So it went through the backbone. It did
17 not actually go through the spinal cord, but it went through
18 the backbone. And then it's kind of going across the body
19 and went through the right kidney and some loops of the
20 small bowel and intestines, and then also the liver.

21 The liver is pretty big in there, so -- and
22 then it exited on the right side of the abdomen, which is a
23 little bit lower than this one. So somewhere around there,
24 so that one is also going from back to front and left to
25 right and upward.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 Q , Thank you. And would this wound have been fatal?

2 A Well, it would have been fatal, but not as rapidly
3 again, because there was so much bleeding associated with
4) bullets that travel through, first of all, the more major
5 blood vessel like the iliac. I mean, you know, if it was
6 the only gunshot wound, you know, and it happened in the
7 emergency room, I guess he may have had a chance. You know,
8 I'd never say never. As I said, there was a lot of major
9 damage that occurred from this gunshot wound.

10 Q Okay.

11 A So now we are done with four of them. And then we
12 go to the fifth gunshot wound, which was on the left side of
13 the lower back again. And this one is more like on the
14 flank area. So that's like up in here. So kind of almost
15 like the flank area, but it's also on the back. And that
16 gunshot wound went through the -- some loops of small bowel
17 and liver and did not exit the body. That one actually
18 ended up in the anterior abdominal wall. And so it went
19 through the liver, and then did not have enough energy to
20 get all the way out. So we will just put this one here to
21 indicate that it was recovered around there.

22 So you can see that the trajectory on this
23 was from back to front, again, and in this case, from left
24 to right. And there may not have been a significant upward
25 or downward deviation. I will check my notes, my report.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 Yes. This is a slight upward deviation from
2 where it entered, and it was recovered, and this one was
3 recovered right here. So that was that. Now, we are done
4 with five gunshot wounds.

5 Q And that fifth gunshot wound, is that possibly
6 survivable?

7 A Well, again, we have small bowel and liver. That
8 didn't go through the iliac artery, so, you know, we are
9 still going to end up with a lot of bleeding from it. But
10 if it was like immediate medical attention, potentially he
11 could have survived it if that was the only one. But, you
12 know, the combination of all of these gunshot wounds caused
13 a lot of internal injury that was really with vital organs.

14 Q Thank you.

15 A Now, the last gunshot wound, I'm describing it
16 last, I don't actually know the order of these, again, was
17 on the left hand. And there was an entrance and -- well,
18 there was a through and through defect in the left hand.
19 Okay. And it wasn't completely obvious, which was the
20 entrance and which was the exit. But I think, okay, it
21 could have been either one. But I think that the entrance
22 was actually on the left palm. Okay. So, we will put the
23 left palm over there, and that exit was the left side of the
24 top of the hand. So pretty much just straight through and
25 through.

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 It is one of those things that the autopsy,
2 you know, I wasn't completely convinced which one was the
3 entrance and the exit. Then when I went back to look at the
4 pictures a few days ago, I think that the one on the palm is
5 the entrance, but sometimes we cannot be 100 percent
6 certain. So the other ones, I'm certain about where the
7 entrance was, and this one, I'm a little bit not completely
8 convinced which was which, but it was a through and through
9 gunshot wound that definitely connected.

10 And then also, there was some injury to the
11 left -- the tip of the left ring finger. Okay. Also from a
12 gunshot wound. And that probably happened, while the bullet
13 was traveling through the hand to, the hand may have been
14 hit. So it was just a little tip of the finger. And this
15 would not have been fatal.

16 The fractured bones of the hand were the
17 worst case scenario. He could have lost his hand, worst
18 case scenario, but it would not have been a fatal injury on
19 its own.

20 Q Thank you, Dr. Reimer.

21 And these six wounds are the wounds that you
22 detected during Jeremiah's autopsy?

23 A Yeah. Those are the complete wounds that were
24 present on his -- at his autopsy.

25 Q Okay. And this is an accurate depiction that you

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 have made here in court today.

2 A Yes.

3 MS. JONES: Thank you. And, Your Honor, at this
4 time, State moves State's 74 into evidence.

5 MR. NEWMAN: Without objection.

6 *(Whereupon, State's Exhibit No(s). 74 marked for*
7 *identification and received in evidence.)*

8 BY MS. JONES:

9 Q And, Doctor, you can take your seat back at the
10 witness stand.

11 A Thank you. (Witness complies.)

12 Q Dr. Reimer, what was Mr. Wilson's toxicology
13 report?

14 A Okay. So as part of every autopsy, I draw blood
15 from the deceased individual and send it to a toxicology
16 lab. I don't perform the testing myself, but it's sent to a
17 professional toxicology lab that tests for all sorts of
18 drugs and alcohol. And the only thing he had in his blood
19 was caffeine.

20 Q Dr. Reimer, what was Jeremiah Wilson's cause of
21 death?

22 A So I determined the cause of death to be multiple
23 gunshot wounds.

24 Q And, finally, Dr. Reimer, what was Jeremiah
25 Wilson's manner of death?

DIRECT EXAMINATION OF DR. REIMER BY JONES

1 A The manner of death is homicide.

2 MS. JONES: Thank you. I have no further
3 questions.

4 MR. PLEXICO: No questions, Your Honor.

5 THE COURT: Anything Mr. Koger?

6 MR. KOGER: No questions, Your Honor.

7 THE COURT: Mr. Newman?

8 CROSS EXAMINATION

9 BY MR. NEWMAN:

10 Q Doctor, within your specialty in your training and
11 science, everything you testified to does not connect any of
12 these Defendants to the crime; would that be correct?

13 A That is correct.

14 MR. NEWMAN: Thank you.

15 THE COURT: Anything further?

16 MS. JONES: Nothing further.

17 THE COURT: Doctor, you are excused. Thank you.

18 THE WITNESS: Okay. Thank you.

19 MS. JONES: Your Honor, at this time, the State
20 rests.

21 THE COURT: Ladies and gentlemen, at this time,
22 the State is rested their case. There's a matter of
23 law I need to take up with the attorneys.

24 I'm going to find out where we are going to go
25 from here, ladies and gentlemen. I'm going to send you

STATE RESTS

1 back to the jury room. Do not discuss this case, it
2 would not be appropriate to do so. We will be right
3 with you. Okay? Thank you.

4 (The Jury exits the courtroom.)

5 THE COURT: All right. Any motions? Mr. Plexico?

6 MR. PLEXICO: Yes, Your Honor. I have a motion
7 for a directed verdict on all counts. The State has
8 failed to show -- have any proof of -- that my client
9 participated in these crimes. The only testimony that
10 the State has is that my client was identified, not by
11 his face, not even by his gait, since his walk could
12 not be seen. He was identified by the tennis shoes
13 that he was wearing without anything unique about those
14 tennis shoes. And I believe that any reasonable person
15 looking at that video, which has been shown multiple
16 times in court, you could not discern the third person
17 who they allege to be my client on that video. You
18 can't discern who that is at all. The video itself
19 helps exonerate my client.

20 I don't believe that amounts to an iota of
21 evidence against my client. And I move for a directed
22 verdict on all three counts.

23 THE COURT: Ms. Jones.

24 MS. JONES: Thank you, Your Honor. I believe
25 there is evidence in the record that does give the jury

MOTIONS

1 the question about the fact Mr. Jones, Senior is the
2 third individual. They have the video, they have the
3 stills, and they have testimony of Dominique Coleman,
4 who said that she identified him. She was a hundred
5 percent positive, and she quickly identified him. I
6 believe that that is now a question of fact for the
7 jury to decide, with enough evidence that was presented
8 today and yesterday to have the jury decide that.

9 THE COURT: All right. Thank you. I do think
10 there is certainly direct evidence on the video as well
11 as circumstantial evidence to determine that Mr. Jones,
12 Senior did, in fact, commit these three crimes. And so
13 I'm going to deny your motion.

14 As to Mr. Bostick.

15 MR. KOGER: Your Honor, may it please the Court.
16 I'll make a motion for directed verdict in relation to
17 Jarrod Bostick in this particular case. The evidence
18 that has thus far come out placed by the State does not
19 warrant submission of his particular case on all three
20 charges going to the jury for consideration.

21 THE COURT: All right. Well, again, respectfully,
22 you can go ahead and -- who specifically testified that
23 it was Mr. Bostick in the video?

24 MS. JONES: We have Starsheika Scott, Craig
25 Proctor, Chief Collins, Jeff Croft, and I believe

MOTIONS

1 that's it.

2 THE COURT: Anything else you want to add to it?

3 MS. JONES: My argument was the same for all three
4 Defendants, Your Honor. There's direct evidence and
5 circumstantial evidence.

6 THE COURT: I would agree that certainly that
7 there is ample evidence as to Mr. Bostick and that this
8 case should be -- that there is adequate evidence from
9 which this jury could determine.

10 But obviously, ID evidence, we have the video
11 evidence, which is actual evidence, as well as
12 circumstantial evidence, as to these three charges as
13 to Mr. Bostick. So I'm going to deny the motion.

14 MR. NEWMAN: Yes, ma'am, Your Honor. Jones,
15 Junior moves for a directed verdict on all three counts
16 on the same grounds raised by Mr. Plexico and
17 Mr. Koger.

18 Additionally, Your Honor, the testimony that the
19 State has put out is in the form of a vague
20 identification, opinion type evidence. We have actual
21 contradictory scientific evidence that was deemed to
22 have been reliable that actually excludes Mr. Jones,
23 Junior from being at the scene of the crime. We move
24 for a directed verdict on those grounds. The
25 scientific evidence absolutely trumps the shaky ID

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1 evidence.

2 MS. JONES: Respectfully, I disagree with
3 Mr. Newman. I think that the identification evidence
4 is completely separate from the scientific evidence or
5 lack thereof in this case. And, again, I believe that
6 it is enough to go to the jury.

7 Both on direct and circumstantial evidence based
8 on the witness identification, which are multiple of
9 those for Mr. Jones, Junior and the video and the
10 stills.

11 THE COURT: Well, again, respectfully I do find
12 there's adequate evidence, both direct and
13 circumstantial to link Mr. Jones, Junior to these
14 offenses, and I will deny the motion as well.

15 Let's talk about your client's constitutional
16 rights. What I'm going to do, gentlemen, is go through
17 your constitutional rights. I'm sure your attorneys
18 have spoken with you about your rights.

19 Mr. Plexico, is now a good time to speak with your
20 client?

21 And, gentlemen, I can actually explain it all to
22 each of you together, but then I will question you
23 separately afterwards as to whether or not you wish to
24 testify.

25 Is that acceptable, Mr. Plexico?

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1 MR. PLEXICO: Yes, Your Honor.

2 THE COURT: What about you, Mr. Koger?

3 MR. KOGER: Yes, Your Honor.

4 THE COURT: All right. Mr. Newman.

5 MR. NEWMAN: Yes, ma'am.

6 THE COURT: All right. Well, gentleman, I need

7 you all to stand. And for the two Mr. Joneses and

8 Mr. Bostick, if you will each raise your right hand.

9 Gentlemen I am going to ask you and give you --
10 swear you in, and then I'm going to ask Mr. Jones,
11 Senior to say yes, and then Mr. Bostick, and then Mr.
12 Jones, Junior. Okay?

13 So, gentlemen, do you swear or affirm the
14 testimony you give will be the truth, so help you God,
15 Mr. Jones, Senior?

16 DEFENDANT JONES, SENIOR: Yes.

17 THE COURT: Thank you, sir. Mr. Bostick?

18 DEFENDANT BOSTICK: Yes, ma'am.

19 THE COURT: And Mr. Jones, Junior?

20 DEFENDANT JONES, JUNIOR: Yes, ma'am.

21 THE COURT: All right. Gentlemen, put your hands
22 down.

23 Now, we have come to that point in the trial where
24 you are permitted to put on the defense of your case.
25 As you all understand, the State has now rested. I

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS

1 want to explain a few things to you to make sure you
2 understand your constitutional rights, ladies and
3 gentlemen.

4 You have the right -- sorry. Not ladies and
5 gentlemen, just gentlemen.

6 You have the right to claim the protections that
7 are given to you by the fifth amendment to the
8 Constitution of the United States, which states in part
9 that no person is compelled in any criminal case to be
10 a witness against themselves. Gentlemen, what that
11 means is you cannot be required to testify in this
12 case.

13 If you choose not to testify in this case, I'm
14 going to instruct the jury in my jury charge that the
15 fact that you didn't take the stand cannot even be
16 discussed back in the jury room. And the reason is
17 because the State has the burden of proving your guilt
18 beyond a reasonable doubt. You do not have any burden
19 to prove yourself innocent. That burden is on the
20 State to prove that you are guilty, each one of you, of
21 these crimes beyond a reasonable doubt.

22 I do want you to know that you do have the
23 opportunity, though, if you want to, to take the stand.
24 But what you need to understand, gentlemen, is if you
25 choose to take the stand, like any other witness in

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS

1 this case, you will be subject to cross-examination by
2 the State. And basically they can ask you anything
3 that I deem relevant to this case, which means they can
4 ask you questions certainly about anything having to do
5 with this case.

6 So, again, we talked about this before. Do we
7 need to go through any of their rap sheets? I know we
8 discussed it with Mr. Jones, Senior. Is that correct?

9 MS. JONES: Yes, Your Honor, and I'm getting that
10 right now. Thank you.

11 MR. PLEXICO: Your ruling was that the only case
12 that -- the only prior thing that he had was --

13 THE COURT: I understand that. I want to make
14 sure there wasn't anything other than that.

15 MS. JONES: Not for Mr. Senior.

16 THE COURT: Not for Mr. Senior. So in your case,
17 Mr. Jones, Senior, if you take the stand, I am not
18 going to allow the State to use your prior conviction
19 for a burglary to cross-examine you for the simple fact
20 that it's too close to what this case, in fact, is.

21 The State needs to prove that you are guilty of
22 this charge because of the facts and evidence presented
23 in this case, not because they think you have done it
24 in the past. Okay? So I just want to make sure you
25 understand that while they are not going to be

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS

1 permitted to use that, Mr. Jones, Senior, I am going to
2 let them ask you any question they want to that I think
3 is relevant to this case. And you will be subject to
4 cross-examination. I want to make sure you understand
5 that.

6 You also, if you choose to take the stand, you
7 need to answer the questions. If you choose to talk,
8 then you do need to answer the questions that are posed
9 to you. All right?

10 I want to make sure you understand, Mr. Jones,
11 Senior that, again, you are never required to testify,
12 but you can choose to testify if you want.

13 Have you had an opportunity to speak with your
14 lawyer about whether or not you want to testify?

15 DEFENDANT JONES, SENIOR: No, ma'am. Not today.

16 THE COURT: You haven't today. All right. Well,
17 sir, we are at that point in your trial where you have
18 to decide whether or not you want to testify. Because
19 this is your opportunity to put up your case, if you
20 want to testify. And we will take a short break after
21 this, and I'm going to come back and ask you whether or
22 not you want to testify. Now is the time. You have
23 been sitting here for the last three days watching the
24 evidence that's been placed in front of the State. So
25 you need to decide whether or not you wish to testify.

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS

1 Do you understand that?

2 DEFENDANT JONES, SENIOR: Yes.

3 THE COURT: All right. Mr. Bostick, you have
4 heard exactly what I have explained to everyone. You
5 have the right to testify or not testify. Do you wish
6 to testify in this case?

7 DEFENDANT BOSTICK: No, ma'am.

8 THE COURT: And, sir, you have to speak up.

9 DEFENDANT BOSTICK: No, ma'am.

10 THE COURT: All right. And, sir, I understand
11 that you have spoken, I'm sure, with Mr. Koger as to
12 whether or not you wish to testify, but you need to
13 understand that this is your choice, and it's a choice
14 only you can make. Do you understand that?

15 DEFENDANT BOSTICK: Yes, ma'am.

16 THE COURT: And are you confident and you are sure
17 that you do not want to testify?

18 DEFENDANT BOSTICK: Yes, ma'am.

19 THE COURT: All right, sir. Thank you.

20 Lastly, Mr. Jones, Junior, have you spoken with
21 Mr. Newman about whether or not you wish to testify?

22 DEFENDANT JONES, JUNIOR: Yes, ma'am. I'm not
23 testifying.

24 THE COURT: You do not wish to testify; is that
25 correct?

CONSTITUTIONAL RIGHTS GIVEN TO DEFENDANTS

1 DEFENDANT JONES, JUNIOR: Yes, ma'am.

2 THE COURT: And that is your decision; is that
3 correct, sir?

4 DEFENDANT JONES, JUNIOR: Yes, ma'am.

5 THE COURT: All right, sir. Thank you.

6 Gentlemen, you two may be seated. All right?

7 Mr. Plexico, do you need five minutes to talk with
8 your client?

9 MR. PLEXICO: Probably not that long, Your Honor.

10 THE COURT: Okay. Well, I'm going to give you
11 about two minutes for you two to talk.

12 MR. PLEXICO: Thank you, Judge.

13 THE COURT: Thank you.

14 (Pause.)

15 THE COURT: All right. Mr. Koger and Mr. Newman,
16 is it still correct that you do not wish to put up any
17 evidence?

18 MR. NEWMAN: That is correct.

19 MR. KOGER: Yes, ma'am.

20 MR. NEWMAN: At the appropriate time, we will
21 rest.

22 (Pause.)

23 MR. PLEXICO: We are ready.

24 THE COURT: I just remind you, Mr. Jones, you are
25 still under oath, sir. Have you had an opportunity to

COLLOQUY

1 speak with Mr. Plexico now about whether or not you
2 wish to testify?

3 DEFENDANT JONES, SENIOR: Yes, ma'am.

4 THE COURT: Do you wish to testify, sir?

5 DEFENDANT JONES, SENIOR: No, ma'am.

6 THE COURT: All right. Thank you. And is that
7 your choice, sir?

8 DEFENDANT JONES, SENIOR: Yes, ma'am.

9 THE COURT: Thank you, sir. You may be seated.

10 Mr. Plexico, do you have any other witnesses you
11 plan on putting up?

12 MR. PLEXICO: No, Your Honor.

13 THE COURT: Okay. This is what I propose we do,
14 y'all. I'm going to bring the jury back out. You need
15 to agree to rest for the jury. I'm going to send them
16 home for the evening. We can renew our motions. At
17 that point, my idea is that we will talk about the jury
18 charge, obviously. We will come back tomorrow morning,
19 I intend on having the jury back at 10:00 a.m, if
20 that's acceptable to you all. We will hear closing
21 arguments at that point, I'll charge them on the law,
22 and we will send the case to them.

23 We are going to try that second Barnard Scott
24 case, Margaret. I'm asking the panel to come back
25 Friday morning, if that's okay with you. It's a quick

COLLOQUY

1 half-day trial. Is that okay, Margaret?

2 THE CLERK: Yes, ma'am.

3 THE COURT: Is that acceptable? And I understand
4 we are going to do some guilty pleas and some other
5 matters tomorrow afternoon, Mr. Hall, as soon as this
6 case has gone to the jury; is that correct?

7 MR. HALL: That's correct, Your Honor.

8 THE COURT: Okay. I appreciate it.

9 All right. Well, let's bring the jury back in.
10 And, Mr. Plexico, we will start with you and then I
11 will let you guys go down the line and just rest
12 formally for the jury. Okay?

13 (The Jury enters the courtroom at 4:00 p.m.)

14 THE COURT: Welcome back, ladies and gentlemen.

15 All right. Mr. Plexico.

16 MR. PLEXICO: Your Honor, the Defense would rest
17 at this point.

18 THE COURT: On behalf of Mr. Jones, Senior; is
19 that correct, sir?

20 MR. PLEXICO: Yes, Your Honor.

21 THE COURT: All right. Mr. Koger.

22 MR. KOGER: Defense rests on behalf of Jarrod
23 Bostick.

24 THE COURT: All right. Mr. Newman.

25 MR. NEWMAN: If it pleases the Court, Your Honor,

JARROD BOSTICK RESTS

1 Mr. Jones, Junior rests his case.

2 THE COURT: Ladies and gentlemen, so all of the
3 cases have been rested at this point. What we have
4 left to do is hear the arguments from the lawyers. I
5 need to charge you on the law and send the case to you
6 for your deliberations.

7 At this point, you have received all the evidence
8 in this case. Ladies and gentlemen, what I'm going to
9 do is ask you to be back tomorrow morning at
10 10:00 a.m., where you are going to hear the closing
11 arguments from the attorneys, and we are going to send
12 this case to you. All right?

13 So you will be finished tomorrow obviously. Is
14 that acceptable, Mr. Foreperson? Again, we are going
15 to go ahead and start at 10:00 a.m.

16 I just -- it always takes on the last day just a
17 little bit longer, and rather than have you all wait
18 back there on us, if I just have you come in at ten I
19 know we will be ready to take you and go at ten. Okay?

20 Everyone, again, do not discuss this case with
21 anyone. And do not do any independent research. Get a
22 good night's sleep, ladies and gentlemen. We look
23 forward to seeing you all tomorrow morning at
24 10:00 a.m. Okay? Thank you. You are excused.

25 (The Jury exits the courtroom.)

COLLOQUY

1 THE COURT: Anything further other than to talk
2 about the charge?

3 MR. NEWMAN: Nothing from Jones.

4 THE COURT: Thank you. So we talked about the
5 hand of one is the hand of all, obviously. Mister --
6 and you were asking about what ID charge we're using.

7 Crystal, I'm sorry, I don't know if she's had an
8 opportunity --

9 Okay. She's got the multiple defendant one, and I
10 need to look at it. I'm going to tell you all I have
11 not seen it yet. So --

12 MR. NEWMAN: I haven't done a multiple defendant
13 case in a awhile.

14 THE COURT: Okay. And that's why I'm looking at
15 it. I haven't either. So I'm going to take a look at
16 it.

17 Other than that, obviously I'm interested in the
18 ID charge, the multiple defendant, again, the hand of
19 one is the hand of all. My reasonable doubt charge is
20 the very thorough one. It kind of covers the old and
21 the new. It's a little ad nauseam, but I think it's
22 important.

23 So anything else, Mr. Plexico? You look like you
24 want to stand up.

25 MR. PLEXICO: Yes. I need to renew my motions for

COLLOQUY

1 directed verdict.

2 THE COURT: And we are going to do that. I just
3 need to know other than that, is there anything further
4 you want on jury charges?

5 MR. PLEXICO: No, Your Honor.

6 THE COURT: And what about you, Mr. Koger?

7 MR. KOGER: No, that is fine, Your Honor.

8 MR. PLEXICO: If we could be emailed the multiple
9 defendant charge in particular, that is the only one
10 that I'm really concerned about.

11 THE COURT: You found the identification one?
12 Okay. I'm going to ask Crystal to email you the
13 identification one and the multiple defendant one. Do
14 you need to do that -- and I'll ask her to go ahead and
15 email the hand of one is the hand of all. And then the
16 rest of it, y'all, is my standard charge. I know I
17 tried numerous cases with all of y'all, so it is my
18 standard criminal charge.

19 And we are charging straight up murder, burglary
20 in the first degree, and possession of a weapon during
21 the commission of a violent crime. Pretty simplistic.
22 No, lesser included unless anyone requests any, which I
23 don't understand that they have. Other than that,
24 anything?

25 Oh, actually, Crystal has done a verdict form. I

COLLOQUY

1 want to go ahead and show it to you, each of you. They
2 are all identical, but there e separate verdict forms
3 to each defendant. So, again, I'm going to give this
4 to you. I want to make sure all the indictment numbers
5 were changed. So, Crystal has got it.

6 So take a look, show them to everybody. I guess
7 you can pass those out to all three. They are all
8 literally identical. Okay? And just a minute.

9 MR. PLEXICO: Thank you.

10 THE COURT: All right. Other than that, anything
11 else before we renew our motions?

12 MR. PLEXICO: Your Honor --

13 THE COURT: Now, it's time, Mr. Plexico.

14 MR. PLEXICO: Thank you, Judge.

15 Perhaps it would be wise for me to request a mere
16 presence charge because after the other ones had broken
17 in, they easily could have been killed from the person
18 they were alleging is my client. There was a break in
19 the time, the burglary and the murder had already been
20 done, and there's no telling, if they believe it was my
21 client, perhaps he was coming to get them out, and know
22 what is going on. We just don't know. Or he didn't
23 know what had happened. So that would make him just
24 merely present.

25 THE COURT: Do you have anything on that?

COLLOQUY

1 MS. JONES: I heard, I believe, the tail-end of
2 it.

3 THE COURT: He's asking for a mere presence
4 charge.

5 MS. JONES: Based on his client wasn't there
6 during the murder?

7 THE COURT: No, no, no. That he was there, but he
8 came in after the fact. Although I got to tell you,
9 now that I think about it, you saw all three of the
10 individuals coming in with guns. It's hard to believe
11 that he wouldn't have some idea, if that, in fact, was
12 him, that the other two didn't have guns and they
13 clearly were holding them and he came in -- and not he,
14 but the third person came in. Let me think about that.

15 MS. JONES: And the firearms evidence showed three
16 guns were fired, and not the victim's gun.

17 THE COURT: Right.

18 MR. PLEXICO: But the second person went back out
19 to the car and got another gun. So that second person
20 had a gun to start with, went back to the car and got
21 another gun.

22 THE COURT: So that could account for the third
23 gun, is what you are trying to say?

24 MR. PLEXICO: Yes. And then, you know --

25 THE COURT: Except for that third person walking

COLLOQUY

1 up the stairs had a gun in their hand.

2 MR. PLEXICO: But he didn't know -- he might have
3 thought there was exchange of gunfire. He might not
4 have known what had happened. And then the murder
5 might have been over with, and he may not have known
6 there was going to be a murder and then a robbery. We
7 would have to --

8 THE COURT: So I guess that would then make him an
9 accessory after the fact for meeting with someone.

10 MS. JONES: Your Honor, I think that takes a leap,
11 and it would take a lot of maybes, maybe, maybe. All
12 of the testimony from the children, who were the only
13 ones in the home, testified that the gunshots were the
14 last thing that happened. It was prior to the men
15 leaving.

16 THE COURT: All right. Let me do this. I
17 think -- let me go look at some case law on mere
18 presence. Ms. Jones, I'm going to invite you to do the
19 same. You just forward to Crystal anything that you
20 think would help you or hurt you. And I'm going to
21 invite the other attorneys to do the same.

22 Mr. Koger and Mr. Newman, do either one of you
23 want a mere presence charge? Are either one of you
24 asking for it?

25 MR. NEWMAN: I am not. Our defense is we weren't

COLLOQUY

1 there, period.

2 THE COURT: Okay. Mr. Koger?

3 MR. KOGER: The Court's indulgence.

4 THE COURT: Okay.

5 (Pause.)

6 THE COURT: I just think we need to read,
7 literally, some case law on mere presence and hand of
8 one is the hand of all, and see how they work in
9 conjunction, and see how the charges were in together
10 again.

11 I know that, according to the case law, they can
12 be charged simultaneously, I'm just not so sure the
13 facts of the case support it.

14 Yes, Mr. Koger.

15 MR. KOGER: Judge, we will not be requesting a
16 mere presence.

17 THE COURT: Okay. I just want to be clear. So,
18 Ms. Jones, if y'all take a look at what you have got
19 and email me.

20 Yes, sir.

21 MR. NEWMAN: And we can take a look at the hand of
22 one hand, hand of all charge. There's several facts
23 that would not necessarily support that in the way the
24 events went on the video. There's no testimony about
25 any connections between the Defendants other than they

COLLOQUY

1 came together.

2 THE COURT: But they all rode up in a car
3 together. Okay.

4 MR. NEWMAN: And what did they discuss? Talk
5 about the State speculating. What did they discuss?
6 Were they over there to make a phone call, and somebody
7 breaks bad? They don't have any evidence of that
8 whatsoever.

9 THE COURT: If they all knew they were going with
10 guns, that was always a possibility that that could
11 occur.

12 MR. NEWMAN: That, again, is a leap of
13 speculation.

14 THE COURT: They are not charged with criminal
15 conspiracy, they are charged with murder, burglary in
16 the first, and possession of weapon during the
17 commission of a violent crime. But, again, they each
18 had a gun, if they believe three people were the people
19 that walked in. So --

20 MR. NEWMAN: If they believe it was a gun, but
21 that's only from the agent it appeared to be, the
22 imaging expert, and that's all he could say on that.

23 THE COURT: Okay. Let me just think about it, let
24 me look at it, and I will let you all know in the
25 morning. Okay? Anything else?

COLLOQUY

1 MS. JONES: Not from the State, Your Honor.

2 MR. PLEXICO: Not from the Defense, Your Honor.

3 THE COURT: All right. And when you send anything
4 to me, Ms. Jones, or Mr. Plexico on that issue, make
5 sure you card in all the attorneys and Crystal so we
6 can look at it. Okay? Sounds good.

7 Anything further from anyone? No? Okay.

8 All right. So I need to know what you all are
9 doing tomorrow about your victims and/or whoever the
10 family member was and members were that -- I can tell
11 you this. I don't think anyone can come back in and
12 have any kind of outburst, so whoever the young man was
13 again who testified -- Tyreek?

14 MR. NEWMAN: That was Tyreek.

15 THE COURT: He's not coming back. The -- whoever
16 was sobbing, it was the aunt or the aunt in some way,
17 shape, or form. she is not coming back. Anyone else
18 that was crying and could not contain themselves in any
19 way, they are not welcome to come back.

20 Obviously, they didn't even have people here, if
21 they are contained and were able to contain themselves
22 and they were here today.

23 MS. JONES: I believe they are still in our
24 office, and I will advise them. Okay.

25 They are gone? Okay. We will let them know.

COLLOQUY

1 MR. PLEXICO: I think I can make tonight easier,
2 I'll withdraw the mere presence.

3 THE COURT: All right. Everyone can just focus on
4 their closing argument. Correct? Okay. Sounds good.
5 See you all in the morning.

6 I would like you all here by roughly 9:30 or a
7 little after that, with the jury coming in at ten. I
8 just want you all to have an opportunity to, you know,
9 talk to me and argue against anything that maybe was in
10 those three proposed charges that we are giving you,
11 and just anything other than that.

12 Is there any objections to the proposed verdict
13 forms from the State?

14 MR. PLEXICO: No, Your Honor.

15 THE COURT: From any of the Defendants?

16 Mr. Plexico?

17 MR. PLEXICO: No, Your Honor.

18 THE COURT: Mr. Bostick -- I'm sorry, Mr. Koger.

19 MR. KOGER: No, Your Honor.

20 THE COURT: And Mr. Newman, on behalf of Mr.
21 Jones, Junior.

22 MR. NEWMAN: No, ma'am. And in talking with the
23 co-counsel here, we would intend after the State closes
24 to close in order that we have been doing throughout
25 the whole trial.

COLLOQUY

1 THE COURT: Fair enough.

2 MR. PLEXICO: I will be starting.

3 THE COURT: All right. I'll see you all tomorrow
4 morning.

5 MS. JONES: Yeah, renew objections.

6 THE COURT: Yeah. Fine. Sorry. Finally. I just
7 forgot myself. Go ahead.

8 MR. PLEXICO: I renew my motion for a directed
9 verdict on all counts based on the sufficiency of the
10 evidence. I believe that the jury can no more
11 speculate on what little bit of evidence they have
12 deduced against my client. They have no eyewitness
13 testimony to say that my client was there and
14 participated.

15 The video of my client, I believe it is -- that it
16 could raise no more than a guess in speculation as to
17 who the third person, the third person being the one
18 they allege is my client, that got out of the car.
19 There's been testimony by law enforcement officers that
20 you cannot discern the face on that video.

21 The video has been played in court, and the only
22 person that identified my client on the video has
23 testified that she has identified him because of his
24 shoes. She said that she had seen him walking around
25 town and she was familiar with his gait. And yet she

COLLOQUY

1 said on testimony in front of the jury that she could
2 only see him run in the -- see the person run in the
3 video, and she said in front of the jury, she did not
4 use his face, his head, his face, to make the
5 identification.

6 She only used the shoes, and she did not point out
7 any distinguishing features of the white pair of shoes
8 that was on my client that would make it any different
9 from any of the other hundreds of thousands of white
10 pairs of shoes in America today.

11 So there is -- this is only speculation that they
12 could use, and what I have feared all along, is guilt
13 by association because his son is on trial. When you
14 put all those factors together, I think we are entitled
15 to a directed verdict based on the lack of evidence and
16 the sufficiency of the evidence of not guilty on all
17 charges.

18 THE COURT: Thank you.

19 MS. JONES: Your Honor, I would defer to my
20 previous argument.

21 THE COURT: Respectfully, I do think there is
22 evidence for this jury, and I think they can, from the
23 video, deduce that it was your client. And I think the
24 jury can also assess his stature, build, size, physique
25 as well, and compare, which I know is above and beyond

COLLOQUY

1 what Dominique Coleman testified to. But I think they
2 can see that clearly with their own eyes, in comparison
3 to the testimony, in addition to the testimony she gave
4 and make a decision.

5 So, respectfully, I'm going to deny your motion.

6 Mr. Koger, I presume you are renewing your
7 directed verdict motion as well on Mr. Bostick, on the
8 same grounds; is that correct?

9 MR. KOGER: Yes, Your Honor.

10 THE COURT: And respectfully, I'm denying it based
11 on the same grounds again. I think there's evidence
12 from which this jury can determine your client's guilt
13 on all three of these charges, and I'm going to send
14 this to the jury.

15 Mr. Newman, you want to renew yours as well, sir?

16 MR. NEWMAN: Yes, Your Honor. Mr. Jones, Junior
17 renews his motion on the same grounds. And in
18 addition, also joins in the grounds of Mr. Casey Jones,
19 Senior and Mr. Bostick.

20 THE COURT: Thank you. All right. Again, I'm
21 denying your motion based on the same grounds as stated
22 previously.

23 I will see you all tomorrow morning, 9:30. Okay?
24 We will be ready to go? Okay?

25 All right. I appreciate it. Good night, y'all.

COLLOQUY.

1 MS. JONES: Thank you, Your Honor.

2 MR. NEWMAN: Thank you, Judge.

3 (Whereupon, the Court was adjourned for the day.)

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10-26-2017 PROCEEDINGS

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
14
15 **TRIAL TRANSCRIPT**

16
17
18 October 26, 2017

19 Ridgeland, South Carolina

20
21
22
23 BEFORE:

24 The Honorable Carmen T. Mullen

25

10-26-2017 PROCEEDINGS

10-26-2018 PROCEEDINGS

1
2 THE COURT: All right. Are there any other
3 exceptions or additions to the charge from the State?

4 MS. JONES: Not from the State, Your Honor.

5 THE COURT: From the Defense?

6 MR. PLEXICO: Your Honor, I spoke with the law
7 clerk and asked for additions to a number of -- well, I
8 submitted No. 3 and No. 5 in the charge that you had.
9 I wanted to add in issues on No. 3. It says, "If the
10 identification of a witness may have been influenced by
11 the circumstances under which the Defendant was
12 presented to him for identification, you may scrutinize
13 the identification. I think that phrase is an
14 essential part of the charge since there's only one
15 witness that, in fact, has identified my client.

16 Then, on No. 5, I'm not sure, but I would ask that
17 you read my five.

18 THE COURT: It's in there. I can tell you that we
19 just commented with -- "you may also scrutinize the
20 circumstances that it was presented to the witness for
21 identification. And identification by the witness may
22 have been influenced by those circumstances."

23 So portions of that were included. I am
24 comfortable that this is an accurate charge on
25 identification law.

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1 What about the second one? We can just make them
2 a Court's exhibit.

3 MR. PLEXICO: This is a Court's exhibit. This is
4 my two-page request for charge for identification, and
5 we are speaking of items three and five.

6 THE COURT: This was going to make it a Court's
7 exhibit then. Thank you.

8 MR. PLEXICO: And No. 5 was omitted, and I would
9 ask that you have --

10 THE COURT: No. 5 is added in.

11 THE LAW CLERK: It was added back in. It was
12 added in with the changes that he agreed to from
13 Mr. Newman. And so you might want to annotate that on
14 the exhibit, since you agreed to the change.

15 MR. PLEXICO: Well, yes. I mean, I did agree to
16 change that. It wasn't read to me, I don't know what
17 the final version is.

18 THE LAW CLERK: It now states, "You may also take
19 into account whether identification was made by picking
20 the Defendant out of a group of similar individuals or
21 whether the presentation of the Defendant was made
22 alone to the witness."

23 MR. PLEXICO: I don't have a problem with that. I
24 don't have an objection to that version, which is
25 essentially my No. 5.

10-26-2017 PROCEEDINGS

1 THE COURT: All right. Anything additional,
2 Mr. Koger?

3 MR. KOGER: No, ma'am.

4 THE COURT: Mr. Newman?

5 MR. NEWMAN: No, ma'am.

6 THE COURT: All right. You ready to go?

7 MS. JONES: Just briefly, Your Honor. I just want
8 to ask, and I don't suspect this would be a problem,
9 but based on last night's events, I would just ask that
10 it not be referred to in anybody's closing arguments.

11 THE COURT: Oh, okay. All right. We are going to
12 preclude, yeah.

13 MR. NEWMAN: Well, Your Honor, I think there's --
14 this is something that the jury obviously witnessed. I
15 intend to make a brief comment on it about the young
16 man not being able to identify any of these people, yet
17 threatened these people without evidence that these are
18 the people that did it. And I'm going to draw a
19 parallel to that with what the State's trying to do,
20 trying to get to the passions and prejudice to convict
21 these people even though they haven't been identified,
22 and are -- I think it needs to be addressed somehow
23 because it was --

24 THE COURT: I will go ahead and I will talk to
25 them ahead of time. I will go ahead and address it. I

10-26-2017 PROCEEDINGS

1 don't think you making a comment on something someone
2 did that was not while they were on the witness stand
3 is appropriate. So I don't want you referencing him
4 getting upset and coming forward. I will talk to them
5 about that.

6 But, again, I don't think that that is something
7 for you to comment on, if it wasn't a part of the
8 evidence in the trial of this case. So I don't want
9 you to talking about it.

10 Let's bring the jury out.

11 (The Jury enters the courtroom at 10:22 a.m.)

12 THE COURT: Good morning, ladies and gentlemen.
13 It is a pleasure to see you all. Thank you for being
14 back here and so promptly.

15 As you all know, we are going to wrap up this case
16 today, ladies and gentlemen. What is going to happen,
17 each of the attorneys are going to make a closing
18 statement on behalf of their client. I am going to
19 charge you on the law that is applicable to this case,
20 and then we are going to send this case to you for your
21 deliberations.

22 I will also comment, ladies and gentlemen, that
23 yesterday we did have a young man who had been a
24 witness, who got a bit upset in the trial of this case.
25 I have asked those people to remove themselves from the

10-26-2017 PROCEEDINGS

1. courtroom.

2. Obviously, ladies and gentlemen, in this case, you
3. are to decide the case based on the evidence that was
4. presented from the witness stand, as well as any other
5. evidence that came into the case.

6. You are going to hear me remind you in my charge
7. on the law that you owe no support or sympathy to
8. anyone. The reason why we have 12 jurors is that we
9. have people who are removed from the case, who can sit
10. back and they can objectively look at the facts and
11. decide these issues, debased and away from emotions.
12. And I just want to remind you of that, ladies and
13. gentlemen. Because, again, your duty is important
14. here.

15. And I just want to emphasize that fact. You are
16. not to get embroiled in all of this. Again, your job
17. is to sit and listen and weigh the evidence and, again,
18. determine the facts as you find them. All right?

19. So with that said, ladies and gentlemen, I'm going
20. to turn it over to Ms. Jones for her to make her
21. closing statement. And then each of the attorneys on
22. behalf of each of the Defendants will also make their
23. closing statements.

24. I will tell you at that point, we may -- and
25. likely will take a break. My charge on the law

10-26-2017 PROCEEDINGS

1 typically takes about 20 minutes or so. So, again, we
2 may take a.-- it might be just a stretch back, or it
3 might be I may send you back to your jury room. If at
4 any point anyone needs a break, just flag me down.

5 Okay?

6 Thank you, ladies and gentlemen.

7 Ms. Jones, whenever you are ready.

8 CLOSING ARGUMENT BY THE STATE

9 MS. JONES: Thank you, Your Honor. May it please
10 the Court.

11 THE COURT: Yes.

12 MS. JONES: Mr. Plexico, Mr. Koger, Mr. Newman.

13 When I first spoke to you on Tuesday morning, the
14 very first word I said to you was "drugs." I told you
15 from day one that this case was about drugs and money
16 and murder. And you heard over and over and over from
17 that witness stand that Jeremiah Wilson was, in fact,
18 in the drug trade. You heard it. That is a fact.

19 But because of that, he was a target. I don't
20 think it comes as any surprise to anybody that in that
21 profession, that trade, that business, it is a cash
22 only business. Drug dealers have money, and they have
23 lots of it. You heard Gelinda say, "I left that money,
24 and Jeremiah had \$9,000 cash." You heard it.

25 That doesn't make him a bad person, that makes him

CLOSING ARGUMENT BY THE STATE

1 a target. And I don't care who you are or what you do
2 or what poor choices you make in this life, but no
3 one -- no one -- deserves to be gunned down in their
4 own home. No child deserves to be forced to the floor
5 with a gun to the back of their head. Nobody --
6 nobody -- especially not an 11-year-old boy, deserves
7 to have to hide, to have to cower in his bedroom closet
8 while he hears one, two, three, four, five, six
9 gunshots that take his father's life. Nobody --
10 nobody -- deserves that.

11 This case has and always will be about identity,
12 who did this to Jeremiah. You heard the name Jamarcus
13 Brisbane. Mr. Newman repeatedly asked Tyreek about
14 Jamarcus Brisbane. You picked him out. You identified
15 him. You said he was one of the men there, didn't you?
16 Tyreek said, yeah, I did. He also said, I was wrong
17 when I said that.

18 And if you remember, Tyreek never got a good look
19 at these people. He was forced back into the back of
20 the house with his face on the floor. He told you he
21 blacked out. He froze. He remembers the sight of the
22 ground that morning, not the faces. And he told you
23 that he was wrong.

24 Now, do I wish I had cell phone records? Do I
25 wish I had the clothes that the men in that video are

CLOSING ARGUMENT BY THE STATE

1 wearing that morning? Do I wish I had that very
2 distinct knit cap the first man has on? Or those white
3 tennis shoes, or those plaid shorts, or that white
4 T-shirt? Do I wish I had their DNA? Of course.
5 Absolutely. But I don't.

6 And nothing, not having all of that does not
7 trump, does not take away what we do have. And what we
8 have is the video, and we have the images, and the
9 video and the images from that morning on June 3rd,
10 2015 show three men. They show Casey Jones, Junior.
11 They show Jarrod Bostick. And they show Casey's
12 father, Casey Jones, Senior. Nothing can negate that.
13 Nothing can diminish that.

14 DNA. Now, the Defense wants you to believe that
15 because all three of those men's DNA was excluded,
16 means it wasn't there, and it wasn't them. It couldn't
17 have been them. That's wrong. That is simply wrong.

18 I admit we don't have their DNA. Their DNA was
19 not in any of the swabs that Catherine Leisy, the DNA
20 analyst, tested. She told you that, excluded, not
21 there, not their DNA. Okay. Why? Why don't we have
22 their DNA?

23 Well, this man, Patrick Hall, has been seated with
24 me through this trial this entire week. You have seen
25 him here all week long. He has been in that chair and

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1 he has been here Monday, Tuesday, Wednesday, and today.
2 Now, there are cameras coming in and out of the
3 courthouse, and they capture who comes in and who
4 leaves. We don't have them in here. So is Patrick
5 really here? I don't know. Let's look for his DNA.

6 Well, he is a lawyer, so he must have touched this
7 podium. Right? But we know he didn't do that. But we
8 don't know that because we don't have cameras. So we
9 are going to swab this podium. And we get the results
10 back, and Patrick's DNA is not on this podium. Well,
11 he wasn't here then. I guess that means he wasn't
12 here.

13 Okay. End. Done. Couldn't have been him. He
14 wasn't in here. No DNA.

15 Well, we know that that just isn't true, because
16 you, with your own eyes, have seen him here every
17 single day. He just didn't touch this thing. That is
18 why his DNA is not there.

19 The non existence of DNA does not mean that person
20 was not in that home, it just means they didn't touch
21 whatever was tested. So what was tested? We have the
22 doorknob. Well, you saw the video, you are going to
23 see it here again shortly. Who opens the door that
24 day? Is it Casey Jones, Junior? No, it is not. Is it
25 Jarrod Bostick? Certainly not. Is it Casey Jones,

CLOSING ARGUMENT BY THE STATE

1 Senior? Nope. Jeremiah opened the door that day. His
2 DNA was there because he touched that doorknob. He let
3 them in. And the door stayed open, and it's still open
4 when the police got there. Those men didn't touch that
5 door, they didn't touch that doorknob, they didn't
6 touch the surrounding areas. Of course, their DNA is
7 not there.

8 Okay. Well, that makes sense. How about the Air
9 Jordan shoebox? They tested this, the shoebox that was
10 on the dresser in Jeremiah's room that appeared to have
11 been disturbed. Again, none of those men's DNA is on
12 that shoebox. So I guess they weren't there.

13 No. That is not what that means. That shoebox, I
14 submit to you was disturbed when those men at gunpoint
15 forced Jeremiah Frasier (sic) to get his own cash off
16 that dresser and give it to them.

17 If you remember that video showed that those three
18 men are in that house for four minutes. Now, while
19 that doesn't seem like very long, that is a long time.
20 Four minutes. They are asking Jeremiah, where is the
21 work? Where is the money? Over and over and over.
22 The boys told you that, they all heard it. Jeremiah
23 saying, "Please don't kill me in front of my kids."

24 The men have Jeremiah go on that dresser and get
25 his money, and what does he get it out of? That baby

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1 wipe container. The final thing that we had tested for
2 DNA. You saw the picture, it is flipped over, upside
3 down. It was deep. Those men didn't get the money out
4 that baby wipe container that day, Jeremiah did.
5 Because the last thing that happened that morning
6 wasn't them getting the money out of the container, it
7 was Jeremiah handing over the money, begging for his
8 life, and then them shooting him.

9 Jeremiah lived a lie for those four minutes. He
10 did what they asked, and they still killed him. Do I
11 wish that I had their DNA? Sure. But because they
12 were excluded does not mean they were not there. It
13 does not trump what we have, and that is the video.

14 (Video played.)

15 THE COURT: And I told you from day one that you
16 would see that video with your own eyes, and you just
17 saw it again. And I want you to remember what you just
18 saw.

19 Remember that video and remember these images.
20 This man, Casey Jones, Junior, sits before you, same
21 skin tone, same body style, same structure, same facial
22 hair, same nose, same profile. Why does this man match
23 that description? Why does he look just like this man?
24 Because it is the same person. Remember the children
25 described a darker skinned man with facial hair and

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1 gold teeth. They described this man right here. They
2 described Casey Jones, Junior seated right there.

3 And I told you a little bit, or Agent McCallister
4 told you a little bit about what he said when he was
5 interviewed. He said, I get up about 11 o'clock, I go
6 landscape some yards, I'm done by five. I go to my
7 girl's house or my mom's house. He is not specific
8 about June 3rd, 2015. And ask yourself, in the summer,
9 in the lowcountry, what landscape company starts at 11
10 o'clock in the morning?

11 Remember that video as you look at these images,
12 the second man to step on that porch that morning.
13 Look at those images. Remember that video. Look at
14 this man right here, Jarrod Bostick, as he sits before
15 you, and remember the description. Taller than the
16 first man, lighter skinned, and freckles or bumps on
17 his face. Jarrod Bostick fits that description. Why
18 does Jarrod Bostick fit that description? Because he
19 is the man, No. 2, in the video. This is Jarrod
20 Bostick. And this is Jarrod Bostick. It is the same
21 man who sits before you, the very same man on the porch
22 on June 3rd, the very same man who put a gun in
23 Jeremiah's face after he shook his hand is that man
24 right there. Nobody else.

25 And finally, you have the third man. Remember

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1 that video as you look at these images. And look at
2 the man in these photographs, stocky, much older, and
3 larger than the other two, and short hair.

4 Now, don't let this man over here with the graying
5 hair fool you. It's been two years since this video,
6 since he killed Jeremiah, first Jeremiah. Look at this
7 image, look at these images, look at this video. That
8 man has the same stature, the same physique, the same
9 body style, the same skin tone. That man right there
10 is going up Jeremiah's porch with a gun in his hand,
11 and nobody else but this man right here, Casey Jones,
12 Senior. He is the third and final man to go into
13 Jeremiah's home that morning. Nobody else.

14 But you don't only have your eyes here today. You
15 have the eyes of people that know these men. You have
16 Craig King Proctor, who came in. And the Defense
17 wanted to confuse you about this, well, you were
18 arrested for marijuana and you had this high bond and
19 then you talked and all of a sudden, you got a lower
20 bond. That is just nonsense. He told you he went in
21 front of a judge under a proper bond hearing and the
22 judge reduced it. He said we had never promised him
23 anything. We didn't help him get that bond reduced,
24 and I haven't promised him anything on that pending
25 marijuana charge.

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1 More importantly, he told you he don't want to be
2 here, and I had to force him to come here with a
3 subpoena. He didn't want to be here, but he did, and
4 he did the right thing. And he told you, yeah, I was
5 asked to look at that video, I was asked to look at
6 those pictures. I knew that third guy. I knew the
7 first two. I know that man right there is Casey Jones,
8 Junior, and I have known him for some time. I know him
9 through my brother in Estill. Remember?

10 Casey has an Estill address. So does his father.
11 And I recognized him quick when I saw that video. I
12 recognized him quick when I saw those images. I'm one
13 hundred percent certain that the man in that video is
14 Casey Jones, Junior.

15 And he then went on to the second man in the
16 video. He said, I know that man, too. I know that
17 man, again, through my brother in Estill. Says, I
18 recognized him quick. I know that man is Jarrod
19 Bostick, and I'm one hundred percent certain that that
20 man is Jarrod Bostick.

21 You have Starsheika Scott. She was Jeremiah's --
22 is Jeremiah's sister. She got up there and said, I
23 didn't know the older man. I don't know him. I have
24 never seen him before. But I know two people on that
25 video. First, I know the first man. How do I know

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1 that first man? Well, I have seen a picture of this
2 man before with that very same hat on. Okay. But I
3 also saw him in person one time, and my brother told me
4 his name. And my brother told me the man we saw, his
5 name was Casey. She said, that man, I know him. That
6 is Casey Jones, Junior. I recognized him quick, and
7 I'm one hundred percent certain that that's who I see
8 in the video.

9 She went on to know the second man. Said, we hung
10 out. I know him. I have seen him around. I have seen
11 him a bunch of times. I know him. I know Jarrod. I
12 know him. She gave him a nickname. She said, I
13 recognized him immediately, and I'm one hundred percent
14 certain that that is the man on the video. I know him.

15 You went on to hear from Agent Jeff Croft with
16 SLED. He didn't know two of those men, he knew one.
17 Known him for ten years. Ten years he's known this
18 man, and he gives him a name, Jarrod Bostick. No other
19 name. He recognized him immediately, and he's one
20 hundred percent positive the man he saw in the video,
21 the man in that still is Jarrod Bostick. No doubt
22 about it.

23 You heard from Chief Collins. He is the chief of
24 police over in Estill. He looked at the video. He
25 looked at the images. He said, I don't know the third

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1 guy, but I know the first two, and I am one hundred
2 percent without a doubt certain that that first man is
3 Casey Jones, Junior. I know him from being around
4 Estill. I've known him. I know him on sight. And I'm
5 a hundred percent positive that that man in that video
6 is Casey Jones, Junior.

7 And I know the second man. I have known him from
8 being in Estill. I have known him for years. I
9 recognized him quickly when I was shown that video, and
10 I'm one hundred percent positive that the man, No. 2,
11 who comes on that porch and shoves a gun in Jeremiah's
12 face is no other than Jarrod Bostick.

13 Finally, you heard from Dominique Coleman. She is
14 now up in Rock Hill, Rock Hill police department. She
15 came back to tell you that a few years back she worked
16 with Estill police department. And in her time in
17 Estill she had the opportunity to know two of those
18 men.

19 She knew that when she watched that video, she
20 recognized him. No, she didn't know the second man in
21 the video, she was not familiar with him, so she didn't
22 tell you who he was. But she recognized the first man
23 and the third man. And she knows them as father and
24 son.

25 She told you that is Casey Jones, Junior in that

CLOSING ARGUMENT BY THE STATE

1 video. That is Casey Jones, Junior and I'm -- I
2 recognized him immediately, and I am a hundred percent
3 positive that that is him. She recognized him from the
4 complexion, his facial features, his structure, his
5 haircut, and stature. She even told you how she
6 recognized him. She knew him, and she knows that is
7 him.

8 She then told you who the third man was. That man
9 right there. She told you, I know that is Casey Jones,
10 Senior. I know him. And she watched the video as he
11 goes up the steps and as he comes back down the step.
12 And she says, "I recognize that man. I recognize his
13 gait. I recognize his shoes."

14 And now, Defense wants you to say, well, 4 billion
15 people have white tennis shoes. There is only one
16 person on that video. She didn't identify the others,
17 she identified him. She knows him, and it doesn't take
18 just looking at a person's face to recognize somebody.
19 If you recognize somebody, if you know somebody, their
20 back could be towards you, their side, they could be
21 walking away, they could be walking towards you, you
22 will know who they are because you have seen them
23 before, because you recognize them. You don't have to
24 see their face.

25 Every single one of those witnesses took that

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1 witness stand and looked at the video and they looked
2 at the photograph, and they pointed in court to who
3 they knew. They pointed to Casey Jones, Junior; they
4 pointed to Jarrod Bostick; and they pointed to Casey
5 Jones, Senior.

6 And if that wasn't enough, J'Amiah, who was
7 11-years-old when his father was killed, got on that
8 witness stand and told you, no, I didn't identify
9 anybody immediately, I didn't know these men, but I saw
10 one of them a second time. He came to my school and he
11 looked at me and he yelled at me, and he said, "What
12 the F are you looking at?" A grown man to a
13 13-year-old boy in middle school. Why would he say
14 that?

15 Well, J'Amiah recognized him, and he recognized
16 him from the morning that that man came in and killed
17 his father. And he stood up on that chair and he told
18 you, and he pointed to Casey Jones, Junior and said,
19 "That's the man I saw the morning my dad was killed,
20 and that's the man I saw at my school. That is the
21 same man, I know it is him."

22 Why are these witnesses important? Because we
23 have the inherent ability to recognize. When we see
24 something familiar, a familiar place, a familiar thing,
25 a familiar person, we know it. We recognize them. We

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1 remember. We recall. And we can tell you what we
2 know. That is an ability that we have. It registers
3 with us. We recall their mannerisms, we recall their
4 traits. we recall their walk. We recall their faces.

5 And why is that? Because when you know somebody,
6 when you have seen them before, when you have a
7 relationship with this person, you know them. And you
8 can recognize them on sight.

9 And it is these memories that help us, without a
10 doubt, say that the first man to walk on that porch is
11 Casey Jones, Junior; the second man to come on that
12 porch is Jarrod Bostick; and the third man to come on
13 that porch is Casey Jones, Senior.

14 Now, each and every one of these men stand before
15 you charged with three charges, the very same charges.
16 They are charged with burglary in the first degree,
17 possession of a weapon during the commission of a
18 violent crime, and murder.

19 And now, Judge Mullen is going to instruct y'all
20 on the law, so whatever she says is the law. But
21 briefly, I just want to tell you a little bit about the
22 possession of a weapon during the commission of a
23 violent crime. The name kind of gives it away.

24 Murder and burglary in the first degree are
25 violent crimes in South Carolina. What makes burglary

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1 in the first degree? Well, the burglary with a weapon,
2 and we have that here. And murder is the killing of
3 another person with malice aforethought, expressed or
4 implied.

5 No, we don't know whose bullets killed Jeremiah
6 that day, but we know that it was one of theirs, or a
7 combination of all three. And why is that important?
8 Because also in South Carolina, the hand of one is the
9 hand of all. And, again, the Judge is going to
10 instruct you on what exactly that means. But briefly,
11 if a crime is committed by two or more people,
12 everybody is responsible and liable for the acts that
13 follow. Two people go into a house to rob somebody,
14 someone gets shot and killed, they are all responsible
15 for that death. Every single one of them.

16 So what do we know? We know that these three men
17 go together to Jeremiah's house. They are in one car.
18 They go to rob him of his cash, and they each had their
19 own firearm. They each carried a gun.

20 You go together to rob a drug dealer and you carry
21 a gun, there is only one ending in that situation.
22 These men worked together while they were in that
23 house. The boys told you they were talking together,
24 they were asking questions together, and they each had
25 a gun. The boys told you that one was in the back

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1 room, and he had the gun at our head, and he was asking
2 me where my mom was, and he was asking me where the
3 work was, and he was asking me where the money was.
4 Then he left.

5 Where did he go? He went to the front, where
6 Jeremiah was, and then they heard the six gunshots.
7 These men acted together. They are each just as guilty
8 as the next. Because when they stepped foot in that
9 house, they each had their own gun.

10 There's Casey Jones, Junior with a gun in his
11 right hand, Jarrod Bostick with a gun in his hand, and
12 Casey Jones, Senior with a gun in his hand. And what
13 is important about that is that when Chad Smith, from
14 SLED, the firearms expert came and talked to you, what
15 did he tell you? He said this gun right here, the
16 victim's gun, it didn't fire any of those shots that
17 day. He didn't have anything to prove that gun went
18 off that day.

19 Why? Because, Jeremiah is cowering back at this
20 time. You see his hands still up, he didn't have a gun
21 in his hand. He's not the third bullet that was fired
22 that day. It was one, two, three. Three guns were
23 fired that day, three guns were in their hands, three
24 men are on trial today. They all are guilty.

25 This is not a science case. This is not a DNA

CLOSING ARGUMENT BY THE STATE

1 case. This is an identity case. Who did this.

2 Thank you to Jeremiah and thank you to members of
3 the community, we know who did this. We know Casey
4 Jones, Junior is the first person to step foot on that
5 porch that day. We know Jarrod Bostick follows second.
6 and we know Casey Jones, Senior follows third. And we
7 can start by thanking Jeremiah for this, and we thank
8 him because his pictures are not worth a thousand
9 words, his pictures of Casey Jones, Junior, one word.
10 Guilty. His pictures of Jarrod Bostick, one word,
11 guilty. And his pictures of Casey Jones, Senior, one
12 word. Guilty.

13 THE COURT: Mr. Plexico.

14 CLOSING STATEMENT BY MR. PLEXICO

15 MR. PLEXICO: If it pleases the Court.

16 THE COURT: Yes, sir.

17 MR. PLEXICO: Co-counsel and ladies and gentlemen
18 of the jury, Madam Solicitor, let us be discrete and
19 sum this up a little bit.

20 I want to thank y'all for sitting through all of
21 this. I was listening with interest to a lot of what
22 the Solicitor was saying. You know, when you are on
23 trial you only get one chance. Okay? And the State
24 has had the burden all along, and I have heard some
25 pretty questionable explanations of the evidence. But

CLOSING STATEMENT BY MR. PLEXICO

1 they have the burden to show that the Defendant is
2 guilty beyond a reasonable doubt.

3 And that -- you know, in a joint trial, that goes
4 to my client, Casey Jones, Senior, and each of the
5 other ones. And the guilt has to be weighed
6 separately. Okay? Individually. Okay? Not
7 collectively. This isn't about emotions.

8 Now, you have to look at the quality of the
9 evidence. I will briefly address the evidence, but
10 remember, it is the State's burden to prove the
11 Defendant guilty beyond a reasonable doubt. The
12 Defense has nothing to prove.

13 We are shielded with the cloak of innocence, and
14 they have to have proof coming from that witness stand,
15 or in the exhibits that take away any reasonable doubt
16 that you would have.

17 The first thing they have to show is identity.
18 Now, you have a videotape that the only witness that
19 identified my client says she can't tell the face. I
20 mean, all this is -- I'm going to go through all the
21 evidence with you, everything, and their failures.
22 Failure to, you know, to properly investigate. They
23 don't have clothing, they don't have fingerprints, they
24 don't have DNA.

25 They do have DNA, they just don't know who it

CLOSING STATEMENT BY MR. PLEXICO

1 belongs to. I would suggest the DNA that they couldn't
2 identify, because our guys were -- and my guy and the
3 rest were excluded. They don't know who. They don't
4 know who the other people were. Somebody was there.

5 Now, and this is a tragedy. But let me give you
6 this example. Now, let's say that this is not the
7 murderer, the children are not involved. Let's say
8 that this is a burglary, that now this is a threat
9 theft case. Okay?

10 Now, take away any idea about -- of emotions, of
11 weapons, of anybody being killed. Let's say when those
12 people came up to that door, that this was a shed where
13 somebody had put some posters and a TV. And each one
14 of the people ran up and went in that door, burglary,
15 entry without pursuit, with intent to commit a crime
16 therein. They went in, one took a TV, one took a
17 toaster, and one took a microwave. And they ran in and
18 they ran out. And you have seen that video on and on
19 and on.

20 In that case, removing yourself from all these
21 emotions, would you say you could reliably identify any
22 of the people in the video when you couldn't see a
23 face? My client, you can't see a face. When you take
24 the emotions away and then say who is on that video, if
25 they were stealing a TV or a toaster or a microwave,

CLOSING STATEMENT BY MR. PLEXICO

1 would I be convicting this person of murder based on
2 that evidence?

3 Once you strip away, strip away the emotions,
4 which is what they want you to do -- they want you to
5 be upset. And, of course, it is a bad scene. But then
6 you don't think rationally, and you have a duty, you
7 have sworn an oath to clearly think about this stuff.

8 What is -- start with the evidence. Start with my
9 client. I defend Casey Jones, Senior. It is a
10 privilege to defend him. Look at the entire
11 investigation. Look how everything went. They have
12 three people. They needed a third person. They
13 thought they had the first two, and then they started
14 telling the only witness, I don't know who else they
15 told, and we still don't know since Officer Collins
16 said she could identify my client from speaking to him
17 and waving as you drive by; had seen my client.
18 Couldn't say when, where. Didn't know where my --
19 didn't say where my client lived at. Okay? All right.

20 Never had a conversation with my client. Looks at
21 a bad video, can't see the person's face who is wearing
22 a loose shirt, and you could have any body type, and
23 says, "I saw them walk, so I know their gait."

24 And then they are running on the video. Well,
25 that wipes that out. So, what is left? A pair of

CLOSING STATEMENT BY MR. PLEXICO

1 shoes.

2 Let's identify a body. Okay? We have a full body
3 here. Cut the body off, and here is what you got left.
4 Okay? Now, hold up those feet, and let's go, who is
5 this person? You would think the person was crazy
6 because you can't look at that video and fairly say
7 that I can identify the person.

8 So once you start there with the video, then you
9 say what else is there? What other evidence do they
10 have against Casey Jones, Senior? And I'm going to go
11 through all of it, and you are going to hear a lot of
12 no evidence against my client.

13 The only thing in the end, what it comes down to,
14 is this person who can't explain how they make the
15 identification. Fairly certain, or whatever she said.

16 What is that? Is that enough evidence? A video
17 that you can't see the face on, and somebody saying, "I
18 recognize them by their shoes," a pair of white shoes.
19 Okay? I don't know if anybody is wearing white shoes
20 out there today. But I can assure you they are not the
21 only pair of white -- there is nothing unique. There's
22 not a pair of white shoes that say Public Defender
23 Steve Plexico on the side. A pair of white shoes that
24 had yellow and green shoestrings on one side and red
25 and black shoestrings on the other side. It is just a

CLOSING STATEMENT BY MR. PLEXICO

1 pair of shoes. Everybody has got a pair of shoes.
2 That is just -- that is no basis for identification.

3 The Judge will charge you about identification.
4 And when there's only a one person identification,
5 okay, you have to really be careful because you don't
6 have any other evidence to reliably show who that third
7 person is. And they have to prove beyond a reasonable
8 doubt the identity of my client, along with all the
9 other elements of what the person did.

10 But if you just start with my client, and who is
11 the third person, and what is the evidence, you are not
12 going to get there because you can't say, or obey your
13 oath to do justice, that the evidence shows that it is
14 this man unless we have corruption of blood here.
15 Okay? Which I don't think we are going to have. I
16 think you are better than that.

17 If you do believe that it is someone else, if you
18 believe it's Casey Jones, Junior, then, no, it is not
19 my job to come make the argument. Would that be the
20 only basis you could convict Senior? No. And I would
21 suggest anyone who did that should be ashamed.

22 You have to look at the evidence the judge will
23 charge you, separately and individually. And what is
24 that evidence going to be?

25 First, they started out with Rusty Wells. They

CLOSING STATEMENT BY MR. PLEXICO

1 came in and played the 911 tape. You didn't learn
2 anything about that. You didn't learn anything about
3 my client. Okay? No evidence against my client.

4 Then we had Deputy Sons. He came in, you got
5 cameras, y'all can look at the exhibits, cameras all
6 over the place, you had a driveway camera, you had a
7 gate camera. It was like a Mexican drug compound over
8 there. These people making five-, \$10,000 a day. They
9 don't use banks. That is a lot of money to slosh
10 around. Okay? Everybody knew that they had money.
11 They were robbed on a regular basis. I mean, they were
12 just a regular target.

13 It is sad, but there's no telling who had a
14 motive. Who did he rip off on drug deals? I don't
15 know. Who got a good deal, who got a bad deal? Who
16 got a good deal and thought they got a bad deal and
17 wanted to get even? I mean, people on drugs don't have
18 sense. All right?

19 And, you are sitting on a pile of cash, he's over
20 there with the Mrs.'s AK47. I guess, you know, that's
21 Gelinda. I mean, he's got back up. And he is sadly
22 raising the kids in that environment, but you could
23 almost predict what would happen one day. Well, they
24 knew it, because they were over there getting robbed
25 before. It was not like they were calling the police,

CLOSING STATEMENT BY MR. PLEXICO

1 you know. It was just bad circumstances to be raising
2 children in that compound.

3 Where is the driveway video? That is all one
4 video. Kids, sons, at least two of the children. One
5 said 24'7 if I remember the phrase correctly. They had
6 videos at the gate, in the living room. Why didn't
7 they play that? Did it not support their theory?
8 Where is the rest of the video? They all recorded at
9 the same time. it was a DVR system with different
10 channels.

11 Why put one on the gate if it's not going to
12 record it? And you can look at one of the pictures,
13 one of the photographs. It has a TV screen, little
14 thing that lights up around it or whatever. You might
15 look at two of them, two different scenes. But I
16 thought it was -- why didn't they bring all the
17 evidence forward? That would be a failure of the
18 investigation. Maybe it didn't support what they were
19 saying. Okay?

20 And remember, the bald-headed man they kept
21 saying, the bald-headed man. there is no bald-headed
22 man on trial. They wanted you to believe that man was
23 bald-headed. That's not fair, and they claimed much
24 older. Who testified that my client, that they saw
25 that and they identified Casey Jones. That person is

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1 much older.

2 You have those forensic techs, you have the guy
3 from the State Department. Okay. That guy that,
4 thought he had a burden of interest in law. He could
5 do facial comparisons and all this other stuff. He
6 didn't do any of that. They didn't ask. Why?
7 Couldn't back up their theory because they closed the
8 case too fast. Because when they start saying, Is this
9 Jimmy Johnson? Oh, yeah, that is Jimmy Johnson. And
10 then, my client -- Officer Coleman -- is this Casey
11 Jones, Senior? Yeah, that is Casey Jones, Senior.
12 Don't need to see a face. It doesn't make any sense.

13 You had Andy there, Mr. Williams, the EMT, not a
14 witness against my client. You had Tyreek S. He
15 was part of the business, I'm the one that asked you
16 did you take the -- who taught you to pick up the
17 brass? Okay? Bad environment for those children.
18 Okay? Very bad environment.

19 It is not my client's responsibility. No. No
20 description who gave (inaudible). Okay? And they kept
21 talking about cameras, they had another in the
22 driveway. Okay? He's outside firing guns. I mean,
23 this is how he's learned to shoot. Jeremiah Wilson was
24 teaching him to shoot. Took care of him. Spent the
25 drug money on him.

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1 Then you had Javonte H. , the fifth witness,
2 Javonte H. . Now, Javonte is important. and I feel
3 sorry for all these children. You know, God bless
4 them. And I hope they have successful lives. They are
5 going to need a lot of guidance.

6 What happened happened, but we don't need to make
7 it worse by convicting the wrong people in regards to
8 it. And my client is just the wrong person. I'm not
9 going to say that there are not three people in that
10 video. I'm not saying justice shouldn't be done. But
11 just like I asked Tyreek S. that day. I said, You
12 want justice done, and you want it done so something
13 similar -- you want it done by our standards and not by
14 other. okay? You want it done by our standards.

15 Because he testified, you know, he wanted
16 retaliation. You know, that was a sad thing. And I
17 tried to counsel the kid a little bit. But, you know,
18 we have a system, we have an old system, and we want it
19 done by society standards. And the standards that we
20 have is guilty beyond a reasonable doubt. and it is the
21 burden of the State to put on that evidence, to pile it
22 on, to convince you before you can take away someone's
23 freedom. It is not a light thing to do. It is a
24 heavy, heavy burden.

25 He said, little Javonte said, he knew -- he knew

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1 the system. Okay? And he said black, bald-headed man.
2 That is the person, that is the third person coming in.
3 Black, bald-headed man. He saw him. He was talking to
4 him. Bald-headed does not match my description. There
5 is not a single witness to say my client ever been
6 shaved or -- obviously not today -- a bald-headed man.
7 The witness they had, okay, Dominique Coleman, never
8 said that my client was ever bald. Okay? They have no
9 proof on my client.

10 J'Amiah W. testified. No evidence against my
11 client. Starr Troy, the school resource officer. Then
12 you had Agent David Williams. Agent Williams, he
13 ran the -- he's retired now, I think he said. But he
14 ran the -- I think it was the older guy with the gray
15 hair, okay, he ran the -- it sounded like he ran the --
16 I'm not quite certain if he said he ran it, but I
17 thought he ran the identification department for SLED
18 for ten years. Okay? And he talked about how you do
19 identifications. All right?

20 He was saying you can't do it by body size and
21 height. No, no, no. You can't do that. That is what
22 the professional from SLED said. You can't do that.

23 But the non-professionals in the Solicitor's
24 office say, We've got the face stuff, we don't need
25 faces to identify people. Oh, you can pick somebody

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1 out of the crowd from their back.

2 This isn't saying hey to Joe. This man is on
3 trial for murder and burglary first. Okay? Among
4 other things. How silly is that. How many times have
5 you thought you have seen somebody and, no, you didn't
6 see me, I was never there. I was at the movies that
7 day. And I was out playing with my buds. Okay? It
8 wasn't me. I was with my girlfriend. Okay? I mean,
9 it happens all the time. It is called
10 misidentification.

11 You made a misidentification. And if you are
12 talking to somebody and you go, oh there goes Joe
13 driving by, they glance up, they think they have seen
14 Joe because it was suggested that that was Joe, and Joe
15 drives a blue car. And a blue car drove by with a guy
16 in it.

17 And you wouldn't think twice about it until you
18 saw Joe, and then -- okay? The car is in the shop. I
19 got a rental. It is a white car. Okay. It is called
20 misidentification.

21 So if they want to lower your burden of being
22 certain to the point you don't have a reasonable doubt,
23 they want to make your burden count. That is not the
24 way this works. Okay? I think you understand their
25 burden and your responsibility.

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1 And what would no face mean to -- for identity.
2 It is not professional. It is not credible. So you
3 are only going to the tennis shoes and a gait that you
4 can't see. A gait is a walk. If they are running, you
5 can't see the gait. Especially, when they testify that
6 they have never seen them run. Okay? And if you are
7 in Estill I imagine, if you are walking too fast, the
8 police will probably stop you and ask you what you up
9 to? What are you running from? Okay? You don't want
10 to look suspect. This is just America. Okay. Use
11 your common sense. Thank you.

12 We already talked about Ms. Heyward. She was the
13 tenth witness. Okay? And to hand a 10,000-dollar or
14 5,000-dollar a day, whatever, exaggerate, business,
15 that ain't a lot of customers coming into my place of
16 business. Okay? All right? I have got to do a lot of
17 turnover, I want repeat business, and people are going
18 to know I'm successful because, you know, I am the
19 go-to guy. And other people are my competitors.
20 they're all going to go over here because I cook the
21 best. Okay?

22 I got the best bread and whatever, sweet rolls, in
23 town. All right? Everybody is coming to me.
24 Everybody knows that. I'm making a fortune, I'm buying
25 extra trucks, so to speak, to get those sweet rolls

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1 out. There's a lot of people that know my business,
2 and know I'm sitting on a pile of money. and I don't
3 believe in banks. You know, the number of suspects is
4 key to what it could be. The pile of money is huge on
5 what it could be when you are running something that
6 large.

7 Detective Johnson came in, that was the crime
8 scene agent, collected evidence. You know, it looked
9 like it had been raining from the pictures and all that
10 I saw. I don't know why they didn't get fingerprints.
11 Maybe so many people were over there -- not
12 fingerprints, footprints. maybe so many people were
13 over there they couldn't figure out which ones were
14 what, which ones were theirs or not. But, you know,
15 that would have been helpful. They don't have a pair
16 of shoes to show that -- you know, to show my client
17 owned a white pair of shoes. They didn't go search his
18 house. they didn't do anything. They didn't get any
19 evidence that led to the identification of my client.
20 Okay? And we are at 12 and we haven't heard a single
21 person say yet, that's my client. Okay?

22 Now, then you had Jeff Crosby. He did some
23 stills. That was the local detective. Then you hear
24 from Tony Imel. Okay? He enhanced the images, and he
25 said he did facial comparison recognitions. The State

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1 didn't ask him to do a facial comparison recognition.
2 That is the one, he worked for the State Department.
3 Why not? Because when you close a case really fast and
4 you just grab somebody, okay, you tell them who to
5 pick, like that gentleman sitting there named Casey
6 Jones, Senior. He wouldn't dare do a facial
7 comparison. Okay? You wouldn't want that. Okay?

8 Besides that, maybe it was because the witness
9 said that body might as well have not had a head
10 because you can't tell it by the head who it is. But
11 maybe that was the reason. What else did Tony say? He
12 said he could have developed height, weight, facial
13 comparisons. Okay? They didn't do a height or a
14 weight. They didn't put the height of the person in
15 there. Okay.

16 When you are at this point on this rail, this rail
17 is 3 foot, 8 inches off the ground, anything at this
18 point is 3 foot, 8 inches. If I go back 10 feet, okay,
19 or 5 feet, all right, while if you are standing over
20 there, it would look different. So you call that
21 geometry. Okay? And you sit down and you use your
22 math formulas.

23 And if you work for the State Department and you
24 have an employee who is over in the park in Moscow
25 meeting with some shady figure once a week, or you pick

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1 up on it, okay, you are going to go out there and
2 photograph them from a distance and you are going to
3 figure out who that person is.

4 You are going to figure out their height. You're
5 going to figure out their weight. You're going to put
6 a tail on them to see if they are going back to the KGB
7 headquarters over in Moscow and making a report on what
8 the traitor just gave us in our embassy. These things
9 are important. Okay?

10 Did they ask to do a comparison and then come in
11 here and say Casey Jones, okay, is 6 foot, 1 inch. We
12 have done a comparison, and we find that this person
13 would be 6 foot to 6 foot, 1 and a half, or 6 foot 1,
14 or 6 foot to 6 foot 2. If he fits the profile, okay,
15 as much as I hate to use the word "profile." Okay?
16 All right? That person's weight appears to be somewhat
17 different.

18 The person in the video has a loose shirt on. You
19 can't be sure of the body size. How could you be sure
20 of the weight? He was not even asked to do that. He
21 wasn't asked to use the skills that he's enhanced the
22 video with. He was with the FBI, so it uses that.
23 They didn't bother asking because they already made up
24 their minds and they didn't care about the weight.
25 They had an ability to produce evidence to you in

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1 another way that they failed to do that. They did
2 not -- purposely did not use the resources they had at
3 hand.

4 Look at the pictures. I think he's 36. Tall and
5 younger than my client. Okay. And that is not
6 evidence against my client, it is evidence against
7 somebody if they are to get the right person. I don't
8 know if they will or not. That is if you haven't
9 convicted the wrong person. I mean, we do want
10 justice.

11 Then we talked to Agent McCallister. She got up
12 and testified. And remember, she is the one who talked
13 to Officer Coleman. She already had two IDs in her
14 pocket. To close the case, you got to have three.
15 Okay? All right? So what does she do? She gives the
16 name and a picture, is this Casey Jones, Senior? Well,
17 of course, we already have these other two. Doesn't
18 this look like his daddy? And we don't know where she
19 got that idea from either because she didn't testify to
20 it, and the State didn't bring it out. Or who the
21 confidential informant was, whoever that was. Maybe it
22 was somebody that looked like the person in the
23 picture.

24 Okay. So what does that do? She participates in
25 the creation of the unreliable identification of my

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1 client through a one-person show-up. If I show you a
2 picture of -- if I show you 12 similar looking people,
3 and say which one -- did you see the person who stole
4 the TV set in here? That would be more reliable,
5 because I'm just not showing you one person, a choice
6 of one. That is disfavored and frowned upon. It is
7 called a show-up. Okay? Show-up is a very bad
8 identification process. That does not work. That is
9 inherently unreliable because it's suggestive. It is
10 unfairly suggestive.

11 And what are we here today to do? Fairly to this
12 defendant, fairness. Okay? To the Defendants.

13 Well, the sad thing is, what does the agent do
14 after she gets the third ID? Closes the case. Goes
15 and gets a warrant, go look for shoes, money, guns,
16 drugs. We know who the people are, then they should be
17 spending money, they should have drugs. You know, they
18 should have guns. We could at least go look. Let's go
19 get the shoes, let's go get the hat. Let's go get, you
20 know, the shirts and the pants.

21 And then we are going to come in and we are going
22 to show you the video, and we are going to show you
23 they didn't go to my client, whatever that is, a plaid
24 pair of pants or whatever and say, we got a plaid pair
25 of pants, we got a pair of white shoes, and here is a

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1 shirt that is similar. And all this appears to be
2 similar.

3 Okay. Did they do that? No, they didn't bother.
4 They failed in their duty to go get evidence. Because
5 they didn't want to come in here and say they looked
6 and didn't find anything, because we are wrong. We
7 arrested the wrong people. Okay? Or at least the
8 wrong person there.

9 Now, I'm not defending the other two. Okay? You
10 know, they have their own attorneys. It is not my
11 responsibility to do that.

12 This man, they don't have anything on. This is a
13 miscarriage. It is sad.

14 Well, did they get phone records to show how these
15 people were working together and texting each other?
16 Did they get any phone records? You know, what else
17 did they do? And what happened, they just stopped
18 investigating. You get no supporting evidence. You
19 know, that by itself, a failure to properly investigate
20 and be fair, that is enough by itself to give you
21 reasonable doubt, to make you pause and hesitate, and
22 that is what this is really all about.

23 You know, there is -- what do you have for a
24 connection here? Oh, father, son. Well, we talked
25 about that. But, you know, I would hope that you

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1 wouldn't go there because that is just so morally wrong
2 to condemn a sister for what her mom did, or a sister
3 for what her other sister did. That's just socially
4 reprehensible.

5 Then we heard from Craig King Proctor. Okay? We
6 are at 16 now, no evidence against my client. Okay?
7 So y'all listened to a lot. All right? That is why I
8 told you to listen keenly.

9 Well, he's a drug dealer. Then you heard
10 Starkeisha Scott. No evidence, again, against my
11 client. Then we heard from Special Agent Jeff Croft.
12 Again, no evidence against my client. We are on 18
13 now. That is a lot of witnesses without showing any
14 evidence against Casey Jones, Senior. Okay?

15 Then we have Chief Collins. Not even Chief
16 Collins out of Estill is a witness against my client.
17 Then we have one person, and that's No. 20, and that's
18 who I have been talking to you about, who is coming in.
19 Okay? Coleman.

20 Now -- but I call her the other shoe identifier.
21 Okay? Without any special characteristics. Again,
22 it's like a potato. Okay? You know. You know, so
23 they used to do demonstrations in court. That has kind
24 of fallen out of favor. But they would take the hat
25 off, the eyebrows, they would take off -- let's say you

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1 have a potato, supposed to be Mr. X. Okay? And you
2 had a hat and then we'd say you didn't have on -- what
3 kind of hat did he have on, and then they would take
4 the hat off.

5 Well, what were his eyebrows like? Were they
6 heavy? Okay. You know, were they a different color
7 from his, you know, his eyebrows, his eyelashes? No, I
8 don't know that. Okay. Well, take the eyebrows off.
9 What color were the eyes?

10 Okay. Well, this is for identification, so were
11 they black or brown, or, you know, whatever. So they
12 pull the whole eyes off the face. What were his lips
13 like? Were they thin? Was it narrow? Okay. Were
14 they thick? Was it wide? Well, I don't really
15 remember. So they take the lips off the person.

16 Was there anything unique, did he have big ears or
17 little ears? I have seen people with tiny ears. I
18 have seen people with big old ears. As you get older,
19 your ears grow.

20 But then, I asked them, no, I can't remember
21 anything about the ears. Well, then you take the ears
22 off. Well, then you have got a potato without --
23 without a mouth, without -- was there anything special
24 about the nose? No. Take the nose off. Well, what do
25 you got? You got a head without any human features.

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1 So how can you identify a human being? The answer is
2 you can't. And here, you can't even see the faces.
3 They don't -- they can't get the boat out of the
4 harbor. It doesn't float. The case doesn't float. It
5 sinks. It is wrong. It just does not work.

6 Now Ms. Coleman. Okay? I have already talked to
7 you about the loose shirt. I have already talked to
8 you about not being able to see the face. Okay? All
9 right. Now, if she can't, how could a juror look at
10 that and make an identification? You can't. It is not
11 fair. You would be guessing. You can't guess. You
12 can't speculate. That is not your job. Your job is to
13 find true facts. Facts that you don't have a
14 reasonable doubt about. Okay?

15 Now, she had no professional contact with my
16 client. What does that mean? She didn't arrest him.
17 Okay? He wasn't a suspect for shoplifting. All right?
18 She said no more than drive by. Okay. Hello. Never
19 had a conversation with my client. That was the actual
20 testimony. Okay? And she claimed to ID him by his
21 walk. All right. And then she says, well, I don't see
22 him walking in the video. Well, you can't see it.

23 What about a credible identification? I have
24 known Billy for ten years, or 15 years, or whatever,
25 and you know, we drink beer every Friday night. Yeah,

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1 that is his head, I'll identify his face. You know, I
2 got clothes, I've seen -- that's the clothes I have
3 seen him in. Okay? Well, what do you have? You don't
4 have anything. There is just -- not there.

5 She can't even say when or where she talked to my
6 client. Oh, I saw him around. You know, the real ID
7 here was suggested by Agent McCallister in a one person
8 show-up that she was given the name, and that sealed
9 the case for her. Okay? That is what happened.
10 Because she can't explain to you how she could identify
11 that person in that video when no reasonable human
12 being could, unless it's guilt by association, which is
13 just morally wrong.

14 You know, when you look at an identification, you
15 know, what you ought to consider is, you know, did they
16 have a good opportunity to observe the person who they
17 want you to convict? This is a unique case because you
18 have the same opportunity to observe the person, the
19 same evidence through that video, and that is going to
20 be so brief. And a person you can't see the face, and
21 you're going to know, you can't identify them. And
22 there's no reason if you can't, stick by your guns. If
23 you can't identify them, make somebody tell you a
24 reason why they can.

25 And just like -- they are going to -- just like

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1 Agent Coleman, sitting on that stand and not be able to
2 say by their shoes, cut them off at their feet, and who
3 is this person? You know, that is the most ridiculous
4 thing. That is not credible evidence. You know, this
5 is my client's -- this is his only time in court. This
6 is his -- I cannot understand. You know, it is
7 called -- you have to have an adequate opportunity, a
8 fair opportunity to observe the person and decide who
9 it is. The tape doesn't give that.

10 You don't need that testimony. You can look at
11 the tape, and no reasonable person could identify that
12 beyond a reasonable doubt. And then it stops there.
13 That's it, because if you can't convict anybody unless
14 you know who it is, how can you convict somebody of
15 something when you don't know it is that person? That
16 would be silly. It doesn't make any sense.

17 All right. If you look at those circumstances of
18 suggestion, you know, and I would be careful. You
19 know, police officers are human beings, too. They make
20 mistakes. Okay? They have faces to say it's that --
21 you know, I saw that Billy Smith steal the TV. Okay?
22 They have to go tell a jury. That's why you have
23 juries.

24 You know, the power of the State stops with
25 jurors. Okay? They can come in and bully and make up

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1 stuff and suppose stuff, and this, that, and the other,
2 but when it comes down to people's common sense, you
3 go, No. That is not the way. The buck stops with the
4 jury in America. The power of the government stops,
5 nobody can criticize you or you don't have to explain
6 why you do anything. That is the power in America.
7 Why do we have that? To control the accesses of the
8 criminal justice system. Okay? Just like the vote,
9 to wisely use and control the government and protect
10 our rights. Okay? Y'all are the bottom line on the
11 justice system. They can arrest anyone, but it is the
12 jurors that can set them free. Okay? You make them do
13 their job, which is what this is all about.

14 And I have already pointed out to you that, you
15 know, a show-up of one, you don't have anybody else to
16 pick. Oh, by the way, I am going to tell you who it
17 is, too. That just seems so unfair.

18 You know, she never -- Ms. Coleman never talked to
19 my client. Didn't know -- didn't say she knew where he
20 lived. She didn't live in the town, so when she got
21 off work she didn't see him over at the Galaxy grocery
22 store or Piggly Wiggly over in Estill. She didn't --
23 you know, she wasn't buying gas at Bobops or 3 Way.
24 Okay?

25 I mean, she just didn't spend her time in town.

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1 She wasn't going around visiting girlfriends over there
2 in Estill and getting to know the local people. She
3 was just driving around playing police officer for a
4 little over a year, and didn't even live there the
5 first month, and then she was out job hunting after
6 that. Okay? Wound up in Rock Hill. Job hunting is
7 kind of a complicated thing. You got to go and show-up
8 and talk to people and shake hands. You know, do you
9 have an opening? All right. Meet with the personnel
10 there. You know, whoever does the hiring.

11 And the phrase that got me and, you know, I don't
12 know, she said she was fairly positive, that's my
13 memory of her testimony -- what is "fairly positive" of
14 identification of shoes? Okay? I mean, without a
15 face. I just don't see how any of this is fair. It
16 just struck me as the last thing that she should have
17 talked about.

18 And what is fair about being shown one picture and
19 given a name? What is fair about that? The procedure
20 wasn't fair. She said, I can't tell the face from the
21 video. And you are going to make a Mr. Potato Head
22 video, you don't even have a potato. And that is even
23 worse. I mean, it is just outrageous.

24 Then you have Catherine Leisy, that's the DNA
25 lady. Okay? All right?

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1 Now, she said that without question,
2 scientifically, that my client is excluded from the DNA
3 that they got off the baby wipes. They got DNA, they
4 just don't know whose it is, and they have two samples
5 aside from Jeremiah Wilson. They don't know who it is.
6 Okay?

7 Now, they got another sample. And that DNA, they
8 excluded my client. They had other people, but they
9 don't know who it is. So I would suggest people that
10 don't know who it is, is at least number three in
11 there. Okay? At least number three instead of pinning
12 my client for something -- out to dry for something
13 that he did not do. That is just inherently unfair.

14 You know, the State talked about that. And I want
15 them -- you know, I wish they would have explained that
16 nobody -- since nobody accused today touched the baby
17 wipe container where the money was, you know, what
18 about the DNA of the two others? Who are they? They
19 lapse in the investigation, they didn't bother going
20 out doing other DNAs. They had -- okay? They should
21 have. Might be not my client on trial today.

22 Firearms expert, you know, guns are guns. They
23 didn't bother looking to see if my client had one. All
24 right? They didn't bother looking to see if he had the
25 shoes. They didn't bother. Okay? And then the last

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1 witness was the doctor from MUSC and, you know, just --
2 that is 23 witnesses. And you look at all this stuff.
3 Look at that picture. You can't say that is my client.
4 You just can't do that. It is not fair. It is not
5 doing your duty.

6 He is entitled to a fair trial, where the State
7 puts up evidence, and that is meaningful evidence,
8 evidence you can trust, that you can sleep with at
9 night. You can't call Ms. Bostick next week and say, I
10 made a mistake. It is over. Once you go in there and
11 make a decision, you know, and be fair and be rational.
12 If you know that video is no good, then nobody could
13 use that for identification and be -- in fairness. Out
14 of 23 witnesses, the one witness is Dominique Coleman,
15 why would you let her do that? Ask that question. If
16 nobody could -- why is she a special human being? What
17 skills does she have that y'all don't have? She could
18 see the same thing.

19 If you fairly can't say that a person is guilty,
20 do not convict that person. This is a collective
21 decision, and an individual decision. Do not convict
22 the wrong person. The only way you could convict him
23 is through the most evil socially unacceptable thing is
24 the corruption of blood. You know what that is.

25 Put them to their proof. Stand your ground. You

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1 know, this is the most important day in your life. You
2 may never sit on a jury again and decide the fate of
3 your fellow man. And I can't think of more serious
4 charges than murder and burglary in the first degree.

5 I mean, that is the ultimate, and the punishment
6 is great. You know, you had -- there's no evidence
7 against my client, and I'm so worried that something
8 terrible further, further might happen. And I'm just
9 begging you to do your jobs. Follow your instinct,
10 stick by your guns, and in the end, send this man home
11 with a not guilty verdict on all the charges. Thank
12 you.

13 THE COURT: Thank you, gentlemen. I think we
14 should go ahead and take just a very quick break.
15 Again, do not discuss this case, it wouldn't be
16 appropriate to do so. You have not heard all the
17 closing statements. Go refresh yourselves, get a cup
18 of coffee, ladies and gentlemen. As you know, we have
19 two more attorneys to hear from, and then I'm going to
20 charge you on the law. Okay?

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

22 THE COURT: All right. Y'all, we will be at ease
23 for about five to ten minutes. Okay? Thank you.

24 (Whereupon, the court was in recess.)

25 (The Jury enters the courtroom at 11:58 a.m.)

CLOSING STATEMENT BY MR. PLEXICO

1 THE COURT: Welcome back. Ladies and gentlemen.
2 Y'all refreshed a bit?

3 (Jury indicates.)

4 THE COURT: Very good. All right. Well, let's go
5 ahead and continue. Mr. Koger.

6 CLOSING ARGUMENT BY MR. KOGER

7 MR. KOGER: May it please the Court. Solicitor
8 Jones, Mr. Hall, Co-counsel Plexico, Co-counsel
9 Attorney Newman.

10 The State has not proven this case beyond
11 reasonable doubt. The State has not met their burden
12 of proving identity beyond a reasonable doubt in this
13 particular case.

14 In the State's opening, Ms. Jones gave an example
15 with Mr. Hall right here and tried to minimize the DNA
16 that was -- the DNA that was found in this particular
17 case. However, the example she gave you, the jurors,
18 in the example, you were the eyewitnesses. You didn't
19 have to see a photograph of Mr. Hall. You didn't have
20 to see a video surveillance of Mr. Hall. You was
21 eyewitnesses of Mr. Hall, and you saw Mr. Hall here.

22 She stated that there would not have been -- there
23 was not any DNA prints on any of the items up here, but
24 that's because Mr. Hall did not participate actively in
25 the trial. He didn't touch this here.

CLOSING ARGUMENT BY MR. KOGER

1 But if you were to conduct DNA analysis of this
2 area right here in front of Mr. Hall, and of his -- of
3 the chair, you will find DNA of Mr. Hall. That is
4 important because the lack of DNA found back at ■
5 Clover Circle is very important to this case.

6 Now, I think what Agent Johnson, that testified
7 that first processed the scene for SLED, and Exhibit
8 No. 16, and she stated her qualifications and said she
9 went throughout the house. First, she did a walk
10 through and then she went through the pertinent areas
11 of the house, in which the incident occurred.

12 Of course, you heard about the baby wipe
13 container, you heard about the Air Jordan box and, of
14 course, the entryway, with the entryway, the door on
15 the porch. She determined that those were the
16 pertinent bits of evidence to try to solve this crime
17 in relation to the murder, burglary first degree, and
18 possession of a weapon during commission of a violent
19 crime.

20 And the results were and are that Casey Jones,
21 Senior, my client Jarrod Bostick, and Casey Jones,
22 Junior were all excluded from being at ■ Clover Circle
23 on June 3rd, 2015.

24 Now, Ms. Jones said in her opening she wished --
25 she wished that she had the clothing for Casey Jones,

CLOSING ARGUMENT BY MR. KOGER

1 Junior. She wished this, and she wished that, but they
2 don't have it. Well, that is not an excuse because /
3 this case happened over two years ago, and they knew
4 that eventually they would have to bring evidence in
5 this court and submit it to you and prove beyond a
6 reasonable doubt.

7 Ms. Jones killed a theory where, why the prints
8 may not be on the baby wipe container, or why prints
9 may not be on the Air Jordan box, but there's no
10 testimony from the stand that said that Mr. Wilson's
11 prints was on the baby wipe container or on the Air
12 Jordan box. They could have analyzed. No testimony
13 presented.

14 The Solicitor's office should not have a wish
15 list. They have a duty and an obligation to prove in
16 every court, not only in Jasper County, but any court
17 in the state and in this country beyond a reasonable
18 doubt. Hold them to that standard.

19 Now, in relation to my client, Mr. Jarrod Bostick,
20 and in relation to the identification -- and, again, as
21 I stated earlier, the State has not proven their case
22 beyond a reasonable doubt in relation to the
23 identification.

24 Now, just to go by -- go down the list of
25 witnesses that were pertinent to Mr. Bostick,

CLOSING ARGUMENT BY MR. KOGER

1 Mr. Plexico stated his case with identification. And
2 Attorney Newman is going to address his client as far
3 as what the identification issue, and I'm going to
4 address my client, Mr. Bostick, with the identification
5 issue.

6 First of all, the two juvenile, eyewitness
7 juveniles, the one -- the ones that were not in the
8 closet, at first, Jashaun -- Jashaun came with -- and
9 Tyreek S. , Jashaun could not -- did not identify
10 my client, Mr. Bostick.

11 Now, the Solicitor said in the opening, try to say
12 that it was -- that he say someone lighter, but on
13 testimony, he say light skinned. Okay? That was
14 Jashaun -- that was Jashaun H. .

15 Now, is it important that he said light skinned,
16 because if you remember Jashaun complexion, he was
17 brown skinned. He was brown skinned, and he say light
18 skinned. Okay? Not lighter skin, but light skin.

19 Also, with Mr. Simmons, Mr. Simmons identified
20 someone with freckles. Lighter skin with freckles.
21 But they was not able to identify Mr. Bostick.

22 Okay. The next one we have as far as Officer
23 Coleman. Officer Coleman as stated by Attorney Plexico
24 worked over in the Estill police department about a
25 year and a half. I think now she in Rock Hill. She

CLOSING ARGUMENT BY MR. KOGER

1 was shown the photographs and the video surveillance
2 and was not able to identify my client. Again,
3 identity must be proven beyond a reasonable doubt.

4 Now, we get to the two law enforcement officers,
5 Jeff Croft and Mark Collins. And there seem to be some
6 type of discrepancy here whether he received the
7 nickname before he identify my client. I asked Croft,
8 Agent Croft on the stand whether he received the
9 nickname Bug or Bugs. He said he couldn't recall. He
10 could have received that first before he made the
11 identification.

12 I asked the lead investigator, "Did you approach
13 or give Agent Croft the nickname Bug or Bugs?" She
14 couldn't recall, which is really, inexcusable, because
15 she's the lead investigator, and it is her notes that
16 pushes this -- that pushed this investigation.

17 It is our contention that the nickname used, Bug
18 or Bugs, suggested who should be -- who should be
19 selected from the video, from the video surveillance,
20 and the photographs.

21 With Officer Collins, Collins made the
22 identification, didn't give any description. Croft
23 didn't give any description, but he also, when asked --
24 I asked him a follow-up question, would the evidence --
25 "Would physical evidence confirm an identification?"

CLOSING ARGUMENT BY MR. KOGER

1 He said yes. He said yes. So basically they have not
2 proved their case beyond a reasonable doubt when it
3 comes to -- when it comes to identification.

4 Now, Ms. Scott, I didn't ask her too many
5 questions, I gave her leeway because she's still
6 grieving, and rightfully so. And she made
7 identification, but it is our contention that it was
8 somewhat tainted because she want closure in this
9 matter. She wants a resolution, and she said what she
10 said.

11 The next identification witness that the State set
12 forth was Craig Proctor, and that is a very -- he was a
13 very interesting witness because he was arrested on
14 October -- on October 6th on distribution and
15 manufacture of drugs. All of a sudden, three days
16 later, he couldn't recall whether he contacted law
17 enforcement or somebody got in contact, and
18 October 9th, he gave a statement, making an
19 identification, again, from photographs or a video
20 surveillance. He made that statement on October 9th,
21 2015.

22 All right. He was then on the distribution,
23 manufacture of drugs, 125,000-dollar bond. That is a
24 serious bond. That is a six-figure bond. Okay? All
25 of a sudden, three weeks later, not really a lot of

CLOSING ARGUMENT BY MR. KOGER

1 time in jail in relation to that particular offense to
2 get a bond hearing, his bond was dropped \$90,000. It
3 went from \$125,000 to \$35,000.

4 Now, I know the Solicitor said, well, you know,
5 that just a function of the Court, and those things
6 happen. But I have been practicing law 24 years, and
7 there are a lot of things that are not placed on the
8 record that are known, wink, wink, and this is what
9 happened. And all of a sudden, a couple weeks later,
10 Mr. Proctor was out on bond, in November of 2015. And
11 two years later, two years later, his court -- his case
12 has not come to court. A drug case, not a murder case.
13 Not a burglary first case. Not a criminal section
14 convict case, but a simple drug case. And two years
15 later, it has not come to court. And you have to
16 wonder why? Has it not come to court because we
17 need -- the State need his testimony in this case? And
18 once he testified, then maybe next week or so, or maybe
19 first of the year, it is gone.

20 And you have to look at the basis of his
21 identification, whether his identification -- whether
22 his information is tainted because of that. And,
23 again, it goes into the State has not proved their case
24 beyond a reasonable doubt with the overall case and
25 with the identity.

CLOSING ARGUMENT BY MR. KOGER

1 A couple of weeks ago -- I have three children, my
2 oldest is 21, he's in college at Coastal. My second
3 son is a senior at Spring Valley High School. And my
4 little girl is 13. And my wife and I and my little
5 girl was looking through some photos for our senior
6 because, you know, during the senior year they want the
7 baby photos for the yearbook pictures and everything.
8 And my little girl, she was trying to pick out the
9 photos of Jordan. Jordan my second son. And she said,
10 "Well, Daddy, which one is Jordan and which is Joshua
11 third?" Because as babies, they looked a lot alike.
12 Talking about photographs. Okay? What we have here.
13 Photographs. And, of course, my wife was trying to
14 figure out which is which, because they look very
15 similar as babies. And we went through them and went
16 through them, and then we looked at the facial
17 features. Well, the faces are the same. And it came
18 down to the point that the only way we was able to tell
19 the difference was by the outfits she bought during
20 that time. Okay? And this is -- and these are my
21 children. Okay? Keep that -- keep things like that in
22 mind when you come to trying to determine, well,
23 whether the State proved their case beyond a reasonable
24 doubt in relation to the overall case, and in relation
25 to identity. Because that is the biggest part of this

CLOSING ARGUMENT BY MR. KOGER

1 case, as admitted to, as conceded to by the State, by
2 Ms. Jones in her opening statement.

3 Now, there was another person that testified,
4 Ms. Gelinda Heyward. And Attorney Plexico touched upon
5 this in his opening. She -- she came up here, she took
6 the stand. She -- the mother of -- I think, of two
7 juveniles. Unapologetic. Unapologetic. Yes, we made
8 five-, \$10,000 a day. Okay. Anything I wanted,
9 everything I wanted I got. You know. Kept her
10 children in that dangerous environment for years.
11 Okay. Kept her children there cooking crack. Okay?
12 With vast amounts of money. Okay. Kept the children
13 in there with drug scales and drugs. Kept them there.
14 Okay?

15 This was not a -- this was -- this was not a
16 street dealer, this was a drug business. Five- to
17 \$10,000 a day over a period of years. Testimony by the
18 first on the scene, the house was surrounded with a
19 fence, 8 feet surrounded/ with a fence. Front yard
20 surrounded with a fence. Usually your back yard is
21 surrounded with a fence, and your front, you got a
22 lower fence. Video cameras all over the place. You
23 know why? Because this was a lucrative drug business.
24 Testified to that Mr. Wilson had the best recipe in the
25 area. Was seemed to know people came from miles around

CLOSING ARGUMENT BY MR. KOGER

1 to get what he had.

2 I bring that up not to denigrate the dead, but I
3 bring it up that there was plenty of people out here
4 that wanted, that could have and wanted to kill him, as
5 Attorney Plexico pointed out. That he could have had a
6 lot of enemies out here because he had a vast drug
7 empire.

8 Don't allow the State to minimize the lack of
9 physical evidence that was not founded. Agent Johnson
10 testified to thoroughly going through the house at ■
11 Clover Circle. She testified to thoroughly identifying
12 every treatment, what would be important in this
13 investigation. Front door, the baby wipe container, in
14 which the money allegedly came out of, and the Air
15 Jordan shoebox that was located in close proximity to
16 it on the dresser. And as was stated again, it went
17 through proper testing, went through the proper
18 protocol. Casey Jones, Senior, Jarrod Bostick, Casey
19 Jones, Junior are properly, properly excluded as
20 contributors of any DNA on that particular day.

21 So, in other words, on June 3rd, 2015 there is no
22 physical evidence that Casey Jones, Senior, Jarrod
23 Bostick, and Casey Jones, Junior was inside the
24 residence. And you seen that video -- did they show in
25 that video tens and tens of times, talking about don't

CLOSING ARGUMENT BY MR. KOGER

1 allow the lack of physical evidence to influence you.
2 Well, according to my viewing of the video, they could
3 have gotten DNA because each one of those Defendants
4 touched the banister coming up, allegedly touched the
5 banister coming up.

6 The three men in there, they touched the banister
7 coming up. If they had retrieved that, maybe they
8 would have had a different DNA report.

9 The State has failed to meet the burden of proof
10 of beyond a reasonable doubt in relation to this case.
11 But even before you get to that, the State has failed
12 in meeting its burden beyond a reasonable doubt with
13 identity -- in relation to identity.

14 The two juvenile eyewitnesses in this case did not
15 identify my client. The ones that were on the scene on
16 that fateful day did not identify Mr. Bostick as being
17 there.

18 You have another witness that could have, Croft,
19 that could have been tainted, don't know whether he
20 received the name Bugs or Bug or not, but it couldn't
21 be disputed because lead investigator McCallister say,
22 I can't recall, he say, I couldn't recall.

23 And then you have Craig Proctor, who after being
24 arrested for drug charges, I got some information.
25 Okay. And then three weeks later, bond is reduced

CLOSING ARGUMENT BY MR. KOGER

1 \$90,000. Charges still pending, and they pending
2 because they needed his testimony here.

3 Take into account what my co-counsel, Mr. Plexico,
4 said in his closing. Take into account what my
5 co-counsel Attorney Newman is going to say in his
6 closing, and take into account my address to you. And
7 I am sure, and I am confident that once you take these
8 factors into account, you will first -- you will first
9 determine that they have not proved identity beyond a
10 reasonable doubt, and because they cannot prove
11 identity beyond a reasonable doubt, they cannot prove
12 this case. And you will come back with a verdict that
13 will say, not guilty on murder, and burglary first, and
14 possession of a weapon during a violent crime for Casey
15 Jones, Senior. You will say, not guilty on murder,
16 burglary first, possession of a weapon in a violent
17 crime for Jarrod Bostick. And you will say, verdict,
18 not guilty for murder, burglary first, and possession
19 of weapon during violent crime for Casey Jones, Junior.
20 Thank you.

21 THE COURT: Mr. Newman.

22 CLOSING ARGUMENT BY MR. NEWMAN

23 MR. NEWMAN: Thank you, Your Honor.

24 I don't have to say it for you. You are going,
25 oh, great, we get to hear this again.

CLOSING ARGUMENT BY MR. NEWMAN

1 Well, I don't mean to make light of it, but you
2 have taken an oath to do that. I watched y'all through
3 the trial, you have been very attentive. You've
4 listened, you've well earned your \$10 a day or whatever
5 pittance the State gives you.

6 But you came as citizens, as citizens of our
7 country that believes in justice. Believes in our
8 legal system and the integrity thereof. And integrity
9 says that a defendant, if any one of us was charged
10 with a crime, we probably couldn't prove our innocence
11 except in rare circumstances. So what we do is tell
12 the State to bring you evidence that you are satisfied,
13 competent when you render a verdict, particularly a
14 verdict of guilty, because they have the extreme burden
15 of proof on that.

16 The Solicitor mentioned it right out. If she had
17 a case that had even parts of her wish list on it, it
18 wouldn't be a case. You would probably see a guilty
19 plea. You would see something. I don't know.

20 She opened the day with calling Mr. Jones, Junior
21 a coward. Same guy that lives in Estill, that has been
22 driving just like you have, back and forth everyday to
23 come to this court, to come to this court and face you.
24 He didn't run, he didn't take off. They called him on
25 the phone, and said, you know what, Mr. Jones, we have

CLOSING ARGUMENT BY MR. NEWMAN

1 got some warrants for you, and they made an
2 arrangement, a date and time and place that he would
3 show-up and turn himself in. And what did he do? He
4 turned himself in, gave a statement to the agent. That
5 kind of brings up when I asked the agent about -- we
6 will talk about this in a little bit, about how these
7 people are connected, how they are associated with each
8 other, and how the State proved that or did not prove
9 that.

10 She said, well, yeah, I would have liked to have
11 known that, but I didn't have Casey Jones, Junior's
12 cell phone.

13 She had his phone number. She called him. She
14 could have gotten records from that. Opted not to for
15 whatever reason.

16 Deputy Sheriff Sons was the first -- again, he has
17 testified first -- but Deputy Sons was the first law
18 enforcement agent that came and testified to you. And
19 I asked him what do you do, rope off, preserve the
20 crime scene. You have to -- obviously, this is the
21 main crime, we had to get a crime scene unit in. We
22 have to get help. We are going to have to get help
23 because we need more resources. So they went to SLED.
24 They even went further and went to the FBI. We will
25 talk about that.

CLOSING ARGUMENT BY MR. NEWMAN

1 So they interviewed the four juveniles in the
2 house. Two of the juveniles really didn't get a look
3 at anything, and that would be J'Amiah and Javonte.
4 Because, if you remember Javonte's testimony, being a
5 good brother, looking out for Little J, I believe, when
6 the first man on the video came in, which is their No.
7 2, he immediately rushed out of there, they rushed in,
8 they sought cover, the older brother taking care of his
9 little brother. Closed the closet, got down on the
10 floor, and stayed there the entire time until -- I
11 think I asked them, until the bad guys left.

12 The oldest brother, Tyreek, said that he actually
13 saw all three people. And so did Jashaun, the middle
14 brother. And what does Tyreek say? Tyreek, to the
15 first deputy on the scene, when they're asking him what
16 happened, did you see anybody, did you get descriptions
17 because they are going to want to put out bulletins on
18 the radio. They're looking for a guy with dreads, a
19 tall guy, a short guy, looking for a guy with a red
20 cap, gave very vague information. Wasn't even really
21 able to broadcast a description. But he did get a good
22 look at one of the assailants, and he gave a name. A
23 name of a person that he knows by sight, and he said,
24 Jamarcus Brisbane.

25 So he's asked a day or so later, maybe even later

CLOSING ARGUMENT BY MR. NEWMAN

1 that afternoon, David Williams, that was the SLED agent
2 with the all white hair. The SLED identification
3 expert is going to come down to see if he can put
4 line-ups together of suspects for these children to
5 look at. They put together an array of 30 photographs
6 in five different line-ups.

7 Without hesitation and problem, Tyreek said, that
8 is one of the assailants, Jamarcus Brisbane. They note
9 that down.

10 Investigator McCallister, the SLED specialist to
11 do this investigation, discarded it. That information
12 from an eyewitness, actually in the house, and you saw
13 how long they were in that house, four minutes, five
14 minutes, that that child would be able to view these
15 three suspects.

16 Tyreek got on the stand, could not identify Casey
17 Jones, Junior, could not identify any of these
18 Defendants over here. And he, when we talked about
19 groups of witnesses, there's going to be a second group
20 of witnesses that are looking at range of photographs
21 and videos, and we'll talk about the second group in a
22 second.

23 But the actual eyewitnesses, face to face in their
24 house, you saw how small that -- I believe this is
25 State's 16. You see how small -- this is a small

CLOSING ARGUMENT BY MR. NEWMAN

1 residence. Little three-bedroom residence. And you
2 have seen pictures from in here, and you've seen
3 pictures from in here, where the stuff was, the scales,
4 the crack, the baby wipes box, and inside that would
5 have been the shoebox where they kept the money. And
6 we will talk about those. Oddly enough, the State
7 didn't introduce those into evidence because it doesn't
8 help their case. In fact, it hurts it.

9 So you get this immediate identification of
10 Jamarcus Brisbane. And what do we know about Jamarcus?
11 Well, he's been out of prison for about a week. Asked
12 the agent, what was he in prison for? Robbery and drug
13 dealing. Out of prison, he doesn't have any money, he
14 is going to need to do a hit or a lick or whatever they
15 call it on the street.

16 And based on that, the agent decides well, I'm
17 going to need to talk to this guy, Brisbane. His name
18 has come up not only immediately on the scene, but
19 later on, after Tyreek has had time to reflect and
20 think about it and he goes, yes, I'm sure. This is the
21 guy that was there.

22 So Agent McCallister gets Brisbane to come in and
23 talks to him, and Brisbane says, well, I was at my
24 aunt's house, went over to my daddy's house. I just
25 got out of prison so, you know, I'm staying close to

CLOSING ARGUMENT BY MR. NEWMAN

1 home. No specific times when he's close to home.

2 I asked the agent, what's the aunt's name? This
3 is important. We are going to need to track down an
4 alibi, right?

5 You just don't want to buy it. If I told you I
6 was somewhere else, you would want to go check it out,
7 right? What is the aunt's name? I don't know. All I
8 think she knew about her is she worked for the school
9 district. This thing happened about 10 o'clock in the
10 morning, where is the aunt going to be? Jasper County
11 school district, working. She is not around.

12 Talked to the daddy. What is his name? I don't
13 know. Where does he live? Walterboro. What is the
14 address? I don't know. What is the aunt's address?
15 How close did Jamarcus live? Was it in walking
16 distance from where this -- from Clover Circle? I
17 don't know, in Ridgeland somewhere.

18 When the State fails to track down things like
19 that, they rob you of the ability to judge the
20 credibility of Jamarcus Brisbane's alibi. She said she
21 did it for you, I found him credible. And they want to
22 turn around and say, they want Mr. Casey Jones, the
23 State argued, well, he gave an alibi that he was --
24 gets up around 11, goes to work, landscaping, and he
25 gets home around four or so and goes to his mom's

CLOSING ARGUMENT BY MR. NEWMAN

1 house, is what I got -- maybe his mom's or girlfriend's
2 house. And the State argues to you, is that really an
3 alibi? Do you believe that?

4 What specific day did he do that? What is his
5 mom's name? Where does she live? And they want to
6 tell you, don't believe Casey Jones's alibi, because
7 that's all he's got. Don't believe it. But believe
8 Jamarcus's alibi, the guy that got out of prison for
9 robbery and drug dealing. Just take it on my word, he
10 didn't have nothing to do with it. It's all
11 information that should have been on the wish list that
12 you don't have.

13 The other thing that is really bothersome is we
14 take DNA samples from these gentlemen that they
15 arrested for this crime. You heard about it. The
16 buccal swab, no problem, easy peasy. Do you think that
17 they'd ask Mr. Brisbane, hey, Jamarcus, while we got
18 you here, how about -- how about give it up. And even
19 if he didn't want to, there is a procedure, they could
20 have asked the Judge, say, look, he's been identified
21 in a murder case, give us a warrant to do that, and
22 they can make him do it.

23 Wouldn't you like to have Jamarcus Brisbane's DNA
24 so the lady could come in and maybe say, I can exclude
25 him, too, or go, you know what, we got a match.

CLOSING ARGUMENT BY MR. NEWMAN

1 Mr. Wilson, obviously, it is his house, you are going
2 to find his DNA. And we got Mr. Brisbane. You were
3 robbed, deprived of that opportunity to consider that
4 information from the State that has the burden to track
5 these things down, and to prove it to you.

6 Did they ask to do a search of Jamarcus Brisbane's
7 house, either ask him or since he was identified, apply
8 to a judge and get a warrant? No. So that leaves us
9 with the on-scene identifications. Tyreek, don't know
10 the man, don't know the man, don't know the man.
11 Jashaun couldn't identify any of them. Javonte
12 couldn't identify any of them. The only one on scene,
13 one out of four, who was in the closet, probably first
14 in the closet, says now that I think back, after two
15 years -- and this is the very first time, because
16 there's nothing in any report that J'Amiah says, oh,
17 yeah, I remember him now, that dude was in my house.

18 He knew that Mr. Jones had been arrested for this,
19 he knew he had been charged with it, and thinking like
20 an 11-year-old, now 13, 14, I believe, year-old, he's
21 got convinced in his mind, well, if the police arrested
22 him, that must have been the man that did that to my
23 daddy. He was never re-interviewed and never said --
24 made that connection until yesterday, the day before.
25 Didn't report that to the police. A man that he saw at

CLOSING ARGUMENT BY MR. NEWMAN

1 school that maybe since he knew it, scared him a little
2 bit.

3 So on-scene identification witnesses, three can
4 make no -- the 11-year-old, the youngest, who was in
5 the closet, says, yes, ten years ago. And when he
6 pointed over to Mr. Jones, he really didn't even look
7 at him.

8 So we have the opinion identifications that come
9 up. Now, remember these are people that did not sit
10 there through this entire crime and see these people
11 with their eyes. They were nowhere near it.

12 You have Ms. Taylor -- I'm sorry, Ms. Heyward,
13 Gelinda, testify. I think she said she had seen a guy
14 named Casey sometime in the past, vague, doesn't
15 remember when, in a car with somebody named Tray or
16 something like that. And Gelinda was not able to
17 identify the man in court, and did not, because she
18 couldn't.

19 I don't even need to go over King Proctor. I
20 mean, if y'all want to believe that, for a guy who will
21 tell you I smoke dope every day -- I smoke dope every
22 day -- except for when I come to court and go to strip
23 clubs. So you judge that testimony how you want it.
24 That is your province solely.

25 Officer Coleman and Chief Collins, yeah, they seen

CLOSING ARGUMENT BY MR. NEWMAN

1 these people. If they are from Estill, Casey and his
2 father, small town cops are going to see people, and
3 they tell them. Is this Casey Jones in this
4 photograph? Oh, yeah. Oh, yeah.

5 And interesting with Collins and Coleman, and I'm
6 trying to get a connection between Mr. Bostick and
7 Mr. Jones other than all you have is seeing them
8 sitting next to each other all week, but they are not
9 sitting there because they want to be necessarily.
10 That is where the Court sat them.

11 Chief Collins and Coleman, yeah, okay, I seen
12 Casey Jones, Junior around, but they have never seen
13 Casey Jones, Junior with his father, who he's estranged
14 from, and they've never seen Casey Jones, Junior with
15 Mr. Bostick. There's absolutely no connection. They
16 never seen them together. They claim they saw them a
17 lot. That they are buds, pals, that they know each
18 other strong enough, hard enough to do a hit, a lick, a
19 robbery, whatever it's called, together. But they are
20 not just going to say, Hey, we just met, got an idea,
21 let's go do something. And they don't even make a
22 connection that they know Mr. Wilson or his criminal
23 enterprise and empire that he runs in Jasper County.

24 So you got Agent Crosby, who works up in the
25 Bamberg/Barnwell area. Said that he has known Mr.

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1 Bostick for ten years, I believe is what he said. In
2 that ten years, and agents keep files on when they do
3 field contacts, when they see people. This is an
4 investigator, a SLED agent, which he has no records of.
5 He has never seen Casey Jones, Junior ever, and he's
6 never seen Casey Jones, Senior, ever. So you know a
7 guy for ten years, and here they are together doing a
8 murder, and every time you have seen him over those ten
9 years, you have never seen him with Jones, Junior or
10 Senior ever? There's no connection. No connection
11 whatsoever.

12 You got the State's identification experts. They
13 brought three in for you. They brought David Williams,
14 the SLED agent with the white hair. They brought in
15 Mr. Imel, if I'm pronouncing that correct, Mr. Imel,
16 and Jeff Crosby. Jeff Crosby testified, he was the
17 tall detective that used to work for the sheriff's
18 department, he now works in Hardeeville. Well, he has
19 the technology, and I looked at it, I lightened it,
20 changed his skin colors a little bit, and looked at it.
21 These are the best images I can give you even though
22 you can't see the face.

23 Well, Jeff Crosby, he was here in court, he looked
24 at these and looked at these, and worked on them, and
25 looked on them, looked over here. Did he ever identify

CLOSING ARGUMENT BY MR. NEWMAN

1 any of these Defendants, the State's identification
2 expert that has been looking at these things, and the
3 Defendants are sitting right here? No. Because he
4 couldn't do it.

5 David Williams explained to you why he couldn't do
6 it. Williams, same thing. He's looked at images, put
7 these line-ups together. And when I asked him on the
8 difficulty of putting up a line-up, other than Jamarcus
9 Brisbane, and if you have a name, do you look for
10 people to pull photographs by their beard, by their
11 face shape, by their weight? He stopped me before I
12 could finish my question. You can't do that. It's
13 just too general. It just fits too many people. You
14 can't ID somebody like that.

15 And Mr. Imel, who works for the FBI, very well
16 trained, I think he said he also, as part of the FBI,
17 works for the Air Force, and they do a lot of work in
18 identifying people all over the world. And the
19 Solicitor asked him, did I ask you to do any height,
20 weight comparisons, facial? And he said no.

21 And I'm like, why would the State not ask you to
22 do that? Facial recognition has been around for 15
23 years. It gets better every day, where they can
24 enhance. They also use a thing that was touched on,
25 which is biometrics. You can take these photographs,

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1 analyze them, just like Mr. Plexico said. We can get a
2 known height right here. We can put all that stuff
3 together. That must have been on the Solicitor's wish
4 list, but she did not ask this guy to do that. Did not
5 ask to do facial recognition, and all the experts
6 agreed, and even the lay witnesses, you cannot see
7 their faces. We are going on by our opinions of what
8 it looks like to us. And these are people even further
9 removed -- further removed, they were not at the crime
10 scene. They did not witness this.

11 They are looking at a video and photos, to get
12 grainier off the video that you can't see faces. So I
13 have no idea why they have deprived you of the
14 biometric and facial recognition technology.

15 Mr. Imel, who testified likewise up here had a
16 chance, after he's worked and captured stills and
17 worked hours and hours and hours looking and coming
18 with these images, sees these guys. He doesn't
19 identify them because he can't. We are going to leave
20 it up to you to maybe help save us in this case because
21 what we did in this case was jump the gun. We jumped
22 the gun and we got stuck with it, and we are trying to
23 stick you with it, the State, and rescue us in this
24 endeavor.

25 So, Agent McCallister disregards Jermane (sic)

CLOSING ARGUMENT BY MR. NEWMAN

1 Brisbane. Nah, you don't need to worry about him, I
2 took care of that for you.

3 The associations, well, I really don't have
4 anything. I asked her about documents that they got
5 from Mr. Bostick's phone and Facebook and texts and
6 whatever young kids do these days. I'm sorry I'm kind
7 of slow. Coffee, that's about all I do.

8 And she got 2957 pages of records and phone
9 numbers and texts and photographs and Facebooks and
10 pings and whatever you -- Snapchats, whatever young
11 folks do these days. And I asked her, because I'm
12 trying to think, you know, you got two guys, they
13 should at least show they know each other. If they are
14 going to do something like a brutal robbery, they at
15 least have met before.

16 And I said out of that, there's nothing in there,
17 is there? And in an attempt to protect her case,
18 rather than give a straight answer, oh, yeah, I think
19 there was something in there that connects them. Yeah,
20 I kind of remember looking at that.

21 And we sat right here and played a game. I said,
22 what? Tell me. Bring it to me.

23 Well, that's on the disc. Get the disc, let's
24 look at it. Do you honestly believe that if there had
25 been any connection, because they know they have to

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1 show that, which they haven't shown, if there had been
2 a connection, like a Facebook post or a text message,
3 hey, Casey, this is me, Bostick, let's get together,
4 let's have a beer. I got something you -- anything.
5 Anything. Even, hey, bro. Anything.

6 And we know we had Casey Jones' number. She
7 called him on his telephone.

8 I submit to you out of 2957 pages worth, there is
9 not one text, tweet, twitter, picture, ping, pong,
10 whatever it is between the two of them. The officers
11 have never seen them together. They claim they've
12 known one for ten years, one for a year, and the chief,
13 I think, has been there maybe three years. Never seen
14 them together.

15 I asked about the VW, the car they came in. They
16 identified it as a white. We can all see that on
17 there, white or cream, at least. Volkswagen Passat.

18 I said okay. Well, let's see what we can do to
19 tie these three guys or at least the driver over there,
20 allegedly my client, let's see what we can do to tie
21 them to that car. And you know what she said? Well,
22 we got the rental documents. We got the registration.

23 Where is it? Why didn't they show it to you? You
24 know why they didn't show it to you, there's nothing in
25 those documents that lead to any of these gentlemen.

CLOSING ARGUMENT BY MR. NEWMAN.

1 Do you honestly think that if there was something
2 that connected any one of these gentlemen to that car,
3 they wouldn't have blown it up, put it on a poster
4 board and said, Look at this rental agreement.

5 Mr. Bostick rented it, or Mr. Jones, Senior, or a
6 girlfriend of one of them rented it. They have those
7 records, why didn't they show them to you? They didn't
8 want you to see them because it doesn't help their
9 case. And that's just not fair.

10 You want your government to give you all of the
11 available evidence they have to let you make a judgment
12 on it. She's made her judgment on it, the agent, that
13 you don't need to see it.

14 JUROR: Ma'am? Judge, can I get a bathroom break?

15 THE COURT: Absolutely. Mr. Newman, are we close?

16 MR. NEWMAN: We're close, but certainly.

17 THE COURT: Okay. Let's go ahead and take a
18 bathroom break. Ladies and gentlemen, you all need to
19 go. Again, do not discuss this case, it wouldn't be
20 appropriate to do so.

21 Mr. Foreperson, knock on the door when you all are
22 ready to come back. Okay?

23 (The Jury exits the courtroom at 11:44 a.m.)

24 (Whereupon, the court was in recess.)

25 THE COURT: All right. Let's go.

CLOSING ARGUMENT BY MR. NEWMAN

1 (The Jury enters the courtroom at 11:55 a.m.)

2 THE COURT: All right. Ladies and gentlemen,
3 welcome back. I also wanted to let you know, that your
4 Clerk of Court, Ms. Bostick, has ordered pizza for you.
5 So once we get this case to you, she's got pizza so
6 y'all can eat while you begin your deliberations. I
7 don't want you to think we are starving any of you out
8 here. All right?

9 So if you give Mr. Newman your attention, he's
10 going to finish up and then I am going to charge you on
11 the law that's applicable. Okay?

12 MR. NEWMAN: As I said, I will not be too much
13 longer, but I do have a lot of stuff to cover, and it
14 says the other attorneys have echoed. These are our
15 clients' one day in court. If you get it wrong,
16 there's no way to fix it.

17 So in this case, we talked about the alibi, talked
18 about the rental documents from the BMW -- the rental
19 place of the VW, the white Passat. Nothing connecting
20 them.

21 The other thing that I'm incredibly curious
22 about -- not curious, more at this stage, when people
23 are on trial for their lives, why didn't they do a
24 search warrant? They knew where Mr. Jones, Junior
25 lived, my client. Called him up. She had his address.

CLOSING ARGUMENT BY MR. NEWMAN

1 In fact, when they took him into custody, before
2 he made bond, perfect time to go get it. Can't go back
3 and change anything, they've got him locked up. The
4 agent admitted there was no reason she couldn't have
5 got a search warrant. She got an arrest warrant. Same
6 standard. There's enough evidence out there. Not the
7 evidence we needed here, but to start the case.

8 The State's wish list, right? What if they went
9 to the house and had that funky looking hat. And I
10 think a blousy looking shirt, and clothes. Maybe the
11 T-shirt. How about the firearm? Whoa. That would be
12 on the wish list, right? If the State came in here and
13 said how about it, guys, I got DNA, I got a firearm, I
14 got the clothes, you can forget these flaky
15 identifications we tried to piece together. We got
16 evidence.

17 Well, they don't. Three out of three ID experts
18 can't ID them. Three out of four children can't ID
19 them. And we have got a situation that the DNA of
20 Ms. Leisy, I believe, the DNA analyst that did that,
21 the chain of custodies were perfect. She had
22 absolutely no doubt, mixture of three individuals. And
23 what a miracle -- what a miracle if these three
24 gentlemen were in that residence for five, six, maybe
25 seven minutes, and what did the analyst tell you? She

CLOSING ARGUMENT BY MR. NEWMAN

1 didn't -- I suggested a number to her about humans shed
2 about 400,000 cells a day. And she goes, I don't know
3 that, but it's in the hundreds of -- it's a lot. It's
4 in the hundreds of thousands.

5 What kind of miracle is it that these guys could
6 be in there, fighting with people, holding children
7 down, touching things, taking the baby wipe container
8 out, taking the shoebox out, touching that. What a
9 miracle it is that they are ID'd doing this, but the
10 DNA says one hundred percent proof positive no. Not
11 just on one, not just on Mr. Jones, Junior, Mr.
12 Bostick, and on Senior. Those odds are too incredible
13 if these are the people that went and spent that much
14 time in that house.

15 There is a story that shows the enormous amount,
16 and you read about it in the paper every day about
17 witness identification. People have been convicted and
18 years later, DNA has exonerated them. One of the
19 biggest ones was a prize fighter named Rubin
20 (Hurricane) Carter, from Patterson, New Jersey. Five
21 eyewitnesses ID'd him robbing and killing a man with a
22 co-defendant named John Artis. ID'd Artis, too.
23 Twenty-eight years later, both of them were exonerated.
24 Five came in, police officers, said I saw it. I know
25 it. No, they didn't.

CLOSING ARGUMENT BY MR. NEWMAN

1 What we got lucky in this case, they made the
2 arrest before they did the DNA. The DNA came back, now
3 they are stuck with their case. Did they go back and
4 re-investigate? Did they go back to Mr. Brisbane and
5 want to get his DNA and talk to him? Talk to anybody?
6 Talk to any of those other thugs identified at that
7 house? They just quit. When they got the DNA back,
8 they could have just as easily say, you know what, we
9 are going to open our investigation and take a look at
10 this again. But what did they do? Nah, we are not.
11 Go with what we got. We will go with what we got.

12 I know I talk too much. Lawyers do that. But
13 this is the only shot that I get to talk to you. This
14 is Casey Jones, Junior and Senior and Mr. Bostick, this
15 is their one day. There is a chance you get the right
16 verdict. There's also a greater chance you get the
17 wrong verdict. I would ask you to hold the State to
18 its task. Go back and re-investigate this case. Bring
19 us some more evidence. Look at -- open your minds.
20 Look at what is actually happening in front of you.
21 And they're dumping it in your lap, because their wish
22 is that you bring back guilty verdicts on insufficient
23 evidence. That is their wish. Hold them to their wish
24 list. If they brought you back their wish list, say
25 you got them.

CLOSING ARGUMENT BY MR. NEWMAN

1 The Judge is going to tell you, you are not here
2 to support one side, another side, passion or
3 prejudice. Murder is a horrible crime. Terrible thing
4 to happen. We are not asking you to, you know, leave
5 your humanity, if you would. But a wrongful conviction
6 is just as bad as a murder case. Wrongful conviction
7 for robbery, burglary is just as bad because you rob a
8 defendant of his right to have the State prove its case
9 beyond a reasonable doubt.

10 There's evidence out there, but it doesn't point
11 to Mr. Jones, Junior.

12 Mr. Foreman, thank y'all very much. I really
13 appreciate your time.

14 THE COURT: Are you all right? Everyone's in?

15 Mr. Foreperson, ladies and gentlemen of the jury.
16 You followed very patiently and listened very
17 attentively to the presentation of the evidence in this
18 case, and I want to thank you for that.

19 It now becomes the duty of the trial judge under
20 the Constitution of this state to charge and instruct
21 you on the law that is applicable to this case. And it
22 is your duty as jurors to accept and apply the law as
23 the Court will now state it to you.

24 As jurors, it is your exclusive duty to decide all
25 the issues of fact in this case. You must determine

CLOSING ARGUMENT BY MR. NEWMAN

1 the effect, the value, the weight, and the truth of the
2 evidence. Both the State of South Carolina and
3 Defendants have a right to expect that you will
4 carefully consider and evaluate the evidence and the
5 apply the law of the case to the evidence. And by
6 doing so, both the State and the Defendants will
7 receive and obtain a fair and impartial trial in this
8 case.

9 Now, the State of South Carolina, by the bills of
10 indictment in this case charges the Defendants, Casey
11 Jones, Senior, Jarród Bostick, and Casey Jones, Junior
12 with murder, burglary in the first degree, and
13 possession of a weapon during commission of a violent
14 crime.

15 I remind you that the fact that the Defendants
16 were arrested, charged, and indicted in this case is
17 not evidence in this case and cannot be considered by
18 you as evidence of guilt in this case, nor does it
19 claim the presumption or inference of guilt.

20 These documents simply are the formal written
21 instruments which contain a charge that is made against
22 the Defendants. They are the formal documents by which
23 a case -- case, excuse me, is brought into the
24 courtroom.

25 Now, ladies and gentlemen, I charge you that there

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1 are three defendants in this case. Each of them is
2 charged with murder, burglary in the first degree, and
3 possession of a weapon during a violent crime. The
4 case of each defendant and the evidence and the law
5 concerning that defendant should be considered
6 separately and individually.

7 Your verdict does not have to be the same for all
8 defendants. The fact that you may find one defendant
9 guilty or not guilty should not control your verdict as
10 to the other defendants.

11 When more than one person is charged with a crime,
12 if the evidence warrants it, you may convict one and
13 acquit the others, or you may acquit all, or you may
14 convict all. It will depend upon your view of the
15 testimony and evidence.

16 You must take each defendant and consider the
17 evidence as to that defendant and my instructions to
18 you on the law. You will then write a separate verdict
19 of guilty or not guilty for each individual defendant
20 on each charge.

21 Now, ladies and gentlemen, all of the defendants
22 in this case have pled not guilty to these indictments,
23 and that plea puts the burden on the State to prove
24 each of the defendants guilty beyond a reasonable
25 doubt. A person charged with committing a criminal

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1 offense in South Carolina is never required to prove
2 himself innocent. I charge you that it is an important
3 rule of law, the defendant in a criminal trial, no
4 matter what the seriousness of the charges may be, will
5 always be presumed innocent of the crime for which an
6 indictment was issued unless guilt has been proven by
7 evidence satisfying you, the jury, of that guilt beyond
8 a reasonable doubt.

9 And this presumption of innocence does not end
10 when you begin your deliberations, but it accompanies a
11 defendant throughout the trial until you reach a
12 verdict of guilt based on evidence satisfying you of
13 that guilt beyond a reasonable doubt.

14 Now, the presumption of innocence is like a robe
15 of righteousness, but it's placed about the shoulders
16 of the defendant, and it remains with the defendant
17 until it has been stripped away by evidence satisfying
18 you of a defendant's guilt beyond a reasonable doubt.

19 Now, the presumption of innocence is not a mere
20 legal theory. It's not just a legal phrase we use, it
21 is a substantial right to which every defendant is
22 entitled unless you, the jury, are satisfied from the
23 evidence of that defendant's guilt beyond a reasonable
24 doubt.

25 Now, what is reasonable doubt in the law? A

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1 reasonable doubt is the kind of doubt that would cause
2 a reasonable person to hesitate to act. Now, the State
3 has the burden of proving each of the defendants guilty
4 beyond a reasonable doubt. And the term "reasonable
5 doubt" must be given its plain and ordinary meaning.

6 However, to the extent that I may define it for
7 you, a reasonable doubt, again, is the kind of doubt
8 that would cause a reasonable person to hesitate to act
9 in the most important of their personal decisions.
10 Each of the defendants are entitled to every reasonable
11 doubt arising in this case.

12 If upon any issue of facts essential to a
13 conviction you have a reasonable doubt as to how that
14 issue should be resolved, you must resolve that
15 reasonable doubt in favor of that defendant.

16 Now, some of you may have served as jurors in
17 civil cases, where you were told that it was only
18 necessary to prove that a fact is more likely true than
19 not true, such as what we call the greater weight or
20 the preponderance of the evidence.

21 In criminal cases, the State's proof must be more
22 powerful than that. It must be beyond a reasonable
23 doubt. Suspicion, no matter how strong, is
24 insufficient to convict a person charged with a crime.
25 That the facts and the circumstances presented may seem

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1 suspicious, and a defendant's guilt may seem probable
2 is not sufficient in the law to convict. Proof beyond
3 a reasonable doubt is proof that leaves you firmly
4 convinced of a defendant's guilt.

5 Now, ladies and gentlemen, there are very few
6 things in this world that we know with absolute
7 certainty. And in criminal cases, the law does not
8 require proof that overcomes every possible doubt. If
9 based on your consideration of the evidence you are
10 firmly convinced that a defendant is guilty of the
11 crime or crimes charged, you must find that defendant
12 guilty.

13 If, on the other hand, you think there is a real
14 possibility that a defendant is not guilty, you must
15 give that defendant the benefit of the doubt and find
16 him not guilty.

17 Now, I remind you that during this trial, you and
18 I have certain duties to perform. As the judge, it is
19 my responsibility to preside over the trial of this
20 case, and I also have the duty to rule on the
21 admissibility of the evidence that's offered during the
22 trial. You are to consider only the competent evidence
23 that's before you. You are to consider only the
24 testimony which has been presented here from the
25 witness stand and any exhibits which have been made a

CLOSING ARGUMENT BY MR. NEWMAN

1 part of the record in this case.

2 I have the additional duty to charge you the law
3 that's applicable to this case. I'm the sole judge of
4 the law. And it's your duty as jurors to accept and
5 apply the law as only I give it to you.

6 If you have any ideas to what the law is, or what
7 you think the law ought to be, and it does not agree
8 with what I now tell you the law, in fact, is, you must
9 abandon this idea, because you are sworn to accept the
10 law and apply the law exactly as I state it to you.

11 Now, every case that's tried in this court before
12 a jury, the jury is the sole and exclusive judge of the
13 facts. A trial judge cannot intimate, comment on, or
14 make any statement to a trial jury about the facts in a
15 case. And since you, the jury, are the sole judge of
16 the facts in this case, you are not to infer from what
17 I have said during the progress of this trial in a
18 ruling upon the admissibility of evidence or otherwise,
19 or anything that I now say during the course of this
20 instruction to you that I have an opinion about this
21 case.

22 The law does not allow me to have an opinion about
23 the facts in this case. Again, this matter is solely
24 for you, the jury, to determine. And I remind you, as
25 jurors, it is your duty to determine the effect, the

CLOSING ARGUMENT BY MR. NEWMAN

1 value, the weight, and the truth of the evidence that's
2 presented during the trial.

3 Now, there are two types of evidence which are
4 generally presented during a trial, direct evidence and
5 circumstantial evidence. Direct evidence is the
6 testimony of a person who claims to have an actual
7 knowledge of a fact, such as an eyewitness.
8 Circumstantial evidence is proof of a chain of facts
9 and circumstances indicating the existence of a fact.

10 Crimes may be proven by circumstantial evidence.
11 And the law makes no distinction between the weight or
12 the value to be given to either direct or
13 circumstantial evidence. However, to the extent the
14 State relies on circumstantial evidence, all of the
15 circumstances must be consistent with each other, and
16 when taken together, point conclusively to the guilt of
17 an accused beyond a reasonable doubt.

18 If these circumstances merely portray a
19 defendant's behavior, if suspicious, the proof has
20 failed. The State has the burden of proving a
21 defendant guilty beyond a reasonable doubt, and this
22 burden rests with the State regardless of whether the
23 State relies on direct evidence, circumstantial
24 evidence, or some combination of the two.

25 Now, it is your duty to determine the credibility

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1 of witnesses who have testified in this case. And
2 credibility simply means believability. It is your
3 duty as jurors to analyze and to evaluate the evidence
4 and determine which evidence convinces you of its
5 truth.

6 In determining the believability of witnesses who
7 have testified in this case, you may believe one
8 witness over several witnesses, or several witnesses
9 over one witness. You may believe a part of the
10 testimony of a witness and reject the remaining part of
11 the testimony of that same witness. You may believe
12 the testimony of a witness in its entirety or reject
13 the testimony of a witness in its entirety. You may
14 consider whether the witnesses has exhibited to you an
15 interest, bias, prejudice, or other motive in this
16 case. And you may also consider the appearance and
17 manner of a witness while on a witness stand.

18 Now, the rules of evidence ordinarily do not
19 permit witnesses to testify to obtainments (SIC) or
20 conclusion. An exception to this rule exists for
21 witnesses we call expert witnesses. A witness, who by
22 education and experience has become an expert in some
23 art, science, or profession may give an opinion as to
24 the subject a witness claims to be an expert in, may
25 also give the reasons for the opinion. You should

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1 consider any expert opinion given by a witness, and
2 like any other evidence, give it the weight you think
3 it deserves.

4 If you decide an expert witness' opinion is not
5 based on sufficient education and experience, or if you
6 decide that the reasons given in support of the opinion
7 are not sound, or that the opinion is outweighed by
8 other evidence, you may disregard the opinion entirely.

9 An expert witness' testimony is to be given no
10 greater weight than that of other witnesses simply
11 because the witness is an expert. And you do not have
12 to accept an expert's opinion, even though it's
13 uncontradicted.

14 I instruct you and emphasize that the fact that
15 none of the defendants testified in this case is not a
16 factor to be considered by you in any way in your
17 deliberation and your consideration on the question of
18 the guilt or innocence of that defendant. It must not
19 be considered by you in any manner whatsoever.

20 A defendant has the constitutional right to remain
21 silent. And the assertion of this right must not be
22 considered by you in your deliberations. I repeat,
23 under the oath, you are to draw no conclusion
24 whatsoever from the fact that none of the defendants in
25 this case testified. The fact that these defendants

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1 did not testify should not even be discussed in the
2 jury room.

3 I remind you, the burden of proof is on the State.
4 None of the defendants are required to prove their
5 innocence, and the burden of proof remains on the State
6 to prove guilt beyond a reasonable doubt.

7 Now, ladies and gentlemen, if a crime is committed
8 by two or more people who are acting together in
9 committing a crime, the act of one is the act of all.
10 A person who joins with another to commit an unlawful
11 act is criminally responsible for everything done by
12 the other person, which happened as a probable or
13 natural consequence of the act done in carrying out the
14 common plan and purpose.

15 If two or more people are together, acting
16 together, assisting each other in committing the
17 offense, the act of one is the act of all. Or as it is
18 sometimes said, the hand of one is the hand of all.

19 Prior knowledge that a crime is going to be
20 committed, without more, is not sufficient to make a
21 person guilty of that crime. Mere knowledge that
22 another person is going to commit a crime, even if a
23 defendant is present when the crime is committed, is
24 not sufficient to convict a defendant as a principal.

25 Guilt as a principal is shown by action or

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1 constructive presence at the scene as a result of a
2 prior arrangement. Therefore, finding a prior arranged
3 plan or common scene is necessary for a finding of
4 guilt as a principal.

5 The State must prove beyond a reasonable doubt by
6 competent evidence the theory of the hand of one is the
7 hand of all. A principal in a crime is one who either
8 actually commits the crime, or who is present aiding,
9 abetting, or assisting in committing a crime.

10 When a person doesn't act in the presence of and
11 with the assistance of another, the act is done by
12 both. Where two or more acting in a common plan or
13 intent are present in the commission of a crime, it
14 does not matter who actually commits the crime. All
15 are guilty. The hand of one is the hand of all.

16 Present at the commission of a crime means to be
17 sufficiently near to aid and abet and assist in the
18 commission of the crime. However, mere presence at the
19 scene of a crime is not sufficient to convict one as a
20 principal on the theory of aiding and abetting.

21 Intent is also a necessary element, so there must
22 have been a common design or intent to commit the
23 crime, and the crime must have been committed pursuant
24 thereto with a person aiding and abetting by some overt
25 act.

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1 Intent means intending the result which actually
2 occurs. Not accidentally or involuntary. Intent may
3 be shown by act or conduct of a defendant in other
4 circumstances from which he may naturally and
5 unreasonably infer intent. And the State must prove
6 the elements beyond a reasonable doubt.

7 Now, an issue in this case is the identification
8 of each of the defendants as a person who committed the
9 crimes charged. The State has the burden of proving
10 identity beyond a reasonable doubt. You must be
11 satisfied beyond a reasonable doubt of the accuracy of
12 the identification of each of the defendants before you
13 may convict that defendant.

14 Identification testimony is an expression of
15 belief or impression by a witness. You must determine
16 the accuracy of the identification of that defendant.
17 In appraising the identification testimony of a
18 witness, you should consider the following: Are you
19 convinced that the witness had the capacity and an
20 adequate opportunity to observe the offender? And this
21 will be affected by such matters as how long or short a
22 time was available, how far close the witness was, how
23 good the lighting conditions were, and whether or not
24 the witness has had an occasion to see or know the
25 person in the past, and to what extent.

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1 Are you satisfied that the identification by the
2 witness subsequent to the event was a product of his
3 own recollection? You may take into account with the
4 strength of the identification and the circumstances
5 under which the identification was made.

6 You may also scrutinize the circumstances under
7 which a defendant was presented to a witness for
8 identification, and whether that identification by the
9 witness may have been influenced by those
10 circumstances.

11 And you may also take into account whether
12 identification was made by picking a defendant out of a
13 group of similar individuals, or whether the
14 presentation of a defendant was made of him alone to
15 the witness.

16 Finally, you must consider the credibility of each
17 identification witness in the same way as any other
18 witness, considering whether he or she is truthful, and
19 considering whether he or she had the capacity and
20 opportunity to make a reliable observation on the
21 matter covered in their testimony.

22 Again, I instruct you the burden of proof is on
23 the State, and that extends to every element of the
24 crime charged. And this specifically includes the
25 burden of proving beyond a reasonable doubt the

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1 identity of a defendant as the person who committed the
2 crime.

3 If, after examining the testimony, you have a
4 reasonable doubt of the accuracy of the identification,
5 you must find that defendant not guilty.

6 Now, ladies and gentlemen, in this case each of
7 the defendants were charged with three separate
8 offenses. And the first one is murder.

9 Now, to prove murder, the State must prove beyond
10 a reasonable doubt that a defendant killed another
11 person with malice aforethought. Now, malice is
12 hatred, ill will, or hostility towards another person.
13 It is the intentional doing of a wrongful act without
14 just cause or excuse, and with an intent to inflict an
15 injury or other circumstances that the law will infer
16 in evil intent.

17 Malice aforethought does not require that malice
18 exists for any particular time before the act is
19 committed. But malice must exist in the mind of a
20 defendant just before and at the time the act is
21 committed. Therefore, there must be a combination of
22 the previous evil intent and the act.

23 Malice aforethought may be expressed or inferred.
24 Now, these terms, "expressed" and "inferred" do not
25 mean different kinds of malice, but merely the manner

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1 in which malice may be shown to exist. That is either
2 by direct evidence or by inference from the facts and
3 circumstances which are proved.

4 Expressed malice is shown when a person speaks
5 words which express hatred or ill will for another or
6 when the person prepared beforehand to do the act which
7 was later accomplished. For example, lying in wait for
8 a person or any other act of preparation, going to show
9 that the deed was within a defendant's mind with the
10 expressed malice.

11 Now, it may be inferred from conduct showing a
12 total disregard for human life. And inferred malice
13 may also arise when the deed is done with a deadly
14 weapon.

15 Now, a deadly weapon is an article, instrument, or
16 substance which is likely to cause death or great
17 bodily harm. And whether an instrument has been used
18 as a deadly weapon depends on the facts and
19 circumstances of each case.

20 Now, ladies and gentlemen, each of the Defendants
21 is also charged with first degree burglary. The State
22 must first prove -- to prove first degree burglary
23 beyond a reasonable doubt that a defendant entered a
24 dwelling without consent.

25 Now, a dwelling is any building or portion of a

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1 building in which a person ordinarily sleeps. A
2 building consists as a dwelling, but has never been
3 occupied, cannot be considered a dwelling for purposes
4 of burglary. But a building is a dwelling even if the
5 residents are temporarily absent from the building.

6 In order to prove a defendant entered the
7 dwelling, the State does not have to show the
8 defendant's entire body entered the dwelling. The
9 smallest entry is sufficient. It may be any part of
10 the body, such as a hand or a foot, or even an
11 instrument.

12 In addition, the State does not have to prove that
13 force was used to gain entry. If a person enters a
14 building by using deception, artifice, trip, or
15 misrepresentation to get consent to enter, this is an
16 entry without consent.

17 Now, next, the State must prove beyond a
18 reasonable doubt that a person intended to commit a
19 crime, either a felony or a misdemeanor, at the time of
20 the entry. And the mere entry into a dwelling without
21 consent is not burglary. If the intent to commit a
22 crime is formed after the entry, it is not burglary.

23 On the other hand, if a defendant intended to
24 commit a crime at the time of entry, it is a burglary,
25 even if the intent was abandoned after the entry. It

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1 does not matter that the intended crime was not
2 completed.

3 Ladies and gentlemen, intent may be shown by act
4 and conduct of a defendant and other circumstances from
5 which he may be naturally and reasonably infer intent.

6 And then finally, ladies and gentlemen, to prove
7 burglary in the first degree, the State must prove
8 beyond a reasonable doubt that when entering, while in
9 a dwelling, or when fleeing, a defendant or an
10 accomplice was armed with a deadly weapon or explosive,
11 or when entering while in the dwelling or when fleeing,
12 the defendant or an accomplice displayed what was or
13 appeared to be a knife, pistol, revolver, rifle,
14 shotgun, machine gun, or other firearm.

15 Ladies and gentlemen, a deadly weapon is an
16 article, instrument, or substance which is likely to
17 cause death or great bodily harm. And whether an
18 instrument has been used as a deadly weapon depends on
19 the facts and circumstance of each case.

20 Now, the following are examples of instruments
21 that may be deadly weapons: A pistol, a shotgun, a
22 rifle, a dirk, a dagger, a knife, metal knuckles, a
23 razor, gasoline, and lighter fluid.

24 Now, ladies and gentlemen, last, each of the
25 Defendants are charged with possession of a weapon

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1 during the commission of a violent crime. Now, to
2 prove this event, the State must prove beyond a
3 reasonable doubt that a defendant was in possession of
4 a firearm or visibly displayed what appeared to be a
5 firearm during the commission of a violent crime.

6 Now, a firearm means any machine gun, automatic
7 rifle, revolver, pistol, or any weapon which will, is
8 designed to, or may be readily converted to expel a
9 projectile. In order to find a defendant guilty of
10 possession of a weapon during the commission of a
11 violent crime, you must first find the defendant guilty
12 of committing a violent crime.

13 Ladies and gentlemen, I charge you that it is the
14 law of this state that murder and burglary in the first
15 degree are both violent crimes. Again, the State must
16 prove beyond a reasonable doubt that the weapon further
17 advanced or helped in the commission of the violent
18 crime.

19 Now, Mr. Foreperson, members of the jury, as you
20 retire to begin your deliberations this afternoon, I
21 wish to express the hope that each of you are mindful
22 of the importance of your job here today. You're not
23 called upon very often to serve as jurors, and the
24 proper performance of that duty requires each of you to
25 reach the height of freeing your mind of all improper

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1 influences.

2 Ladies and gentlemen, don't get the idea I'm
3 trying to intimate to you how you should decide this
4 case. I already told you under the laws of this state,
5 you, the jury, are the sole judge of all questions of
6 fact. And it would be highly improper for me to
7 influence you in your performance of that duty.

8 However, ladies and gentlemen, as the presiding
9 officer of this court, I am vitally concerned of
10 whatever verdict you reach will be the result of you
11 going back into your jury room and confining your
12 deliberations and your consideration to the evidence
13 and the law that you heard here in this courtroom,
14 weighing it fairly and impartially, as I have every
15 confidence you will.

16 Ladies and gentlemen, you owe no support or
17 sympathy to anyone. The Court, again, is of the
18 confirmed opinion that whatever verdict you reach will
19 be the result of you going back there and doing your
20 job as you have been instructed.

21 Now, Mr. Foreperson, the verdict must be
22 unanimous. It must be the verdict of all 12 jurors.
23 And to that end, my law clerk has prepared three
24 verdict forms. Each have the different Defendant's
25 name on them. The first one is the State of South

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1 Carolina versus Casey Jones, Junior. And it has three
2 questions, and each of them have three questions. You
3 must answer each question as to each of the Defendants
4 before you are finished. All right?

5 So the first one states as to indictment number,
6 and it says the indictment number, and it says, "The
7 charge of murder, we the jury, unanimously find the
8 Defendant, Casey Jones, Junior" either guilty or not
9 guilty. And then it goes to the next question, and it
10 asks the same question as to Casey Jones, Junior as to
11 burglary in the first degree, and then the same
12 question at the bottom as to possession of a weapon
13 during the commission of a violent crime. Again, as to
14 Casey Jones, Junior. That would be your first verdict
15 form. Okay?

16 And then there's a space at the bottom, when you
17 do reach your verdict, I need you to sign it, Mr.
18 Foreperson, and date it. Okay? On each of these.

19 The second verdict form, it looks identically the
20 same, it simply has changed the name of the Defendant.
21 This one says, "The State of South Carolina versus J
22 Jarrod Bostick." It goes through the same questions
23 again, do you find him guilty or not guilty of murder,
24 then burglary in the first degree, and then possession
25 of a weapon during a violent crime. And then finally

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1 the same thing, separate verdict form as to each of
2 them, as to Casey Jones, Senior. And, again, it asks
3 all three questions.

4 Again, Mr. Foreperson, when the jury has reached a
5 unanimous verdict on all three of these verdict forms,
6 for all three separate defendants, I'm going to ask
7 that you knock on jury room door, and we are going to
8 accept you back into the courtroom to take your
9 verdict. All right?

10 Ladies and gentlemen, I will also tell you just a
11 couple of housekeeping rules. I know I have had one
12 person, at least, take notes. Those notes are for you
13 to use. You can share your notes, and when I say that,
14 it's not to pass them around, but you can say that this
15 is what I recall. But I need to caution the rest of
16 you that you are not to rely on someone else's notes
17 simply because they took notes, rather than what your
18 own independent memory is.

19 Also, I will tell you that while you have seen my
20 court reporter taking down everything in this case,
21 there is not a transcript of this case. If you want
22 certain testimony played back, what I can do is bring
23 you all back into the courtroom and we can play the
24 audio tape, which is really the back-up tape of the
25 trial. I just need to tell you, Mr. Foreperson, if you

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1 request a certain witness' testimony, I am required to
2 play that entire witness' testimony, which means the
3 direct, the cross-examine, the redirect, the re-cross,
4 if there was any. Okay?

5 Additionally, ladies and gentlemen, all the
6 evidence that was entered into the record for you will
7 be sent back to your jury room. So if you think you
8 heard something talked about here that is not in there
9 and you say can we have, you will have all the evidence
10 that has been entered into the case for you to review.
11 Okay?

12 Lastly, I know that we have some video, and Mr.
13 Foreperson, if for some reason you need to video
14 replayed in some way, again, what I can do is bring you
15 back in here and I can replay the video for you. Okay?
16 I just don't have a device to send back to you, unless
17 I can find one. And I don't think we do. So I think
18 if you want to see the video again, we would just have
19 to bring you back out. Okay?

20 Ladies and gentlemen, thank you. For the very
21 last time, I'm going to send you back to your jury
22 room, and I'm going to tell you not to discuss this
23 case. If there is something further on the law the
24 lawyers want me to charge, I'm going to bring you back
25 out here and I am going to charge you further. Okay?

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1 If not, I am going to send the verdict form along
2 with all the evidence that was entered in this case.
3 All right? That's going to be your signal, sir, to
4 begin your deliberations. And I want to make sure you
5 have everyone contributing to the deliberations. Okay?

6 All right. Ladies and gentlemen, again hopefully
7 there is pizza back there. Yes, start eating, don't
8 start deliberating until you have received the verdict
9 forms and all the evidence. Okay? Go grab a bite to
10 eat. Thank you.

11 (The Jury exits the courtroom.)

12 THE COURT: Any additions or exceptions to the
13 charge from the State?

14 MS. JONES: No, Your Honor.

15 THE COURT: Mr. Plexico?

16 MR. PLEXICO: No, Your Honor.

17 THE COURT: Mr. Koger?

18 MR. KOGER: No, Your Honor.

19 THE COURT: And Mr. Newman, finally.

20 MR. NEWMAN: I do have an addition to the charge,
21 Your Honor. Normally when you explain the verdict
22 forms, I noticed in this, I know, I think, your rule is
23 that you normally do them, one trial guilty, one trial
24 not guilty, in the order that they come.

25 THE COURT: It's reversed every time.

CLOSING ARGUMENT BY MR. NEWMAN

1. MR. NEWMAN: Yes, ma'am. No, I understand that.
2 But you did not go over and explain the verdict form
3 that the State has no significance in the order in
4 which the verdicts are presented. There are six --
5 nine guilty's all on top. On the three verdict forms, I
6 would ask that you clarify that with the jury.

7 THE COURT: All right. Let's bring the jury out
8 just very quickly, and I will instruct them of that.
9 I'm not sure I exactly need to, but you are right, I do
10 have the trial.

11 Everyone has just been long winded, you have been
12 going for a long time, so it's been three hours now,
13 so -- just for a quick moment, y'all come on back in.

14 (The Jury re-enters the courtroom at 1:35 p.m.)

15 THE COURT: All right. Very quickly, ladies and
16 gentlemen, something I neglected to tell you.

17 I want you to take no significance from the order
18 that I write guilty or not guilty on the verdict forms.
19 One has to come before the other, and I can tell you in
20 every trial that we do is we just reverse them. All
21 right? I typically tell the jury that, but this the
22 first time in 11 years that I have ever forgotten to.
23 So I just wanted you to know that.

24 So, again, take no significance in the order that
25 there is guilty and not guilty. The last trial it was

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1 not guilty first. So it just gets switched. All
2 right?

3 Mr. Foreperson, I now am going to send the verdict
4 forms back with you, the evidence, again. Now,
5 finally, grab a bite to eat and we look forward to
6 hearing from you. Okay? Thank you.

7 (The Jury exits the courtroom.)

8 THE COURT: All right. Anything further from
9 anyone? We will just be at ease. All right.

10 Mr. Hall, when are we bringing people over?

11 MR. HALL: Your Honor, they are already here, so
12 it's just a matter of trying to work on getting some
13 people signed up.

14 THE COURT: Let's do this. Let's -- we are just
15 going to take just a quick minute to get a bite, let's
16 maybe take 20 minutes or so, if we can. I know you are
17 the one, Mr. Plexico, signing people up, probably,
18 right?

19 MR. HALL: Actually, we have tried to avoid
20 Mr. Plexico as much as possible.

21 THE COURT: Very good. All right. Perfect.

22 THE CLERK: Just one minute. Somebody is
23 knocking.

24 THE COURT: Sure. You can answer the door. Find
25 out what they need.

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1 say, no, thank you.

2 Additionally, if you have made friends with any of
3 these jurors, I just ask that you not speak with them
4 until they have reached a verdict. I have no idea how
5 long they are going to go, and if for some reason they
6 were to go overnight, again, I wouldn't want you
7 talking to them until after that.

8 I will also tell you that you are welcome to call
9 the Clerk of Court's office tomorrow and ask what the
10 verdict is, if you don't want to stay around. Again, I
11 have no idea how long they are going to be there, but
12 at this time I am going to go ahead and excuse you.

13 So you all are welcome to leave, or you are
14 welcome to stay. Whatever you prefer to do. Okay?

15 Now, my next issue is, I am trying one other case
16 tomorrow. It is going to be a short case, so I need to
17 ask them to come back. I think I do, Margaret, don't
18 I?

19 Let me tell you, it is going to be a fairly fast
20 case. Do either one of you have a horrible conflict
21 that prevents you from coming back tomorrow? What I'm
22 asking is you be back by 9 a.m., the case is a half-day
23 case. It's going to go to you very quickly. It is
24 just something that I need to get tried this week.

25 You're okay to come back if you have to? What

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1 about you, do you have any specific issues? Or if you
2 really have something else, I could probably lose one
3 person, but I really need enough people to be able to
4 pull this jury. So if you are able to come back, I
5 would love for you to be back tomorrow morning at 9:00
6 a.m. Is that okay? Y'all have worked hard this week,
7 and I appreciate it. I know.

8 Yes, ma'am.

9 JUROR: If I could ask for a note or something?

10 THE COURT: Of course. Yeah. If you are missing
11 work or wherever you need to be, you're going to have a
12 work excuse all week. And if you were to have any
13 problems with a boss, you call Ms. Bostick and she will
14 call me, and I will call them. Okay. Don't worry
15 about it. Okay? Thank you.

16 I really appreciate it, ladies. You all are
17 excused for the rest of the day, and I will see you all
18 tomorrow morning at 9:00 a.m. Okay? Thank you.

19 The rest of you all will be at ease until we have
20 something. All right.

21 (Whereupon, the Court was in recess.)

22 (Jury begins deliberations at 1:43 p.m.)

23 THE COURT: All right. Let's bring the jury out.

24 (The jury enters the courtroom at 4:35 p.m.)

25 THE COURT: Welcome back, ladies and gentlemen.

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1 Mr. Foreperson, your note to me indicates that you are
2 having a difficult time reaching a unanimous verdict.
3 As I instructed you earlier, your verdict must be
4 unanimous. It must be the verdict of all 12 jurors.
5 So, I want to give you a further instruction to help
6 maybe see if you can get to a unanimous verdict.

7 Ladies and gentlemen, when a matter is in dispute,
8 it is not always easy for even two people to agree.
9 When we need 12 people to agree, we recognize that it's
10 that much more difficult. However, I want you to
11 understand that you have a duty to make every
12 reasonable effort to reach a unanimous verdict in this
13 case.

14 In doing so, you should consult with each other,
15 suppress your views, listen to each other and listen to
16 the opinions of your fellow jurors. Tell them how you
17 feel and why you feel that way, so discuss your
18 differences with an open mind. Ladies and gentlemen of
19 the jury, although it must be a unanimous one, every
20 one of you has the right to your own opinion. The
21 verdict that you agree to must be your own verdict and
22 it must be the result of your own convictions and you
23 should not give up firmly held beliefs that you have
24 merely to be in agreement with other jurors.

25 Now, I want the majority to consider the

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1 minority's opinion and the minority to consider the
2 majority's opinions. And you should respect the
3 opinions of each other. And re-evaluate your opinion
4 for the reasonableness, correctness and for
5 impartiality. And you should lay aside all outside
6 matters and examine the evidence before you based on
7 the law and evidence in this case.

8 Now, Mr. Foreperson and Members of the Jury, if
9 you don't agree with the verdict in this case, I have
10 to declare a mistrial. If that happens, it doesn't
11 mean that anyone wins. It means that at a future time
12 I'll try the case before another jury right here before
13 me with the same parties and attorneys. They will come
14 and they will ask the same questions and possibly get
15 the same answers. We will have to go through the same
16 process again, just as you were selected for the jury,
17 the same manner and same sources, for any future jury.

18 And there's no reason for me to believe that this
19 case will ever be submitted to 12 more intelligent,
20 impartial, conscientious or competent jurors than you
21 12.

22 Ladies and gentlemen, I ask you to continue to
23 your deliberations. And once again, try to reach a
24 unanimous verdict. Again, talk with each other, listen
25 to each other and see if you can reach a verdict. And

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1 if you are unable to, at that point, let me know
2 Mr. Foreperson. All right. Thank you. I'm going to
3 send the verdict forms back with you, okay.

4 (The jury exits the courtroom at 4:39 p.m.)

5 THE COURT: All right. We will be at ease until
6 we hear back from the jury then, okay. I will tell you
7 that they are hung on all three of the defendants, so
8 it's not just on two, it is on all three. For what
9 that is worth, if it matters, okay.

10 MR. NEWMAN: The note will be marked?

11 THE COURT: It will be. They sent me all of the
12 verdict forms unfilled out so.

13 MR. NEWMAN: Okay. Thank you.

14 (Jury continues deliberating.)

15 THE COURT: My thought is to bring the jury out
16 and invite them, if they are still deliberating, to
17 come back in the morning. I will be starting another
18 trial for Barnard Scott and I do not have to have these
19 12, so just to tell them to come back at 10:00 tomorrow
20 morning. Anyone have any thoughts?

21 MR. NEWMAN: Well, Your Honor, certainly a jury is
22 not required to bring back a verdict. I would just ask
23 to give them the option of whether they want to
24 continue or come back tomorrow.

25 THE CLERK: We have to get Mary.

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1 THE COURT: Yes, go get Mary Jones. Go ahead and
2 bring -- will you bring the clients in?

3 MR. NEWMAN: My guy is locked out of the
4 courthouse because the courthouse is closed. I have
5 got to get him.

6 THE COURT: All right. Let's bring the jury out.
7 I will talk to them. It is five after six for the
8 record. And we will see what they want to do.

9 THE BAILIFF: They want five minutes.

10 THE COURT: Well, bring them out. I want to talk
11 to them before they do that. No, no, I just want to
12 talk to them.

13 (Pause.)

14 THE COURT: Mr. Foreperson, I wanted to talk to
15 the whole jury just about how you want to proceed. So,
16 I need everyone to come out. Come on out, sit down.

17 (The jury enters the courtroom at 6:03 p.m.)

18 THE COURT: All right. Welcome back, ladies and
19 gentlemen. I just wanted to touch base with you all.
20 Because it is a little after six o'clock, and typically
21 I bring juries out at this point and ask them what
22 their choice is. We can continue to deliberate, if you
23 would like to, tonight. We can do that. I just need
24 to know if I need to bring dinner in, because that is
25 going to take a little while and I don't want anyone to

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1 go hungry.

2 Or we can also break for the evening and we can
3 all come back tomorrow morning where you can continue
4 deliberations at that point as well. It's completely
5 up to you. Either way. Whatever you all want. Like I
6 said, it is up to you.

7 THE FOREPERSON: Thirty minutes.

8 THE COURT: Thirty minutes, that is fine. No one
9 is holding you to any time in any way, shape, or form.
10 And again, you know, I understand it is required to be
11 a unanimous verdict and if you can't reach a unanimous
12 verdict, I understand that as well. I just need to
13 have an idea of what you would prefer to do, and if you
14 want to continue tonight. And even if you go back
15 there and you all decide after that, that maybe you
16 would like to break for the evening and come back at 10
17 o'clock tomorrow, you can certainly do that too.

18 Okay. So, go back, talk about what you want to
19 do. Tell me, you know, roughly, how you are feeling.
20 And, again, I'm just more concerned if we continue and
21 stay, I need to start making arrangements to get food
22 for you all, okay, and to make sure that if you need to
23 use phones to call family members or something you can
24 do that as well.

25 So, okay, if y'all will go back and figure out

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1 what it is that you want to do, you are more than
2 welcome to let the bailiff know and we will go from
3 there. Okay?

4 Thank you.

5 THE BAILIFF: Two that need to use the phone.

6 THE COURT: Okay. Wait until they talk but then
7 let them use the phone. Let's see where they are at
8 and see what they want to do. We will continue to be
9 at ease in this case, okay.

10 (Recess.)

11 THE COURT: Thank you. Please be seated. All
12 right. My understanding is that the jury has reached a
13 verdict. For those of you that are in the courtroom, I
14 do not want to hear a word about the verdict, or after
15 the verdict. If you don't think that you can contain
16 yourself, you need to remove yourself right now. All
17 right?

18 Because if anyone does or says anything, or makes
19 any kind of motion whatsoever, you are going to be
20 taken into custody. And I want to make sure you
21 understand that because it'll be direct contempt of
22 court. And we would be revisiting your custody
23 sometime next week, okay. So, I just want to make
24 sure -- I understand that this is hard and that this is
25 emotional.

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1 Again, I want to make sure that you can contain
2 yourself. If you can't, remove yourself now. Okay? I
3 want to give everyone fair warning. All right. Thank
4 you, sir.

5 All right. Y'all ready? Let's bring the jury in.

6 (The jury enters the courtroom.)

7 THE COURT: Mr. Foreperson, I understand that jury
8 has reached a verdict?

9 THE FOREPERSON: Yes.

10 THE COURT: Could you please hand it to
11 Ms. Bostick?

12 All right. Gentlemen, if you will all rise
13 please. In the case of the State of South Carolina
14 versus Casey Jones, Junior, as to Indictment
15 2015-GS-27-0333, the charge of murder, we the jury
16 unanimously find the defendant, Casey Jones, Junior,
17 guilty.

18 As to indictment number 2015-GS-27-0336, the
19 charge of burglary in the first degree, we the jury
20 unanimously find the defendant, Casey Jones, Junior,
21 guilty.

22 As to indictment number 2015-GS-27-0337, to the
23 charge of possession of a weapon during a violent
24 crime, we the jury unanimously find the defendant,
25 Casey Jones, Junior, guilty.

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1 Signed by our foreperson. Ladies and gentlemen of
2 the jury, if this is your verdict as to Mr. Casey
3 Jones, Junior, would you please indicate by raising
4 your right hand.

5 (All jurors raise their right hand.)

6 THE COURT: Thank you. Ladies and gentlemen, you
7 can put your hands down. Next as to indictment of
8 State of South Carolina versus Jarrod Bostick.

9 As to the indictment number 2015-GS-27-0345 as to
10 the charge of murder, we the jury unanimously find the
11 defendant, Jarrod Bostick, guilty.

12 As to the indictment number 2015-GS-27-0346, as to
13 the charge of burglary in the first degree, we the jury
14 unanimously find the defendant, Jarrod Bostick, guilty.

15 As the to indictment number 2015-GS-27-0349, the
16 charge of possession of a weapon during a violent
17 crime, we the jury unanimously find the defendant,
18 Jarrod Bostick, guilty.

19 Ladies and gentlemen, if this is your verdict as
20 to Jarrod Bostick, would you please indicate by raising
21 your right hand.

22 (All jurors raise their right hand.)

23 THE COURT: Sir?

24 MR. KOGER: Okay. They raised their hand.

25 THE COURT: Lastly, ladies and gentlemen, in the

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1 State of South Carolina versus Casey Jones, Senior,
2 defendant.

3 As to indictment number 2015-GS-27-0433, the
4 charge of murder, we the jury unanimously find the
5 defendant Casey Jones not guilty.

6 As to indictment number 2015-GS-27-0434, as to the
7 charge of burglary in the first degree, we the jury
8 unanimously find the defendant, Casey Jones, Senior,
9 not guilty.

10 As to indictment number 2015-GS-27-0437, the
11 charge of possession of a weapon during a violent
12 crime, we the jury unanimously find the defendant,
13 Casey Jones, Senior, not guilty.

14 Ladies and gentlemen of the jury, if this is your
15 verdict as to Casey Jones, Senior, would you please
16 indicate by raising your right hand?

17 (All jurors raise their right hand.)

18 THE COURT: And all of the jurors have raised
19 their right hand. Gentlemen, you may all be seated.
20 Is there anything further required of this jury?
21 Mr. Newman, from you?

22 MR. NEWMAN: I ask that the jury be polled, Your
23 Honor.

24 THE COURT: All right. And Mr. Koger, the same
25 for you sir?

CLOSING ARGUMENT BY MR. NEWMAN

1 MR. KOGER: Yes, Your Honor.

2 THE COURT: Margaret, do you want me to do it?

3 THE CLERK: That will be fine.

4 THE COURT: That's fine. All right. Ladies and
5 gentlemen of the jury, the attorneys have asked me to
6 individually poll you. What I'm going to ask you is
7 this: ladies and gentlemen, I'm going to say: As to a
8 defendant, Casey Jones, Junior, is this your verdict,
9 or was this your verdict and is this still your
10 verdict. All right?

11 So, basically, I'm going to need you to say yes or
12 no. So, there's two questions so you know exactly what
13 we are doing. And I'll call you each individually.

14 Okay? So, we are going to go ahead and begin.

15 Mr. Hubbard, sir, if you would just waive to me
16 so I know who I am talking to, if you don't mind.

17 Sir, is this your verdict as to Casey Jones,
18 Junior?

19 THE JUROR: Yes.

20 THE COURT: And is it still your verdict as to
21 Casey Jones, Junior?

22 THE JUROR: Yes.

23 THE COURT: Is this your verdict as to Jarrod
24 Bostick?

25 THE JUROR: Yes.

CLOSING ARGUMENT BY MR. NEWMAN

1 THE COURT: And is it still your verdict as to
2 defendant, Jarrod Bostick?

3 THE JUROR: Yes.

4 THE COURT: Thank you, sir. Mr. Walker. Sir, is
5 this your verdict as to Casey Jones, Junior?

6 THE JUROR: Yes.

7 THE COURT: Is it still your verdict as to Casey
8 Jones, Junior?

9 THE JUROR: Yes.

10 THE COURT: And, sir, is this your verdict as to
11 Jarrod Bostick?

12 THE JUROR: Yes.

13 THE COURT: And Is it still your verdict as to
14 defendant, Jarrod Bostick?

15 THE JUROR: Yes.

16 THE COURT: Thank you, sir.

17 Ms. Mitchell, is this your verdict as to Casey
18 Jones, Junior?

19 THE JUROR: Yes.

20 THE COURT: Is it still your verdict as to Casey
21 Jones, Junior?

22 THE JUROR: Yes.

23 THE COURT: And, ma'am, is this your verdict as to
24 Jarrod Bostick?

25 THE JUROR: Yes.

CLOSING ARGUMENT BY MR. NEWMAN

1 THE COURT: Is it still your verdict as to
2 defendant, Jarrod Bostick?

3 THE JUROR: Yes.

4 THE COURT: Thank you. Ms. Frazier, ma'am, is
5 this your verdict as to Casey Jones, Junior?

6 THE JUROR: Yes.

7 THE COURT: Is it still your verdict as to Casey
8 Jones, Junior?

9 THE JUROR: Yes.

10 THE COURT: Ma'am, is this your verdict as to
11 Jarrod Bostick?

12 THE JUROR: Yes.

13 THE COURT: And is it still your verdict as to
14 defendant, Jarrod Bostick?

15 THE JUROR: Yes.

16 THE COURT: Thank you.

17 Ms. Durant, is this your verdict as to Casey
18 Jones, Junior?

19 THE JUROR: Yes.

20 THE COURT: Is it still your verdict as to Casey
21 Jones, Junior?

22 THE JUROR: Yes.

23 THE COURT: And Is this your verdict as to Jarrod
24 Bostick?

25 THE JUROR: Yes.

CLOSING ARGUMENT BY MR. NEWMAN

1 THE COURT: Is it still your verdict as to Jarrod
2 Bostick?

3 THE JUROR: Yes.

4 THE COURT: Thank you, ma'am. Mr. Lightner, sir,
5 is this your verdict as to Casey Jones, Junior?

6 THE JUROR: Yes.

7 THE COURT: Is it still your verdict as to Casey
8 Jones, Junior?

9 THE JUROR: Yes.

10 THE COURT: And, sir, is this your verdict as to
11 Jarrod Bostick?

12 THE JUROR: Yes.

13 THE COURT: And is it still your verdict as to
14 Jarrod Bostick?

15 THE JUROR: Yes.

16 THE COURT: Ms. Fishburne, ma'am, is this your
17 verdict as to Casey Jones, Junior?

18 THE JUROR: Yes.

19 THE COURT: Is it still your verdict as to Casey
20 Jones, Junior?

21 THE JUROR: Yes.

22 THE COURT: And is it still your verdict as to
23 Jarrod Bostick?

24 THE JUROR: Yes.

25 THE COURT: And is it still your verdict as to

CLOSING ARGUMENT BY MR. NEWMAN

1 Jarrod Bostick?

2 THE JUROR: Yes.

3 THE COURT: Thank you.

4 Ms. Steele, ma'am, is this your verdict as to
5 Casey Jones, Junior?

6 THE JUROR: Yes.

7 THE COURT: Is it still your verdict as to Casey
8 Jones, Junior?

9 THE JUROR: Yes.

10 THE COURT: And is this your verdict as to Jarrod
11 Bostick?

12 THE JUROR: Yes.

13 THE COURT: And is it still your verdict as to
14 Jarrod Bostick?

15 THE JUROR: Yes.

16 THE COURT: Thank you., ma'am.

17 Ms. Williams, ma'am, is this your verdict as to
18 Casey Jones, Junior?

19 THE JUROR: Yes.

20 THE COURT: Is it still your verdict as to Casey
21 Jones, Junior?

22 THE JUROR: Yes.

23 THE COURT: And is this your verdict as to Jarrod
24 Bostick?

25 THE JUROR: Yes.

CLOSING ARGUMENT BY MR. NEWMAN

1 THE COURT: And is it still your verdict to Jarrod
2 Bostick?

3 THE JUROR: Yes.

4 THE COURT: Thank you, ma'am.

5 Mr. Glassberg, sir, is this your verdict as to
6 Casey Jones, Junior?

7 THE JUROR: Yes.

8 THE COURT: And Is it still your verdict as to
9 Casey Jones, Junior?

10 THE JUROR: Yes.

11 THE COURT: And is this your verdict as to Jarrod
12 Bostick?

13 THE JUROR: Yes.

14 THE COURT: Is it still your verdict as to Jarrod
15 Bostick?

16 THE JUROR: Yes.

17 THE COURT: Thank you.

18 Ms. Jones, is this your verdict as to Casey Jones,
19 Junior?

20 THE JUROR: Yes.

21 THE COURT: Is it still your verdict as to Casey
22 Jones, Junior?

23 THE JUROR: Yes.

24 THE COURT: And is this your verdict as to Jarrod
25 Bostick?

CLOSING ARGUMENT BY MR. NEWMAN

1 THE JUROR: Yes.

2 THE COURT: And is it still your verdict as to
3 Jarrod Bostick?

4 THE JUROR: Yes.

5 THE COURT: Thank you.

6 And Mr. Gardner, sir, is this your verdict as to
7 Casey Jones, Junior?

8 THE JUROR: Yes.

9 THE COURT: Is it still your verdict as to Casey
10 Jones, Junior?

11 THE JUROR: Yes.

12 THE COURT: And, sir, is this your verdict as to
13 Jarrod Bostick?

14 THE JUROR: Yes.

15 THE COURT: And is it still your verdict as to
16 Jarrod Bostick?

17 THE JUROR: Yes.

18 THE COURT: Thank you, sir.

19 All right. Is there anything further that you
20 request of this panel, Mr. Newman or Mr. Koger?

21 MR. KOGER: No, Your Honor.

22 MR. NEWMAN: No.

23 THE COURT: All right. Ladies and gentlemen, I
24 want to thank you. You have helped us resolve this
25 matter which has three cases now coming off of our

CLOSING ARGUMENT BY MR. NEWMAN

1 roster. At this time, ladies and gentlemen, I am going
2 to go ahead and excuse you from, not only this case but
3 also from jury duty. I have got enough jurors. I am
4 going to try another case starting tomorrow morning.
5 The rest of the panel is reporting back at 9 a.m. I
6 have a very short, half day case that I would like to
7 get tried to finish out the week. But I'm not
8 requiring you all to come back. Okay?

9 What's going to happen at this time is that I am
10 going to go ahead and sentence these gentlemen, if we
11 have time and that is what is happening at this point.
12 I'm going to ask, ladies and gentlemen, you are welcome
13 to stay for that sentencing or you are welcome to
14 leave, either way. Whatever you want to do is
15 perfectly fine.

16 I'll also tell you, ladies and gentlemen, that at
17 this point when you go home you are permitted to
18 discuss the case. Of course you are not required to in
19 any way. Sometimes the attorneys may want to ask you
20 what your thoughts were. Of course, you are never
21 required to talk. Simply tell someone that I do not
22 want to discuss the case in any way, shape, or form if
23 you don't wish to. If for some reason someone
24 persists, I want you to call Ms. Bostick and we will
25 take care of them.

CLOSING ARGUMENT BY MR. NEWMAN

1 And you have earned exemption for three years from
2 jury service. And again, thank you. And at this time,
3 if you need work excuses, Ms. Bostick will have them
4 for you through the bailiff to let them know what you
5 have been doing here. But at this time, if you want to
6 excuse yourself and not be here for the sentencing, now
7 is the time to go. We will excuse you through the back
8 and make sure that you get to your cars. Okay?

9 So, now is the time if you would like to leave,
10 now is the time to go. If you don't want to and you
11 would like to sit through the sentencing, you are
12 welcome to stay. It is up to you.

13 THE JUROR: Stay here?

14 THE COURT: Yes, you are welcome to stay. You can
15 stay right where you are. Okay?

16 MR. NEWMAN: Your Honor, prior to sentencing, I
17 have a number of post-trial motions to make.

18 THE COURT: Certainly.

19 MR. NEWMAN: And I would ask, at this hour, to
20 reserve the sentencing and motions until in the morning
21 or during a break of your next trial.

22 MS. JONES: Your Honor, the State would like to go
23 forward with sentencing.

24 MR. NEWMAN: We are required to make a number of
25 motions. I am respectfully asking, I would like to

CLOSING ARGUMENT BY MR. NEWMAN

1 have time to prepare and make those motions.

2 THE COURT: Okay. Let's do this. We are going to
3 be here anyway, so let's go ahead and break for the
4 evening. We need to take up, obviously, Mr. Jones,
5 Senior and his bond. But I'm going to go ahead and
6 allow in the morning for you to go ahead and do that.

7 My thought is, so to tell you my schedule for
8 tomorrow, Mr. Plexico, you are working on my schedule,
9 apparently you are the trial lawyer for the case. The
10 jury is coming in at 9 a.m. in the morning, and we are
11 going to pull the jury and then start the case.

12 MR. NEWMAN: Right before you come back from the
13 lunch break, if it pleases the Court.

14 THE COURT: That's fine. I just don't want you to
15 be waiting around for us. The rest of us are going to
16 be here. I'll say this, if anyone that is here that
17 does not want to come back tomorrow and would like to
18 speak right now, I'm happy to hear from you if you
19 don't wish to come back during the sentencing. It is
20 up to you. I know that it's been a long week and I
21 know it has been very difficult for the family on both
22 sides, and I certainly respect that.

23 But if you choose not to come back, I can hear
24 from you at this time. Agent McCallister, I don't know
25 if you talked to your people.

CLOSING ARGUMENT BY MR. NEWMAN

1 (Pause.)

2 THE COURT: Mr. Newman, let's come back about
3 12:30 or 1:00. Let's do 12:30 or 1:00. I don't think
4 that we will get to take a lunch break because I will
5 have a jury here.

6 So why don't we say at 12:30, Mr. Koger, for you
7 and Mr. Newman to come in. And if for some reason I
8 feel like we are delayed from that, you will get an
9 email from Crystal telling you to come an hour later.
10 But we will get them taken care of tomorrow. And we
11 will allow that for post-trial motions, and certainly
12 for sentencing. And certainly if, for any mitigation
13 if you want to bring family members or friends or
14 whomever.

15 MR. NEWMAN: Thank you.

16 MR. PLEXICO: Your Honor, my client has no general
17 sessions matters pending and he did have a driving
18 without a license which has been paid. There shouldn't
19 be a hold on him. I would ask if there's no further
20 business, I would ask that he be discharged.

21 THE COURT: He will be discharged, and of course
22 you have to be discharged through the jail. I know
23 that you know that, Mr. Jones, Senior, providing that
24 there's no outstanding warrants pending that could be
25 served on you. But of course, if there is they will

CLOSING ARGUMENT BY MR. NEWMAN

1 hold you and Mr. Plexico will bring it to my attention
2 tomorrow and we can address whatever we need to
3 address. With that said --

4 MS. JONES: There is one family member that would
5 like to address Your Honor. She can't be here
6 tomorrow.

7 THE COURT: I'm happy to hear from her as well. I
8 think that it's best if she kept her spot. She's
9 welcome to stand. And give me her full name for the
10 record.

11 MS. GOLDWIRE: Loretta Goldwire. I'm Jeremiah's
12 cousin, (inaudible) I can't be here, I have to be back
13 to work tomorrow.

14 THE COURT: I certainly understand that. What
15 would you like to say?

16 MS. GOLDWIRE: Thank y'all for everything. I am
17 glad that we were able to get some justice for him.

18 THE COURT: Thank you. Okay. All right. And so
19 we will just go ahead and be at ease until 9 a.m.
20 tomorrow morning on the first case that we are going to
21 try. And so we will have them brought back over
22 tomorrow morning. Don't bring them over until -- you
23 know, more closer to 12:30 or so. Okay? I just don't
24 want them sitting back there. You can bring them any
25 time that you want, but whatever is easiest for you. I

CLOSING ARGUMENT BY MR. NEWMAN

1 appreciate it.

2 So, we will go ahead and break for the evening.

3 And, obviously, Mr. Jones will be put in custody,

4 Junior. All right. Thank you.

5 MS. JONES: Thank you, Your Honor.

6 THE COURT: All right, ma'am. If you would like
7 to -- and I apologize, it is late and they have to make
8 post-trial motions. I'll be sentencing roughly around
9 12:30 or 1:00, if you would like to call up to the
10 clerk's office, they are welcome to tell you. Or
11 Crystal will call you if you are interested in the
12 sentence, I certainly will have Crystal call you and
13 tell you what it is.

14 THE JUROR: Okay, that is fine. That is fine.

15 THE COURT: I appreciate it.

16 (Proceedings adjourned for the day.)

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CLOSING ARGUMENT BY MR. NEWMAN

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

14

15 TRIAL TRANSCRIPT

16

17

18 October 27, 2017

19 Ridgeland, South Carolina

20

21

22

23 BEFORE:

24 The Honorable Carmen T. Mullen

25

CLOSING ARGUMENT BY MR. NEWMAN

1 10-27-2017 PROCEEDINGS

2 THE COURT: All right. Let's go ahead.

3 Actually, what would you prefer to do first,
4 probably sentencing or post-trial motions? Probably
5 post-trial motions before sentencing, Mr. Newman?

6 MR. NEWMAN: I believe so, Your Honor. As far as
7 the notice of the appeal goes, it includes an appeal of
8 denial of post-trial motions.

9 THE COURT: I understand. Okay. Who wants to go
10 first? Mr. Koger?

11 MR. KOGER: Your Honor, may it please the Court.

12 I would like to move for a new trial based upon
13 insufficiency of the evidence. Specifically in this
14 particular case, we had the non-identification by the
15 two eyewitnesses. There was not any physical evidence
16 at the scene of the crime. There was possible
17 suggestibility by Agent McCallister with the mentioning
18 of the nickname to Mr. Jeff Croft before identifying on
19 the -- with the videos and the photographs. And also,
20 too, with Craig Proctor, there was a possible deal made
21 after he made the statement.

22 Those are non, and they are non withstanding, we
23 say that the identification was not proven beyond a
24 reasonable doubt as required by the law.

25 And also, too, I also would make a motion that a

CLOSING ARGUMENT BY MR. NEWMAN

1 possible compromised verdict occurred on this
2 particular case on the first time when the jury came
3 out. There was a deadlock on all three defendants, and
4 then after about two hours or something, then it came
5 back for guilty for both Mr. Bostick and Mr. Casey
6 Jones, Junior, and a not guilty for Mr. Casey Jones,
7 Senior.

8 THE COURT: All right. Do you want go ahead and
9 answer right now?

10 MS. JONES: Certainly, Your Honor.

11 Your Honor, I believe that there was substantial
12 direct evidence and circumstantial evidence that the
13 jury was able to reach the correct verdict on
14 Mr. Bostick's case. I don't believe that the verdict
15 was compromised in any way, and I think that is
16 evidenced by the jury actually acquitting Mr. Jones,
17 Senior of the same exact charges.

18 I did want to touch on a possible deal between the
19 State and Mr. Proctor. That did not exist. I did not
20 know Mr. Proctor until I was prepping this case, and no
21 deal was made by myself or any other person with the
22 Solicitor's office with those charges.

23 THE COURT: Well, I'll go through and just state
24 that as far as people that ID'd Mr. Bostick in the
25 video, Jeff Croft ID'd, Investigator Croft. Starsheika

CLOSING ARGUMENT BY MR. NEWMAN

1 Scott identified Mr. Bostick. Craig King Proctor
2 identified Jarrod Bostick, as well as Chief Collins
3 from the Estill police department also ID'd Jarrod
4 Bostick. That was five people that saw the video ID'd
5 him.

6 I will also make the comment, and I am comfortable
7 that the appellate court, most of them has served as
8 circuit court judges and know, as far as any deal that
9 may have been offered for Mr. Craig King Proctor, I can
10 tell you clearly that 125,000-dollar bond, which I'm
11 sure was set by a magistrate on a possession with
12 intent to distribute marijuana charge, was a
13 ridiculously high bond.

14 When it was lowered in front of a circuit court
15 judge to 35,000 or 25,000, that was the appropriate
16 bond that he should have had all along. And some may
17 even say that that is a little high even for Hampton
18 County, which it is a little bit. Correct me if I am
19 wrong, was it PWID or was it distribution? Was it PWID
20 marijuana?

21 MS. JONES: It was.

22 THE COURT: Which is a five-year charge. So,
23 again, the original 125,000-dollar bond that was set on
24 the case was ridiculous, and never should have been
25 there. And, again, a 35,000-dollar bond, which it was

CLOSING ARGUMENT BY MR. NEWMAN

1 reduced to, was reasonable.

2 And, again, I would go ahead and say for the
3 record that I am competent when the appellate court did
4 this, handed down even in a poor county, and bonds are
5 not as high in poor counties because people simply
6 cannot pay them. And it needs to be -- there needs to
7 be surety with what really is a surety to hold someone,
8 and I would even say \$35,000 is high on a PWID
9 marijuana charge in Hampton County.

10 So with that said, I know certainly to me there
11 was no evidence of it. Mr. Koger, you argued that,
12 obviously very strenuously in cross-examination of
13 Mr. Proctor, and additionally in your closing argument
14 you used that a number of times. I think it was
15 obviously smart that you did, and obviously a good
16 strategy.

17 But, again, I don't find that there was any offer
18 or anything along those lines.

19 So anything else?

20 MR. KOGER: No, I was just standing.

21 THE COURT: All right. And I appreciate that,
22 sir.

23 Just respectfully, I think there was plenty of ID.
24 evidence in this case. You know, it was one of those
25 where, you know, you were right, there was no actually

CLOSING ARGUMENT BY MR. NEWMAN

1 at-the-scene touch DNA. There was, you know, no gun
2 afterwards, no collection of clothes. But, you know, I
3 think what the Solicitor kept saying in her opening
4 statement and closing statement was, you know, we have
5 one better, we have a picture. And there was a video.

6 And I think the jury, after seeing the video,
7 clearly identified Mr. Bostick and Mr. Jones, Junior.
8 And I can tell you, not that it really ever matters,
9 but what the jury did was precisely what I thought they
10 would do in this case. I think they analyzed it, I
11 think they looked at it. I think they couldn't
12 possibly ID Jones, Senior, so they couldn't convict
13 him.

14 So I don't think there was anything improper that
15 the jury did. Clearly, for the record, I did Allen
16 charge them because they said that, you know, they were
17 having difficulties, you know, coming to a unanimous
18 decision. And that doesn't surprise me, it's a murder
19 case. It is important, and I think this jury did an
20 excellent job paying attention to all the evidence.

21 Although I would say for the record, I think all
22 the lawyers did an excellent job, from the Solicitor to
23 each one of you, all represented your clients well.

24 You know, you got to live with the facts as you
25 get them. So -- but I will tell you this, I think the

CLOSING ARGUMENT BY MR. NEWMAN

1 attorneys did a very good job.

2 So with that said, thank you. Mr. Koger,
3 certainly, I respect you need to make motions for your
4 client for appeals purposes.

5 Now, Mr. Newman, on behalf of Casey Jones, Junior.

6 MR. NEWMAN: May it please the Court, Solicitor.

7 Mr. Jones, Junior moves for a new trial in this
8 matter. We had -- the Court had denied two defense
9 motions for severance in this matter. And fearing
10 exactly what happened is we believe that there was a
11 compromise, which occurred only after the Allen charge,
12 and only after the jury specifically informed the Court
13 that it was deadlocked as to all three Defendants.

14 Certainly, I think there's grounds to argue that
15 there's a compromised verdict. The easy trade-off was
16 with this case in evidence, certainly was with Senior,
17 that the compromise was, if you give us the two boys,
18 we will let the old man go. And that was specifically
19 after the Allen charge on that.

20 We think there was a structural due process trial
21 rights that were affected because of the non-severance
22 allowing a compromised verdict after an Allen charge.

23 We also think as to the due process, that as the
24 State's investigation, the evidence, it did uncover
25 scientific evidence that positively excluded Mr. Jones,

CLOSING ARGUMENT BY MR. NEWMAN

1 Junior from the scene of the crime. The investigation
2 did not follow up on, and the jury had questions about
3 it, about leads in other directions or DNA testing that
4 we believe deprived Mr. Jones of a fair trial.

5 When you pin this with what we believe were
6 unconstitutionally inadmissible in-court ID, and this
7 applies to the ID of mine. He had seen Mr. Jones,
8 Junior some two years later in Estill. He had
9 knowledge that Mr. Jones was the person charged with
10 his father's murder. No other line-ups or any other
11 procedures were done, to my knowledge. We found out
12 only within about a week or so of trial that he
13 intended to offer in-court identification. And we
14 believe that his in-court identification is unduly
15 suggestive under all the facts, and that should have
16 been suppressed. And we are moving for a new trial to
17 renew our objections to the in-court identification,
18 moving for a new trial on those grounds.

19 Also, inadmissibly suggestive as to the ID,
20 centers the -- other than J'Amiah, the three other
21 children in the house could identify none of the
22 Defendants. All of the photograph opinion evidence,
23 admittedly all of them said, well, we do admit that we
24 can't see faces, we are doing it on body shapes,
25 motions, beard, facial hair, gold teeth, things like

CLOSING ARGUMENT BY MR. NEWMAN

1 that.

2 Agent David Williams from SLED specifically gave
3 testimony. When asked about that, he said you cannot,
4 that is not a proper procedure for an ID, and that does
5 not lead you to a proper ID. Because those elements --
6 body shapes, walk, gait, things like that -- are too
7 wide open. They apply to too many people to be able to
8 make an individual identification on that.

9 We also renew our motion that we made for a
10 mistrial on the same grounds. We also renew our
11 motions for directed verdict, both at the close of the
12 State's evidence and the close of the Defense's
13 evidence. We believe that due to the scientific
14 evidence and the impermissible ID procedures, that the
15 jury reached a verdict on an improper basis, that the
16 quantity of evidence was insufficient to make that
17 connection on that.

18 We also join in any motions made by Mr. Bostick.

19 Thank you.

20 THE COURT: Thank you. Yes, ma'am.

21 MS. JONES: Yes, Your Honor. Thank you.

22 Just to hit on a couple of points that Mr. Newman
23 brought up. Regarding the due process violations, his
24 reasoning during the severance motions, if you recall,
25 that their due process rights would be violated by

CLOSING ARGUMENT BY MR. NEWMAN

1 their loss of last argument. And we didn't have that
2 in this trial. Actually no evidence was put up by the
3 Defense in that right, even though it was not a
4 constitutional right.

5 They didn't lose that right, they still have that
6 right, and that was their basis for the last motion to
7 sever. So I believe that that motion was rightfully
8 denied, as was the first one. I do not feel there are
9 any violations there.

10 Regarding J'Amiah's ID, we had a proffer of his
11 testimony. Your Honor ruled after hearing his
12 testimony that the identification was allowable, that
13 he, in fact, remembered seeing the same man from the
14 morning that his father was killed. And he identified
15 him at the school that morning.

16 That was an identification, that was in evidence,
17 it was in discovery, it was handed over to Mr. Newman
18 when the State received it -- well, when Mr. Newman
19 came on the case. He did come in late on Mr. Jones,
20 Junior's case, but it was in the initial discovery
21 handed over. And Your Honor ruled outside the presence
22 of the jury that the identification was, in fact,
23 proper.

24 Regarding the other identifications, it wasn't
25 actually this Jones that they did not see the face, it

CLOSING ARGUMENT BY MR. NEWMAN

1 was of Mr. Jones, Senior that they did not see the face
2 in the video or the stills. Some of the witnesses even
3 based their identification of Mr. Jones, Junior on his
4 nose, on his facial hair, on his facial structure.
5 They were very specific about certain parts, certain
6 traits of his face that they were able to see from the
7 video, that they were able to see from the photograph,
8 that helped him identify them.

9 And, again, based on the preliminary hearings you
10 had on those identifications, Your Honor ruled that
11 they were admissible. I believe you relied on State V
12 Fripp, which was the leading case on those particular
13 types of identifications.

14 I just believe, Your Honor, that there was direct
15 evidence. We have the video, we have the stills, and
16 there was circumstantial evidence that Mr. Jones,
17 Junior was, in fact, the first person to step foot on
18 that porch that morning. And I believe there was
19 enough evidence for it to go to the jury.

20 MR. KOGER: Judge, may it please the Court.
21 Before making a ruling, I want to join in any motion
22 that my co-counsel has made.

23 THE COURT: Okay. Thank you.

24 Well, just going through the evidence, you know,
25 clearly we have the video, and we had the stills made

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1 from the video. Starsheika Scott identified Casey
2 Jones, Junior in the video; Craig King Proctor
3 identified Casey Jones, Junior in the video; chief Mark
4 Collins identified Casey Jones, Junior in the video;
5 and Dominique Coleman identified Casey Jones, Junior in
6 the video.

7 Again, I think those were adequate, and I think
8 those were appropriate IDs in these cases.

9 Mr. Newman made a comment on that there was no
10 scientific evidence in this case, such as touch DNA
11 evidence. You know, there was no gun recovered. You
12 know, it doesn't surprise me in this case that, you
13 know, you had four juveniles in the house, you had one
14 adult who clearly, if he didn't have a gun in his hand,
15 had access to a gun. It appears when they went in,
16 they were keeping him covered.

17 You know, we can only guess as to what the theory
18 is. You know, how the money and the drugs got out of
19 the house, but it could have been giving the money,
20 which would be likely to try to give it to them to save
21 his life.

22 When I say, "him," I say that to the decedent in
23 this case.

24 But there are cases that there are physical
25 evidence in. You know, whether or not -- the jury

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1 didn't need it. The jury saw the video, and that was
2 adequate. So I don't think that a lack of scientific
3 evidence -- while, I think it is an excellent argument,
4 in 2017 with the advent of shows like CSI and Cold
5 Case, while I think it's what juries are looking for
6 nowadays because they think everything is going to tie
7 up nice and neat like it is on TV, that's just not real
8 life.

9 And I know the police are going in there, and I
10 certainly don't see any evidence in any way in this
11 case of any type of, you know, poor police procedure or
12 law enforcement procedure. I think they went in, they
13 did the best they could. You know, these people were
14 not apprehended or turn themselves in until a month
15 after this case. And, you know, there was no arrest
16 warrants out for them. So being able to go collect
17 clothing or hats or anything along those lines, chances
18 are they were long gone. So I can certainly understand
19 why there wasn't any there.

20 So respectfully, as far as the severance motion,
21 you know, we heard two severance motions. You know,
22 there were no pertinent issues in this case. Again, I
23 heard you, and I will say as well that I agree that the
24 last argument is important, Mr. Newman. I actually
25 believe on a strategy point, particularly in a case

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1 like this where, you know, the time the State spoke and
2 you finished speaking, we are talking about a lapse in
3 time of two and a half hours, which is a long time.
4 And, you know, we all know the whole idea of our last
5 argument is we want them to hear me last, so you can
6 make your best argument. And I think it is a fact that
7 I agree. It's not a Constitutional right. Just as you
8 pointed out in Federal court, you don't have that right
9 ever. It doesn't matter.

10 But I don't think in this case it prejudiced
11 anyone, and I don't think it violated their
12 constitutional rights. So respectfully, sir, I'm going
13 to deny your motions.

14 I think you have adequately made them and
15 preserved them certainly for the appellate courts to
16 take a look at this. And, again, I commented, you all
17 did a very good job. Everyone did in this case. I
18 think you worked very hard for your clients.

19 But, again, you have to look at the facts as they
20 are and do the best you can. And I think everyone did
21 the best they could.

22 So with that said, I think the jury worked hard.
23 I think they were very conscientious. And, so,
24 respectfully, I deny your motions.

25 MR. KOGER: Understand, Your Honor.

CLOSING ARGUMENT BY MR. NEWMAN

1 THE COURT: Okay. Well, we can go ahead and do
2 sentencing on both these gentlemen now.

3 I need to know -- well, let's start with
4 Mr. Bostick, if we could. I need to know his prior
5 record. And if there's anyone here to speak on his
6 behalf, I am more than happy to hear from them.

7 MS. JONES: Your Honor, I do have sentencing
8 sheets to hand you.

9 THE COURT: Okay. Thank you.

10 MS. JONES: And, Your Honor, if I may, I did want
11 to touch on -- I don't want to go into great detail of
12 the facts. You heard the facts; you know what
13 happened. We have been here all week, you exactly what
14 happened that day.

15 I just wanted to go into a little bit of detail
16 about how it's affected some of the people involved,
17 the children most importantly. I think that the
18 behavior and the demeanors you have seen in court this
19 week can attest that these children's lives have been
20 changed forever. You have been in Jasper County for
21 years, you know how violent and scary some of these
22 situations can be. And unfortunately, a lot of them
23 are fueled by the drug trade.

24 But this wasn't a common Jasper County case that
25 we see. These men went into a home, where they knew

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1 these children were. J'Amiah, 11 years old, and you
2 saw on the video how young, how small he was two years
3 ago. He went to the door. He made eye contact with
4 these men and they saw him. And they still chose to do
5 what they did that day, knowing that these children
6 were in the home that day.

7 J'Amiah has changed from a spunky, a go-getter, a
8 little boy who loved to play-football into this young
9 man who is angry. He is mad at the world. He has quit
10 playing sports, his grades have dropped, he doesn't
11 want to go to school. He's done a complete 180 from
12 this day, and it's all because of what these men did
13 and what they took away from him.

14 The other boys in the house, Javonte and Jashaun,
15 they can't sleep. They lock their bedroom doors at
16 night. They are scared every time they hear somebody
17 knock on their front door.

18 They watched their stepdad as he took his last
19 breath that morning. They are the ones that found him,
20 and they are never going to be the same.

21 Tyreek, he was 16. You've seen him in this court,
22 you saw how upset he got. And while that was highly
23 inappropriate what happened in court the other day,
24 it's his anger and his emotions that are taking hold of
25 him, that he can't control. And you saw the tears come

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1 out of his eyes.

2 These are boys, these are young men whose lives
3 have been completely altered. They will never be the
4 same. They have had guns put to their heads, they have
5 had their faces thrown down on their bedroom floor, and
6 they now live in fear. And it's because these men took
7 it upon themselves to go into that home that day and
8 take their father and their stepfather, their uncle
9 from them.

10 They went in and, I still contend for those four
11 minutes that they were in that house, that Jeremiah was
12 alive. I think that they barged in that day, they made
13 him give them their money, give them whatever drugs he
14 had in that house and he did that. He obliged. He did
15 what they asked, and they still killed him. He begged
16 -- the children told you that he begged for their
17 life -- for his life. He said, "Please do not kill me
18 in front of my kids." And they did not care. They did
19 not care.

20 And in my opinion, it takes a special kind of
21 monster to be able to do something this heinous, hold a
22 gun at a child's head and then go and kill their
23 father, knowing that those children are going to be the
24 ones that find him there.

25 This is just completely out of the realm of

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1 ordinary here. And it is just a terrible act that has
2 affected numerous people on more levels than we can
3 even account for.

4 And a little bit about these men that are before
5 you now convicted by this jury. I do have, if I may,
6 Your Honor, you saw a little bit of this during the
7 trial, I have it marked as Court's Exhibit 10. I have
8 shown it to Mr. Koger. It is more applicable to
9 Mr. Bostick, but this is the intake application that we
10 found -- that was found in his jail cell in Georgia.

11 As you know, he is on probation revocation and he
12 goes into great detail how he is now in a prison
13 system, and he wants to be in a position of authority.
14 He is a known member of a gang known as Across the
15 Track Boys. They are an offshoot of the Gangster
16 Disciples. And I have a couple photographs I would
17 like the Court to see.

18 This is a tattoo on Mr. Bostick's chest of a
19 six-point star, which is a known insignia of the
20 Gangster Disciples. And it stands for, which I
21 think is applicable to why we are here today, the
22 six-point star stands for love, life, loyalty,
23 knowledge, wisdom, and understanding. Money, mack, and
24 murder. He has zero regard for any law in this state
25 being a part of this violent organization.

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1 Here is also a photograph of Mr. Bostick that says
2 "track light." Track is referencing the offshoot of
3 the Gangster Disciples he is a member of. And if you
4 can see, that is a pitchfork, another symbol that the
5 Gangster Disciples use. And what is also important in
6 this intake application is it asks you for who can
7 vouch for you? Who can vouch for your membership on
8 the outside? And the name he puts down is this man,
9 Casey Jones, Junior.

10 Now, while I don't have any photographs showing
11 any gang symbols on Mr. Jones, Junior, it is ironic
12 that Bostick would use his name as a reference to
13 become a position of authority within the prison system
14 in the Gangster Disciples.

15 Your Honor, they both have prior records. This is
16 not their first time in general sessions. Mr. Bostick
17 has -- you heard a little bit, he does have a murder
18 charge that was nolle prossed in 2009. But for
19 conviction, he has a 2012 shoplifting, and in 2013,
20 forgery, which is what he is on his probation
21 revocation for.

22 Mr. Jones, Junior, his prior record is much more
23 extensive. He dates back to 2009. Two counts of
24 strong arm robbery, which was pled down from armed
25 robbery. He received ten years suspended to six years,

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1 and five years probation on those counts.

2 2009, he has a burglary in the second degree, non
3 violent. Seven years suspended to two years probation.
4 In 2013, he has a driving under suspension.

5 I think those prior records show Your Honor that
6 these men are criminals. They have been in the
7 criminal world for years, and their crimes are
8 elevating with their ages. The older they get, the
9 worse their crimes appear to be.

10 Your Honor, these men are dangerous, dangerous,
11 dangerous men. They are -- they are monsters, they do
12 not care who is a victim to their crime, and they need
13 to be off the streets in order for society's safety as
14 a whole. And because of that, Your Honor, I will be
15 asking that both of them receive life sentences today.

16 There has been numerous members of Jeremiah's
17 family here all week long. Jeremiah was not a violent
18 person. He did act in the drug trade, he did cook
19 crack cocaine, and that is his fault. And likely his
20 fault that cost him his life. But he has no violence
21 on his prior record, Your Honor. Anything he was
22 charged with, it was drugs.

23 And his family is here to support him. He has
24 numerous loved ones that are left behind and left with
25 holes in their hearts because he's not here anymore.

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1 And I'm unsure if anybody would like to address the
2 Court.

3 THE COURT: Actually, she can -- she needs to stay
4 where she's at. I'm happy to hear from you, Ms. Scott.
5 I know you testified. You're welcome to stand up.

6 This is Starsheika Scott, for the record. Yes,
7 ma'am, I know you are the sister of Mr. Wilson.

8 MS. SCOTT: This ain't easy. Yes, my brother been
9 doing what he had to do for his family, but he never
10 went out and tried to threaten somebody, or even try
11 to. He was a good father. We have a sick mama that if
12 she was well, she would have been here herself. And I
13 am the baby. I'm the baby, and I had to pick up those
14 responsibilities because these kids is really
15 frightened, and they don't understand. And I don't
16 understand because my brother never did anything to
17 nobody.

18 I mean, he didn't deserve that. We both are
19 losing somebody. Their families, they can never lose.
20 But I have to go to the graveyard to see my brother,
21 and it's hard. Because he didn't deserve it at all.
22 And I haven't been the same. I am -- I don't trust
23 nobody. It is hard. I have to go to work, take care
24 of my mama. I am only 27 years old, and I have a lot
25 of responsibilities. And he was the best one of the

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1 family. He made sure everybody was taken care of. It
2 doesn't matter if you couldn't give, he would give you
3 the clothes off his back. He wasn't a violent person.
4 He wasn't going to take from nobody. He did what he
5 had to do to make sure his family was taken care of.

6 And all I ask is, I forgive y'all. I do not have
7 no hurt in my heart. I just don't know why, but I
8 forgive y'all. And I'm not -- I'm hurt. I am really
9 hurt because my brother didn't do nothing to nobody.
10 And I forgive y'all. I really do, and I wish y'all the
11 best, but I am just -- that's all I got to say.

12 THE COURT: Thank you, Ms. Scott. Okay.

13 MS. JONES: And I think that's all the family
14 members that want to address the Court. Thank you,
15 Your Honor.

16 THE COURT: All right. Mr. Bostick, let's start.

17

18 MR. KOGER: Your Honor, may it please the Court.
19 Mr. Bostick did indicate he has two family members
20 here. His sister is here and his aunt is here. And at
21 the appropriate time, they would like to -- at least
22 one of them would like to address the Court.

23 THE COURT: Okay.

24 MR. KOGER: Your Honor, it has not been stated,
25 but Mr. Bostick is 28 years of age. As Mr. Newman

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1 stated about his client during the trial, Mr. Bostick
2 also turned himself in. Actually I was contacted by
3 his mother after, I think, Ms. Jones mentioned Agent
4 Sampson contacted, I think it was a marshal or
5 something, or he worked on a fugitive, contacted his
6 mother. His mother wanted to retain me first, and once
7 I was retained, I was retained several days later, I
8 contacted Agent Sampson and I brought Mr. Bostick over
9 here. He was at the Jasper County Detention Center at
10 that time. At that time, he turned himself in, and he
11 had been detained until he made bond, I think two or
12 three months later.

13 So I would like to, for the Court's knowledge,
14 that he did turn himself in. And as stated on the
15 record, he is from the Atlanta area, Decatur, Georgia
16 area. He came from -- he found out once the mother was
17 contacted, he was in Georgia, and he came to South
18 Carolina and turned himself in.

19 From a prior bond hearing, he does have an
20 employment past. First of all, he went to Grady High
21 in Atlanta, Georgia. He -- I don't think he -- he
22 obtained his high school diploma. He -- he did have an
23 employment -- or he does have an employment past. He
24 worked in warehouses, construction, and lawn, and he
25 does have a son with his -- six years of age.

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1 Of course, the jury has spoken in this particular
2 case, and Mr. Bostick realized he faces significant
3 time. As the Solicitor pointed out, and as the family
4 pointed out, and of course, we are all in agreement
5 that Mr. Wilson didn't deserve this here.

6 And they spoke about the trauma that was placed on
7 the children that grew up in the household. And I
8 would not only hope, but I would pray that they will
9 eventually find -- they will never forget, but find
10 some type of means or consolation to be able to move on
11 past this.

12 With that being said, and, again, not to make a
13 comparison situation, but an environment was created,
14 and that had an effect on the children, too. And that
15 environment, it enabled this tragedy to happen.

16 So that is just something that, coming from me as
17 a defense attorney that have tried many cases in the
18 last 24 years, that cycle must stop. The cycle must
19 stop as far as, you know, taking care of your family
20 and then, again, that is an admirable trait. But the
21 drug culture must stop.

22 With that being said, I ask that you impose the
23 minimum in this case, the minimum on murder is some 30
24 years. Of course, he had the burglary first and
25 possession with -- excuse me, the possession of a

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1 weapon during commission of a violent crime. We would
2 ask that you run those concurrent with a minimum term
3 for murder.

4 His mother had to go back to work today. She
5 works in the Atlanta area. She has been -- I have
6 dealt with her for a long time. I was the attorney
7 back in 2009. I was appointed then, and I handled his
8 case in Barnwell, South Carolina. And his mother has
9 been by his side every step of the way.

10 So, again, just from my dealing with her, I don't
11 think Mr. Bostick can say that he didn't have support
12 of his mother. She's been there from day one, she was
13 there eight years ago. I mean, throughout this here,
14 she's from Atlanta, she's been in contact with me.
15 She's been every step of the way. And she was not in
16 here when the verdict came down yesterday, because
17 quite frankly, she couldn't take it. And I think --
18 she said she had to go back to work today, but I think
19 she didn't want to see this here.

20 But she -- but, you know, she realizes the jury
21 has spoken, and she was here when the video
22 surveillance was played and the photographs seen. So
23 she basically, not only on behalf of Mr. Bostick, but
24 on behalf of his mother, we ask that you consider the
25 minimum sentence.

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1 And before the aunt speaks, again, it rings hollow
2 during the trial for me to offer my condolences to you.
3 And I didn't do it during the trial because I didn't
4 want it to ring hollow. But I do offer my condolences.

5 At the appropriate time, I think --

6 THE COURT: I would like to hear from her on
7 record.

8 Ma'am, if you would, just give me your name for
9 the record, please.

10 MS. HUDSON: Jacqueline Hudson.

11 THE COURT: Yes, ma'am. You are Mr. Bostick's
12 aunt; is that correct?

13 MS. HUDSON: Correct.

14 THE COURT: What would like to tell me, ma'am?

15 MS. HUDSON: Judge, Your Honor, I do plead that
16 you spare Mr. Bostick for this that was done.

17 To the family, you have my condolence, and I'm
18 praying for you. We know that this deed was done to
19 you, but we hope that you find it in your heart to
20 forgive them for the deed that has been done unto you,
21 because we understand that, you know, things happen in
22 life.

23 Mr. Bostick is yet a young man, and if we think
24 back on our lives, we knew how we were at 18, 19, and
25 20 years old. Some -- a lot of us went astray. Some

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1 of us called our minds in and came back. But you can't
2 change, young men going to be young men. They going to
3 make mistakes, and we were all taught in our house that
4 who you leave with, you come back with. And from my
5 understanding, when the other two were being picked up
6 by the police, he turned around and went back. The
7 only reason why, you know, he was picked up. So -- and
8 then he was man enough, as the attorneys say, to turn
9 himself in.

10 So that gives some account, you know, for what has
11 happened. So we are asking for your mercy, and your
12 grace on this issue. As the attorney also said, he has
13 a six-year-old son that he need to be there to raise,
14 because every son need their father. So we are asking
15 you that you will spare him in this deed. Thank you.

16 THE COURT: Thank you.

17 All right. Mr. Newman.

18 MR. NEWMAN: May it please the Court, Your Honor.

19 THE COURT: Yes, sir.

20 MR. NEWMAN: All week long, this was a difficult
21 trial for everybody in this courthouse. I mean,
22 everybody -- the clerk, the law clerk, security staff
23 that had to work this case. This is unfortunately one
24 of these times that after today, nothing -- nothing
25 happy is going to come of it. But I do like to thank

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1 Ms. Scott for her statements, and I think we heard from
2 both sides of the aisle, forgiveness is the first step
3 to healing. We appreciate her sentiments on that. It
4 must have been very hard to do.

5 But I think you've all found that you can find
6 room in your heart to forgive, and you can start the
7 healing process then, filled with hatred. You're only
8 going to -- I wish you not to be disrespectful and do
9 not -- we understand that the jury has spoken.

10 While my client does maintain his innocence, it
11 does not mean that he doesn't have remorse for
12 Mr. Wilson's family, for his children. I ask you to
13 consider what I consider an acceptance of
14 responsibility.

15 Mr. Jones turned himself in as soon as he was
16 notified. Surrendered to authorities. Been out on
17 bond. He has appeared in this court, not tried to
18 flee. He's not tried to alter his appearance by
19 shaving his beard, all those kind of things. To me, he
20 accepted responsibility when he sat here every day this
21 week and faced that jury.

22 I think you saw in court, at least I hope you saw
23 that Mr. Jones was respectful to court personnel, to
24 Your Honor, respectful to the jury, to the victim's
25 family in this case, and respectful when he surrendered

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1 himself to the authorities.

2 So I ask you to consider that, although you can't
3 make an admission at this point, but you consider that
4 as an acceptance of responsibility under his bond.

5 I think that as in all of these cases, and you
6 have to see it, you -- with your position to always
7 look down the middle of the aisle to balance justice,
8 that's the way our courts are structured, that there's
9 no happiness that can come out of either side of this
10 courthouse. There can't be.

11 So, again, I hope that the family can heal and
12 forgive. I know our family has thoughts and prayers,
13 and I would even suspect that Mr. Wilson's family has
14 thoughts and prayers for Mr. Jones and Mr. Bostick's
15 family. And I do find that if there is anything
16 uplifting in our humanity, that we can accept that.

17 Mr. Jones is 31 years old. He has a
18 seven-year-old son, Jaquiese (phonetic) that he lives
19 with and supports, and has a 12-year-old daughter,
20 Tamiah, (phonetic) that he lives with and supports. I
21 think you heard that she goes to Estill Middle School,
22 and Mr. Jones occasionally transports her back and
23 forth.

24 Mr. Jones was working, supporting his family,
25 worked for J.R. Wilson Construction Company, and I know

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1 Your Honor has gone back and forth from Beaufort County
2 to Hampton County in your travels as a circuit judge,
3 and I think 68 goes to Hampton. You have seen a lot of
4 that road construction. Mr. Jones was a heavy
5 equipment operator. Sometimes he would have to rotate
6 the stop and slow down signs. In doing that, he was
7 gainfully and lawfully employed. Doing that, making a
8 reasonably decent wage for his family and living with
9 his children and raising them.

10 I would ask that you hear from a family member or
11 two of Mr. Jones at this time, if you so choose.

12 THE COURT: I'm happy to. Whoever would like to
13 speak, just give me your name for the record, please,
14 and how you are related or know Mr. Jones.

15 MS. MICHAEL: My name is Tacar (phonetic) Michael.
16 I'm his fiancée. We have two kids together, his
17 seven-year-old son that he has full custody of, and my
18 daughter -- our daughter. Her father died in a tragic
19 accident six years ago. Her grandfather and father
20 died, drowned in a boat. And he has stepped in her
21 life and been a father figure. He was also a Little
22 League basketball coach for the 11-year-old to 13 years
23 old. He's very active in his community. His neighbor
24 loves him.

25 I heard from several members of his job today, and

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1 they are concerned and they're saying prayers. And I'm
2 just asking that he has a family, and that he -- he is
3 able -- that we are able to get to see him, that he's
4 not sent so far where we are asking that we will be
5 able to visit him regularly while he serve his time.

6 And I'm sorry for the family. I say my
7 condolences.

8 MR. NEWMAN: Thank you, ma'am.

9 THE COURT: Yes, sir.

10 THE BROTHER: My name is (inaudible). I'm Casey
11 Jones' oldest brother. And it is -- this situation is
12 crazy. It's been a long, crazy week. Things have gone
13 on. I really truly can't fathom or even grasp the
14 concept of everything because my brother is my brother,
15 and he doesn't -- this image that's being painted
16 doesn't match the things that me and everybody in town,
17 everybody from me -- he is a respectful young man. He
18 just like everybody over there tried to stop us family,
19 like I say, he has full custody of his own child. His
20 only son will make that because a mother who is not
21 sufficient enough or capable enough to take care of the
22 child, so he stepped up and take care of the child.

23 It been rough for him to even do the things he do
24 because the fact of the things that have been -- I
25 mean, that been alleged against him. So a lot of

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1 things been -- anyway, me and my brother were over at
2 that, you know, have been trying to do positive things,
3 working on a non-profit organization, help out with the
4 youth and stuff like that. And also a little bit
5 working on starting trucking business, he was going to
6 get the CDL, working on it, trying to, you know, to get
7 a couple of trucks to help all that.

8 So it just crazy that potentially he going to be
9 gone for a while and not be able to support me in that.
10 And I don't believe what's going on, and I definitely
11 do apologize for what happened. And this is a
12 continuous cycle. You potentially -- he going to
13 potentially have a child that might need to have a
14 father to be raising, so that keep going on and on and
15 on for both sides of the family.

16 And like I was hoping to bring a stop today, what
17 we positively mean was we was trying to talk a little
18 bit, but unfortunately that's right now. That, you
19 know, going to pause, be redirected for a moment.

20 But I don't even know what to say about things for
21 this to me, you know, and I love you, brother.

22 THE COURT: Yes, ma'am. Give me your name,
23 please.

24 MS. MAINER: My name is Darnell Mainer, I'm Casey
25 Jones's mother. I'm truly sorry for everything. I

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1 won't wish that on nobody's family. And the prosecutor
2 painted him as a monster. He is not a monster. He is
3 somebody's son, he is my son.

4 I raised him in the church. We talked, we
5 believed in the right things. We have raised his --
6 helped raise his son. He loves children. I don't know
7 what happened. I wasn't there. But I'm just saying,
8 if anybody have leniency on -- on my son because I
9 don't want to have to see him go through this. This is
10 not what I want for him. I don't want for nobody
11 else's children.

12 I'm not painting -- I understand their child or
13 their children or brothers or whoever, that they are
14 angry and they want justice done. But to have
15 leniency. I'm so, so sorry. If we could please do
16 this again, I probably shouldn't -- none of this would
17 have happened to anybody. I'm so sorry. I'm so sorry.
18 So sorry.

19 THE COURT: Yes, sir.

20 MR. MAINER: My name is Lewis Mainer. I'm Casey
21 Jones' father. I have been in Casey Jones' life since
22 26 years ago. I installed good morals in Casey.

23 I am an ordained minister in my church, and I
24 brought Casey up in the church to -- and learned him
25 that he would understand that manners and respect will

CLOSING ARGUMENT BY MR. NEWMAN

1 take you farther than money. And I just want to say
2 that I don't know what happened. I'm not here to judge
3 on who did what and didn't do what. But I just want to
4 say that in Jasper County, and surrounding counties,
5 black on black crime have went through the roof. And
6 it needs to stop. My condolence and my sorrow goes out
7 to the family.

8 But I just want to say to the courts that this man
9 that is sitting up there, I taught both of them how to
10 work, that work would carry you far. If you want to be
11 successful, work at what you want. Don't go out there
12 trying to get it the easy way. And I installed that in
13 both of my boys. But I wasn't there to say what
14 happened.

15 But I just want to say to the courts that Casey is
16 not a monster, he is a respectful young man. He gives
17 you the shirt off his back if he can. He is a good
18 man. He try to take care of his son. I try to steer
19 him right in taking care of his son. I'm not with him
20 24/7, I don't know what he do, but I know he had a job.
21 And when he didn't have a job, he worked with me under
22 my job. I got a side construction job that if he
23 didn't have a job, he always worked with me and made
24 sure that he provide for his family.

25 But I just want to say to you that if you could

CLOSING ARGUMENT BY MR. NEWMAN

1 exclude a life sentence on this man life -- on these
2 young men's life, because they have kids. I understand
3 that the Defendant have kids that he -- that they going
4 to miss they father and I feel sorry, and I'm so sorry
5 about that. But if you could find any mercy within
6 your soul, please find it today. God bless.

7 MR. NEWMAN: And I think you heard alluded to
8 during the course of the trial, that unfortunately at a
9 fairly young age, Casey was estranged from his
10 biological father. And even with that, Casey has
11 always told me he respects his biological father,
12 because it is his father, but he was raised by this
13 gentleman. That's a little bit of sentiment.

14 Another reason these cases are so difficult -- we
15 are losing a generation or two in the aftermath in the
16 community and it does -- it is tragic whether it's
17 drugs and violence that they get in, and with person to
18 person, I'm not here to disparage anybody, the decedent
19 or whatever, but it is a fact.

20 But I would ask Your Honor to impose the minimum
21 sentence, a 30-year sentence. As you know, it's not
22 suspendible. In a murder case, any sentence you impose
23 is a day for day sentence. There's no good time.
24 There's no half time off. There's no work credits.
25 There's nothing. And I would ask you, Casey is 31,

CLOSING ARGUMENT BY MR. NEWMAN

1 minimum sentence. If he served day for day, which, he
2 would have to, he would be 61 years old. Still enough
3 time maybe to keep in connection with his family.

4 Tragically, for African American males, the
5 average life sentence in the Department of Corrections
6 is about 57.7 years. I would ask that there are
7 redeemable qualities and other than address that with
8 Mr. Bostick, as well in these men, that a minimum
9 sentence in this, while it sounds like minimum,
10 somebody is getting off a little bit easier, it is a
11 30-year day for day.

12 I would ask Your Honor to strongly consider that.
13 What all went on in that house, the Solicitor has her
14 opinion. The bottom line is we are not going to know.
15 We do know that the man was murdered, he was murdered
16 in his home. Under all the circumstances, we will
17 never know. I think the children that was there don't
18 really know what happened either, when it came down to
19 it, because I'm sure they were very frightened.

20 We know that two of them didn't, you know, get out
21 and give the older brother taking care of his brother,
22 Little J. I would assume that the minute this went
23 down, the older brother probably pushed his little
24 brother into that closet and they got down. I think
25 that is what they both had.

CLOSING ARGUMENT BY MR. NEWMAN

1 But as I said, I don't know what else to say. I
2 know Casey has expressed remorse to the Wilson family
3 over this situation. And a lot of times I have wanted
4 to be a circuit court judge, this is not a time I would
5 want to. The burdens and pressures that you have to
6 protect society, to determine the punishment, to
7 constrain their sentence with a sense of justice and
8 mercy, I don't envy your job today, Judge. We just ask
9 that you do in your heart what you think is the right
10 thing to do, and I know you will.

11 Thank you, Your Honor.

12 MS. JONES: Your Honor, my apologies. I was just
13 informed that Jeremiah's aunt wants to say something.

14 THE COURT: Okay. Certainly.

15 MS. BROWN: My name is Mary Brown. I am the aunt
16 of Jeremiah Wilson, almost mother to Jeremiah Wilson.
17 I was there when Jeremiah born. Almost have raised
18 Jeremiah.

19 Jeremiah wasn't a bad person. He was easygoing
20 person. He never bothered nobody as I know of.

21 We always try to teach Jeremiah the right thing.
22 But, you know, we don't have nothing to do with what he
23 doing in his life. But he never went out there and
24 hurt nobody. Jeremiah got four children back here, and
25 they is from me, my sister, they mothers, and we are

CLOSING ARGUMENT BY MR. NEWMAN

1 struggling trying to take care of these kids. These
2 children need their father also. We can't go and talk
3 to Jeremiah. We can go to his grave and visit him.

4 Starsheika has a sick father and a sick mother
5 that she is taking care of. And the help that I can do
6 for her. We just ask that you please to give us some
7 mercy in this case.

8 I have nothing against the family. We forgive the
9 family. Nothing against them. Thank you.

10 THE COURT: Thank you. Well, I would agree with
11 Mr. Newman, this is probably the worst part of this
12 job. And I will say, in my experience doing criminal
13 work, and then now as a judge for the last almost 11
14 years now, that there is too much violence. And there
15 is too much drugs, and there just is. And I'll tell
16 you also, I say this all the time when I have to speak
17 publicly. If there's one thing in this world I could
18 do, it would be get rid of the drugs. Because if I
19 could get rid of the drugs, I would get rid of all of
20 the violence and all the motivation.

21 Because in my experience, I think there are very
22 few truly evil people in this world. I think drugs
23 motivate people to do evil things. I don't think they
24 are truly evil people. I know a lot of people would
25 disagree with me on that.

CLOSING ARGUMENT BY MR. NEWMAN

1 I tell you, I don't know what the answer is,
2 because all of these men were raised in Christian,
3 church-going homes by strong women. And you look back
4 and say, what is the answer? What is it? Because they
5 did have guidance, they did have loving families. They
6 did have Godly backgrounds. And how are we here today?
7 How are we here, that we have, you know, two people
8 having killed a man who admittedly sold drugs out of
9 his house with children there? I mean, it is just --
10 it's very difficult to wrap your head around and
11 understand.

12 I would agree that until we can change that
13 culture, we are going to lose a generation, two
14 generations, or permanently. It's hard to imagine. I
15 really do.

16 I always try to figure out what is the answer, and
17 we talk about Mr. Manor not taking the easy money,
18 doing it to the easy way. And is the answer we get all
19 our young people educated so they can go out and earn
20 good livings, and they can be respectful of themselves,
21 of what they do, and proud that they can raise up
22 generations of more young people?

23 It is the one thing I really wish I truly could
24 do. I do believe that education is the start. And,
25 again, I know that everyone is not afforded the same

CLOSING ARGUMENT BY MR. NEWMAN

1 opportunities, but that is where it's got to start.
2 And continuing to take them to church, continuing
3 setting good examples.

4 I mean, that is really what it is about, setting
5 good examples. I don't know if this whole situation
6 will have an impression of all the children of
7 Mr. Wilson. I can imagine that they understand at this
8 point that drugs were the cause of why their father was
9 robbed. I'm sure they understand that. I think they
10 also, at this point, understand, you know, what can
11 happen.

12 I had an opportunity to talk to Mr. Simmons this
13 morning, and I think he understood. I think they all
14 realize that this is not where we want to be. Nobody
15 wants to be in this courtroom. Not any son. Either of
16 Mr. Jones' or Mr. Bostick's or Mr. Wilson's family.
17 None of us want to be here.

18 I will just tell you with my job, I do the best I
19 can with what is presented, to protect not only
20 society, but also to punish. And that's part of the
21 job here.

22 So I often tell people you don't necessarily have
23 to worry so much about what I do, you need to worry
24 about, you know, when you go to your heavenly place,
25 that is where the true justice is going to be. And I

CLOSING ARGUMENT BY MR. NEWMAN

1 just hope that everyone learns from it. And I hope
2 certainly the younger generation learns from it.

3 So with that said, in the case of Jarrod Bostick,
4 Indictment 2015-GS-27-0345 on the charge of murder, the
5 sentence of this Court is you be committed to the
6 Department of Corrections for a period of 30 years.

7 On Indictment 2015-GS-27-0346, for the charge of
8 burglary in the first degree, the sentence of this
9 court is that you, Mr. Bostick, be committed to the
10 Department of Corrections for a period of 15 years.

11 And on Indictment 2015-0349, possession of a
12 weapon during the commission of a violent crime, you,
13 Mr. Bostick, are committed to the Department of
14 Corrections for a period of five years, and those are
15 to run consecutive to each other.

16 On Indictment, as to Mr. Jones, Junior, if you'll
17 stand, sir. Indictment No. 2015-27-0338, on the charge
18 of murder, the sentence of this Court is you be
19 committed to the Department of Corrections for a period
20 of 30 years.

21 Indictment 2015-GS-27-0336, burglary in the first
22 degree, again, the sentence of this Court is you be
23 committed to the Department of Corrections for a period
24 of 15 years.

25 And on Indictment 2015-337 for possession of a

CLOSING ARGUMENT BY MR. NEWMAN

1 weapon during the commission of a violent crime, you be
2 committed to the Department of Corrections for a period
3 of five years. And, again, those are to run
4 consecutive to each other.

5 Good luck to you, and I'm giving you credit for
6 the time you all served. Thank you.

7 MR. NEWMAN: May it please the Court, Your Honor.
8 I have one last administrative matter that does not
9 affect the trial or the sentence. I have a proposed
10 order to pass up for Your Honor.

11 THE COURT: Yes, sir.

12 MR. NEWMAN: This is the consent of my client.

13 THE COURT: Thank you. All right, sir.

14 Is there anything further required of the Court?

15 MS. JONES: No, Your Honor.

16 THE COURT: Anything more, Mr. Koger?

17 MR. KOGER: No, Your Honor.

18 THE COURT: Thank you. Good luck to everybody.

19 MR. HALL: Your Honor that concludes all the
20 matters that we have for general sessions in Jasper
21 County this week. Thank you.

22 (Whereupon, court was adjourned for the week and
23 the sentencing concluded.)

24

25

CLOSING ARGUMENT BY MR. NEWMAN

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 20th day of March, 2018.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

Circuit Reporter for the 14th Circuit

(850) 893-6662

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mmanley@sccourts.org

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844

WITNESSES

Katie McCallister--SLED

DOCKET NO. 2015GS2700333

The State of South Carolina
County of Jasper

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

December Term 2015

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Casey Kason Jones, Jr.

ARREST WARRANT NUMBER

2015A2710200196

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

TRUE BILL

NO BILL

FOREMAN

DATE

TRUG

Wes Routh

12/17/15

Foreperson of Grand Jury

Date:

Witness:

VERDICT

Guilty

de m

Foreperson of Petit Jury

Date: *10/26/17*

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT
2015GS2700333

At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Murder

That in Jasper County, South Carolina, on or about June 3, 2015, the Defendant, Casey Kason Jones, Jr., did, with malice aforethought, kill Jeremiah Wilson and Jeremiah Wilson did die as a proximate result of Casey Kason Jones, Jr. actions, to wit: by means of shooting him, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

846

WITNESSES

Katie McCallister-SLED

DOCKET NO. 2015GS2700336

The State of South Carolina

County of Jasper

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

December Term 2015

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Casey Kason Jones, Jr.

ARREST WARRANT NUMBER

2015A2710200199

Indictment For

Burglary, 1st Degree

SC Code: 16-11-311(A)(1)(a)

CDR Code: 0079

Defendant

Witness:

C.C.C. PLS. and G.S.

TRUE BILL
NO BILL
FORFEIT
DATE

TRUE

Wes R. Butler
12/17/15

Foreperson of Grand Jury

Date:

VERDICT

Guilty

all

Foreperson of Petit Jury

Date: 10/26/17

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT
2015GS0700336

(At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Burglary, 1st Degree

That in Jasper County, South Carolina, on or about June 3, 2015, the Defendant, Casey Kason Jones, Jr., did enter a dwelling without consent and with intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime was armed with a deadly weapon or explosive, to wit: the Defendant did enter the dwelling of Jeremiah Wilson without consent and while armed with a deadly weapon, all in violation of Section 16-11-311(A)(1)(a), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

848

WITNESSES

Katie McCallister--SLED

DOCKET NO. 2015GS2700337

The State of South Carolina

County of Jasper

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

December Term 2015

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2015A2710200200

THE STATE

vs.

Casey Kason Jones, Jr.

Indictment For

Possession of Weapon During Violent Crime

SC Code: 16-23-490

CDR Code: 0549

FILED
017 OCT 17 PM 1:47
CLERK OF COUNTY
JASPER COUNTY

[Handwritten signature]

TRW
West
12/17/15

Foreperson of Grand Jury

Date:

Defendant

COPY

VERDICT

Witness:

Foreperson of Petit Jury

Date:

C.C.C. PLS. and G.S.

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT
2015GS2700337

At a Court of General Sessions, convened on December 17, 2015, the Grand Jurors of Jasper County present upon their oath:

Possession of Weapon During Violent Crime

That in Jasper County, South Carolina, on or about June 3, 2015, the Defendant, Casey Kason Jones, Jr., did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: murder and Casey Kason Jones, Jr was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

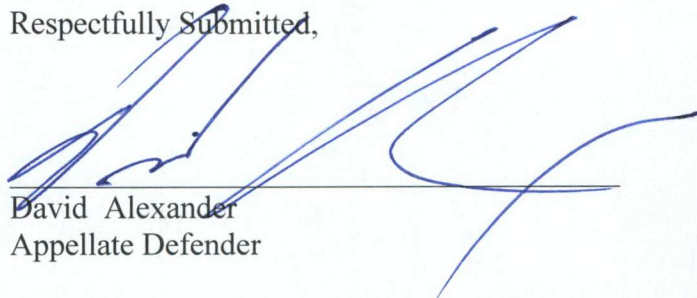


Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of February, 2019.

RECEIVED

FEB 19 2019

SC Court of Appeals