

ORIGINAL
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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

Clifton Newman, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TAWANDA ALLEN,

APPELLANT

Appellate Case No. 2010-172506

RECORD ON APPEAL

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INDEX

INDEX	i
PRE-TRIAL SUPPRESSION HEARING TRANSCRIPT	1
TESTIMONY	
PAMELA JEAN LAIL	
Direct Examination by Solicitor Kimberly Barr	8
Cross Examination by Mr. Verdell Barr	18
Redirect Examination by Solicitor Kimberly Barr	27
Recross Examination by Mr. Verdell Barr	29
MOTION TO SUPPRESS THE STATEMENT OF TAWANDA ALLEN	30
RULING OF THE COURT	36
TRIAL TRANSCRIPT DATED AUGUST 30, 2010	39
TESTIMONY	
ANNETTE DORSEY BRADSHAW	
Direct Examination by Solicitor Kimberly Barr	41
Cross Examination by Mr. Verdell Barr	69
Redirect Examination by Solicitor Kimberly Barr	76
Recross Examination by Mr. Verdell Barr	77
LELAND SCOTT HARDEE	
Direct Examination by Solicitor Kimberly Barr	79
Cross Examination by Mr. Verdell Barr	109
VICKIE HALLMAN	
Direct Examination by Solicitor Kimberly Barr	112
QUADIR AKEEM WILSON	
Direct Examination by Solicitor Kimberly Barr	117
Cross Examination by Mr. Verdell Barr	132
Redirect Examination by Solicitor Kimberly Barr	140
Recross Examination by Mr. Verdell Barr	143
STEVE LUERSEN	
Direct Examination by Solicitor Kimberly Barr	145
Cross Examination by Mr. Verdell Barr	162

JEFFREY SCOTT	
Direct Examination by Solicitor Kimberly Barr	167
Cross Examination by Mr. Verdell Barr	180
KELLY HARDING	
Direct Examination by Solicitor Kimberly Barr	182
Cross Examination by Mr. Verdell Barr	203
KATIE LYNN LADUE	
Direct Examination by Solicitor Kimberly Barr	206
SUSAN CROMER	
Direct Examination by Solicitor Kimberly Barr	213
Cross Examination by Mr. Verdell Barr	236
Redirect Examination by Solicitor Kimberly Barr	241
Recross Examination by Mr. Verdell Barr	242
ELLEN RIEMER	
Direct Examination by Solicitor Kimberly Barr	245
Cross Examination by Mr. Verdell Barr	278
HEYWARD BRADSHAW, JR.	
Direct Examination by Solicitor Kimberly Barr	279
Cross Examination by Mr. Verdell Barr	283
KATIE LYNN LADUE	
Direct Examination by Solicitor Kimberly Barr	286
Cross Examination by Mr. Verdell Barr	288
Redirect Examination by Solicitor Kimberly Barr	292
Recross Examination by Mr. Verdell Barr	293
PAMELA JEAN LAIL	
Direct Examination by Solicitor Kimberly Barr	293
Cross Examination by Mr. Verdell Barr	345
Redirect Examination by Solicitor Kimberly Barr	359
Recross Examination by Mr. Verdell Barr	367
RONALD HAKEEM MACK	
Direct Examination by Mr. Verdell Barr	373
Cross Examination by Solicitor Kimberly Barr	386
Redirect Examination by Mr. Verdell Barr	420
Recross Examination by Solicitor Kimberly Barr	420
CLOSING ARGUMENT BY MR. VERDELL BARR	422
CLOSING ARGUMENT BY SOLICITOR KIMBERLY BARR	434

CHARGE ON THE LAW.....	449
VERDICT	470
MOTION FOR A NEW TRIAL	471
SENTENCING	472
INDICTMENT	474
STATE'S EXHIBIT #1 FROM THE PRE-TRIAL SUPPRESSION HEARING (TRANSCRIPT OF TAPED CONFESSION)	477
STATE'S EXHIBIT #104 FROM TRIAL (MIRANDA WARNINGS)	529
CERTIFICATE OF COUNSEL.....	530

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #45 (TAPED CONFESSION)

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG) GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

STATE,)

TRANSCRIPT OF RECORD
09-GS-45-0180

v.)

TAWANDA ALLEN,)

DEFENDANT.)

August 23, 2010
August 26, 2010
Kingstree, South Carolina

BEFORE :

THE HONORABLE CLIFTON B. NEWMAN, JUDGE

APPEARANCES:

KIMBERLY V. BARR, ESQ.
Assistant Solicitor

VERDELL BARR, ESQ.
Attorney for Defendant

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

INDEX

	Page
Hearing of August 23	3
Hearing of August 26:	8
Pamela Jean Lail	
Direct examination	8
Cross-examination	13
Redirect examination	27
Recross-examination	30

EXHIBITS**STATE'S:**

No.	Description	I.D./EVD.
1	Statement	8/8

COURT'S:

1	Miranda form	8/8

1 (Following hearing took place on 8-23-10.)

2 MS. BARR: Judge, we've got Mr. Barr here
3 and he is representing a Tawanda Allen under
4 indictment number 2009-GS-45-180. Ms. Allen is
5 seated at the defense table. Your Honor, Ms. Allen
6 is charged with murder, possession of a weapon
7 during a violent crime, and burglary in the first
8 degree. She is one of four defendants who have
9 those charges pending. We're scheduled to try her
10 case next week. I had notified Mr. Barr that I
11 wanted to do a pretrial conference because I've got
12 some witnesses who are coming from out of state. I
13 want to make sure that everything is a go and I told
14 him tomorrow morning -- that he came here today for
15 his brother, so I asked him if we can handle that
16 matter now rather than tomorrow.

17 THE COURT: All right.

18 MS. BARR: And so I just kind of wanted to
19 make sure that any issues or any motions that we can
20 resolve or have heard today we can do that. I
21 believe the jury is coming in at ten so my plan is
22 just to start straight with the trial after we
23 select the jury on that case.

24 THE COURT: Mr. Barr.

25 MR. BARR: Your Honor, we've been noticed,

1 and I'm hoping that my office has sent the solicitor
2 the notice of alibi testimony so I think all of the
3 preliminaries are pretty much in order. We will
4 probably do standard suppression stuff, nothing out
5 of the ordinary. We will, however, ask -- I think
6 there's gonna be some pictures. We would ask to be
7 heard on the issue of limiting the pictures before
8 the actual trial is concerned. We can be -- I think
9 they've been numbered already?

10 MS. BARR: Some of them have.

11 MR. BARR: If there are others we'd just
12 like to get the others and then we can -- we'd make
13 in the motion we'd ask for numbers, specific
14 numbers, that we would like to have excluded at
15 prior to trial. At the time we're actually marking
16 I guess we can do that. But I don't think there's
17 anything, you know, out of the ordinary.

18 THE COURT: Suppression issue will
19 dispositive of the whole case?

20 MR. BARR: Probably not.

21 THE COURT: Or just have limited impact?

22 MS. BARR: It's -- it would be a major
23 impact but it wouldn't be dispositive.

24 THE COURT: Will not be dispositive, all
25 right.

1 MS. BARR: Judge, in response I would say,
2 one, I have not got a alibi notice on Ms. Allen.

3 MR. BARR: We'll make sure that gets
4 delivered today.

5 MS. BARR: Two, there are probably about
6 four hundred photographs in the case, and so I
7 certainly intend to limit the number of photographs
8 that we seek to offer into evidence. But at this
9 point in time I don't know which particular ones
10 that we'll offer in evidence. On the second issue,
11 if there are any suppression motions I certainly
12 would love to get those through this week rather
13 than next week.

14 MR. BARR: I don't know, Your Honor, how
15 long court will last this week. I have some trials
16 scheduled in other counties. I'm assuming that we
17 can, the Solicitor's Office and I, can work out a
18 mutual time depending on what your schedule or what
19 the Court schedule is, did not necessarily want to
20 do it on Friday. And I'd like to be able to have
21 some time to review the photographs before we ---

22 THE COURT: All right. Well, anything
23 else?

24 MS. BARR: Well, and Mr. Barr, you just
25 tell me when you would like the pictures to be -- in

1 our discovery responses I indicated there are
2 photographs available for inspection so you just let
3 me know.

4 MR. BARR: Are they on CD?

5 MS. BARR: Some of them are. Most of them
6 have already been printed.

7 MR. BARR: Okay. Well, I guess we can do
8 that tomorrow in terms of the discussion of that.

9 MS. BARR: Judge, did you have -- and I
10 guess it depends on what happens obviously this
11 week, but do you have a preference on when you want
12 the pretrial motions heard?

13 THE COURT: I'll be here every day this
14 week. I'm available entirely.

15 MS. BARR: Yes, sir.

16 MR. BARR: All right. Well, we'll get
17 together on that, Judge, if that's okay with you.

18 MS. BARR: So other than the motion to
19 suppress I'm assuming that's the -- it's just her
20 statement?

21 MR. BARR: Just her statement.

22 THE COURT: And any other motion?

23 MR. BARR: And we would ask, you know, ask
24 the Judge about the photographs because it appears
25 they're going to be redundant again.

1 MS. BARR: So the alibi notice you said
2 I'll get that today.

3 MR. BARR: Right.

4 THE COURT: All right. And this defendant
5 is one of four did you say?

6 MS. BARR: Yes.

7 THE COURT: And how many -- how many are
8 supposed to be called for trial?

9 MS. BARR: Mr. Carraway has indicated to
10 me that one of the defendants will enter a guilty
11 plea in the morning so my plan was to have that
12 individual plead guilty first thing in the morning
13 at 9:30 or 10:00.

14 THE COURT: All right. That leaves three.

15 MS. BARR: Yes, sir.

16 THE COURT: Three others for trial?

17 MS. BARR: Yes, sir. All of them have
18 different lawyers. My plan was to do Mrs. Allen
19 next week; the third co-defendant, the first week of
20 the next term; and the second co-defendant the
21 second week of the text term.

22 THE COURT: Separate trials?

23 MS. BARR: Yes, sir. We've got Brewton
24 issues so, yes, sir.

25 THE COURT: Okay, very good.

1 (Hearing on 8-26-10.)

2 (WHEREUPON, State Exhibit No. 1 and Court
3 Exhibit 1 were marked for identification and
4 received into evidence.)

5 MS. BARR: Your Honor, we call
6 Investigator Pamela Jean Lail.

7 THE COURT: All right.

8 WHEREUPON,

9 PAMELA JEAN LAIL,
10 having been duly sworn by the Clerk of Court,
11 testified as follows:

12 **D I R E C T E X A M I N A T I O N**

13 BY MS. BARR:

14 Q Let me get you to state your full name for me.

15 A Pamela Jean Lail.

16 Q And Ms Lail, tell the Court where you're
17 employed.

18 A Williamsburg County Sheriff's Office.

19 Q And you are an investigator there?

20 A That's correct.

21 Q And how long have you been in law enforcement?

22 A All together approximately 17 years certified.

23 Q All right. Now, ma'am, you were one of the
24 investigators assigned to a murder case involving
25 the victim Kenyon Dorsey?

1 A That's correct.

2 Q All right.

3 A Kenyon Dorsey.

4 Q Yes. All right. Now back on May 28th of 2009,

5 did you have occasion to conduct an interrogation of

6 the defendant Tawanda Allen, Allen or Mack Allen?

7 A Yes, ma'am.

8 Q All right. And tell me at the time you conducted

9 this interrogation was she in custody?

10 A Yes, ma'am.

11 Q How did y'all get custody of her?

12 A She was actually arrested in Anna Arundel County,

13 Maryland, and she signed extradition and she was

14 transported back to Williamsburg County.

15 Q All right. Now at the time you were having

16 interrogation with her was she at the Williamsburg

17 County Detention Center or did you have

18 interrogation conducted at the office?

19 A It was at the Sheriff's Department.

20 Q Okay. Approximately what time was it that you

21 had the interrogation with her?

22 A I would have to look at my Miranda sheet.

23 Q All right. I'm going to hand you what's been

24 marked as State's Exhibit Number 1 and ask you if

25 you recognize that.

1 A Yes, ma'am.

2 Q All right. Tell us how is it that you recognize
3 it.

4 A This is our standard Miranda warning that we use
5 at the Sheriff's Department.

6 Q And what's been marked as State's Exhibit 1, is
7 that the Miranda form that would have been issued to
8 and signed by this defendant Tawanda Allen?

9 A That's correct.

10 Q And what's the date on that form?

11 A 5/28 of '09.

12 Q And what time did the interrogation begin?

13 A 10:38, or it could be 28. I'm almost positive
14 it's 10:38 a.m.

15 Q Okay. Let me hand you what's been marked as
16 Court Exhibit Number 1 and ask you if you recognize
17 that particular document.

18 A Yes, ma'am.

19 Q All right. And how is it that you recognize it?

20 A Once an individual is mirandized and they submit
21 a taped statement, it's then transcribed and it's
22 returned to the Sheriff's Department in the form of
23 this package. The different pages and each line is
24 numbered.

25 Q All right. Is that a transcript of the taped

1 statement given by Ms. Allen on May 28th of 2009?

2 A Yes, ma'am.

3 Q All right. Now at the time she was at the
4 Sheriff's Office what had she been placed under
5 arrest for?

6 A She was arrested and served with warrants of --
7 or her charges were assault, correction, accessory
8 before and after the fact of murder, accessory
9 before and after the fact of burglary first, and
10 accessory before and after the fact of armed
11 robbery.

12 Q So she had six warrants served on her while she
13 was in Maryland?

14 A Yes, ma'am.

15 Q Now you indicated that Ms. Allen was in the
16 Sheriff's Office. Who was in the room with her
17 during the course of the interrogation?

18 A There were three in the room. It would be myself
19 and Lieutenant Collins and Ms. Allen.

20 Q Okay. So a total of three individuals total?

21 A That's correct.

22 Q All right. Now during the time that you began
23 your interrogation did Ms. Allen appear to be under
24 the influence of alcohol or drugs?

25 A No, ma'am.

1 Q Did she appear to be suffering from any physical
2 or mental ailments or conditions?

3 A No, ma'am.

4 Q Did she appear to understand what you were
5 saying?

6 A Yes, ma'am.

7 Q Could she read and write?

8 A Yes, ma'am.

9 Q How do you know she could read and write?

10 A And I would, again, have to refer to my
11 transcribed statement.

12 Q Okay.

13 A The five parts of the Miranda were read to her as
14 protocol and of advising of the rights. And she
15 answered number six by stating, yes, that she did
16 understand her rights as they were read to her. She
17 also initialed her answer. And number seven, having
18 these rights in mind do you wish to talk to us now,
19 which she acknowledged verbally yes and in writing
20 yes, and initialed that also.

21 Q Okay.

22 A And that's also noted in the transcription as
23 well.

24 Q All right. So you read to her, one, you have the
25 right to remain silent?

1 A Uh-huh.

2 Q Is that right?

3 A Yes, ma'am. And also, on Page 3 of the
4 transcription it says under the last paragraph which
5 I refer to Exhibit 1 under waiver of rights, I asked
6 her to please read that out loud, which she did as
7 well.

8 Q All right. Let me have the court examine those
9 documents while I ask you some questions.

10 A Okay.

11 MS. BARR: I'm gonna hand the Court
12 Court's Exhibit 1 and State's Exhibit 1.

13 BY MS. BARR:

14 Q All right. Now Investigator Lail, the Miranda
15 waiver form that you have, that you had Ms. Allen to
16 sign, it contains her name?

17 A That's correct.

18 Q Her birth date and her social security number; is
19 that right?

20 A That's correct.

21 Q Her race and her sex?

22 A That's correct.

23 Q All right. And it indicates that according to
24 your testimony you told her, or you read to her,
25 one, you have the right to remain silent?

1 A That's correct.

2 Q Did you also read to her anything you can --
3 anything you say can and will be used against you in
4 a court of law?

5 A That's correct.

6 Q Did you also read to her you have the right to
7 talk to a lawyer and have him present with you while
8 you're being questioned, if you cannot afford to
9 hire a lawyer one will be appointed to represent you
10 before any other questioning if you wish?

11 A That's correct.

12 Q Did you also read to her, you can decide at any
13 time to exercise these rights and not answer any
14 questions or make any statements?

15 A That's correct.

16 Q And did you also read aloud to her, do you
17 understand each of these rights I have explained to
18 you?

19 A That's correct.

20 Q And did she respond to that question?

21 A She responded by saying, yes, ma'am.

22 Q Okay. Did she also make a written notation of
23 her response?

24 A Yes, ma'am, she did.

25 Q And that would be on the Miranda waiver form?

1 A On number six.

2 Q All right. She said yes and then placed her
3 initials on that line?

4 A Yes, ma'am.

5 Q And you also read aloud to her, having these
6 rights in mind do you wish to talk to us now?

7 A That's correct.

8 Q And did she respond to that particular question?

9 A Verbally and in writing.

10 Q All right. So she wrote out the letter yes, and
11 she signed her initials?

12 A That's correct.

13 Q All right. Now there is a portion of the Miranda
14 warning form that also talks about the waiver of
15 rights; is that correct?

16 A That's correct.

17 Q Now that particular paragraph, who would have
18 read that? You would have read that or she would
19 have read that?

20 A Oftentimes I will read it if the person is having
21 problems reading it; however, she did not have any
22 problems and I asked her if she would read out
23 aloud, which she did.

24 Q Did she read it correctly?

25 A She did.

1 Q She didn't have any questions or concerns about
2 her ability to read?

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

4 Q Did you have any questions or concerns about her
5 ability to understand what you were saying to her?

6 A No, ma'am.

7 Q The questions that you asked to her, did she give
8 appropriate responses?

9 A Yes, ma'am.

10 Q Now at any point in time prior to the statement,
11 at any point in time during the statement itself did
12 you threaten her in any way?

13 A No, ma'am.

14 Q Did you mistreat her?

15 A No, ma'am.

16 Q Did you withhold medical care to her?

17 A No.

18 Q Did she seem to require medical care?

19 A No, ma'am.

20 Q Did you withhold food, bathroom breaks, anything
21 along those lines?

22 A No, ma'am.

23 Q How long did the interrogation last?

24 A Approximately an hour.

25 Q Did Ms. Allen at any point during the statement

1 ever say, stop, I don't want to continue anymore, I
2 want to talk to a lawyer?

3 A No, ma'am.

4 Q Did she ever at any point stop the statement,
5 period, and say she just didn't want to talk to you
6 anymore?

7 A No, ma'am.

8 Q Did you promise to do anything for her in
9 exchange for her giving the statement?

10 A No, ma'am.

11 Q Did you threaten to hurt her in any way if she
12 did not give a statement?

13 A No, ma'am.

14 Q Did she understand that she was being questioned
15 in connection with the murder of Kenyon Dorsey?

16 A Yes, ma'am.

17 Q Did she ever request an attorney?

18 A No, ma'am.

19 Q Do you know whether or not she was employed?

20 A I want to say that she was employed, but I'm not
21 sure exactly where. I want to say Dairy Queen. It
22 was an ice cream shop.

23 Q Ice cream shop in Maryland?

24 A I'm not positive about the name of it.

25 Q Do you know whether or not she had finished high

1 school?

2 A I cannot recall that.

3 Q After she was Mirandized and gave her statement
4 did she ultimately confess to driving her boyfriend
5 from Maryland and being the driver so to speak for
6 this murder?

7 A Yes, ma'am.

8 Q And did she implicate herself along with her son
9 Ronald Mack, her boyfriend Kelvin Bowen, and a
10 Mr. Antonio McClary?

11 A That is correct.

12 DEFENSE ATTORNEY: Judge, that's all the
13 questions that I have.

14 THE COURT: Mr. Barr.

15 **C R O S S - E X A M I N A T I O N**

16 BY MR. BARR:

17 Q Officer Lail, the document that was offered as
18 State's Number 1, I believe it's referred to as a
19 waiver, you went through that document with
20 Ms. Allen personally?

21 A Yes, sir.

22 Q Okay. Now there are also others present at the
23 time; is that correct?

24 A Lieutenant Collins.

25 Q Was officer or Investigator Whack also there?

1 A I don't recall that. Hold on one moment and let
2 me look at the transcription. I remember myself and
3 Lieutenant Collins. According to my transcribed
4 statement it says present during this interview
5 myself, Investigator Lail, Investigator Whack, and
6 Lieutenant Collins so I stand to be corrected.
7 Investigator Whack was also present.

8 Q And I believe you testified that this
9 investigation or this statement was taken in the
10 Sheriff's Department?

11 A That's correct.

12 Q And that's in the rear of the Sheriff's
13 Department?

14 A Actually, we were seated in Lieutenant Collins'
15 office which was a little more secluded than in the
16 back investigation office.

17 Q Okay. Now you said that you believed that
18 Ms. Allen fully appreciated her rights both as
19 relates to not having to give a statement and the
20 fact that the statement could be used against her?

21 A Yes, sir.

22 Q Okay. Now this statement was given, I believe
23 you testified, on May 28th of 2010; is that correct?

24 A 2009.

25 Q 2009, I'm sorry. Okay. Now, and the solicitor

1 asked you I believe what charges Ms. Allen were
2 facing at that time. At that time none of those
3 charges included murder, is that correct, as to what
4 she'd already been charged with?

5 A No, sir. Our initial charges were accessory
6 before and after murder, accessory before, accessory
7 after burglary first, and accessory before and
8 accessory after armed robbery.

9 Q Okay. Now subsequent to that you charged her
10 with murder, burglary, conspiracy, and possession of
11 a weapon during a violent crime; is that correct?

12 A No, sir, the Sheriff's Department -- there were
13 six charges with Ms. Allen and that was the
14 accessory. And once the package is sent to the
15 Solicitor's office then we have no control over the
16 charges after that point.

17 Q But now you're aware of the upgrade on the
18 charges?

19 A I am now, yes, sir.

20 Q Now let me ask you this, if you would, I believe
21 you were handed a document, the actual statement I
22 believe that was given?

23 A Yes, sir.

24 Q Okay. Now if you would, would you refer to
25 Page 23, line 12. And I believe these questions

1 were being at that time asked -- pardon me, that's
2 page 24. I stand corrected. I believe the
3 questions were being asked at that time by
4 Investigator Collins, if I'm correct there. Okay,
5 now would it be fair to say that you were
6 approximately halfway through the statement at that
7 point? You were on Page 23, and it's a 52 page
8 statement; is that correct?

9 A Yes, sir.

10 Q Okay.

11 A It's 53, yes, sir.

12 Q All right. Now at that point does Ms.
13 -- Detective Collins say to Ms. Allen that she's not
14 being straight with her?

15 A Starting with line number 5, yes, sir.

16 Q Okay.

17 A She told her that she needed to come straight.

18 Q Okay. Does she also tell her that you could also
19 charge her with murder and that she was not at that
20 point being charged with murder?

21 A That's correct.

22 Q Okay. Now did -- was it your impression up to
23 that point also that Ms. Allen had not been straight
24 with you?

25 A Absolutely.

1 Q Okay. Now, so it would be in the portion of her
2 statement after that that she would offer
3 incriminating testimony?

4 A Well, it's according to on what part. There were
5 portions of the first part of this statement.

6 Q Okay.

7 A Which ---

8 Q During the portions of the first part of the
9 statement did Ms. Allen categorically deny that she
10 was even present in South Carolina on April 5th?

11 A I don't remember her exact wording although there
12 were several details that she elaborated on that we
13 knew depend from her.

14 Q But now you posed the question directly to her
15 and I believe Investigator Whack posed the question
16 to her, were you in South Carolina on April 5th and
17 the answer was no; is that correct?

18 A If I recall correctly, yes, sir, that's correct.

19 Q Okay. Now up until that time in the statement
20 your characteristics or the investigator's
21 characterization of what has been done at that point
22 is that she'd just been roaming and rambling on; is
23 that correct?

24 A Basically, yes, sir.

25 Q Okay. So at that point you tell her that if

1 she's not straight with you you're gonna charge her
2 with murder?

3 A No, sir.

4 Q Okay. Well, then Officer Collins tells her there
5 is the possibility that we're gonna charge you with
6 murder?

7 A It wasn't directed in that context, no, sir.

8 Q How then would you say it was, it was done?

9 A Because prior to that line, number ten, it
10 says -- and I go back up to when questions were
11 begun by Lieutenant Collins. It says, Lieutenant
12 Collins said, as a matter of fact I'm telling you I
13 was riding with y'all, you need to come straight.
14 And Ms. Allen answered, I'm coming straight.

15 Q Okay.

16 A Then she said these are serious charges. Allen
17 said yes. And that's when Lieutenant Collins said
18 you understand, you could be charged with -- you can
19 be charged with murder.

20 Q Okay.

21 A And she said, yes, ma'am, I understand.

22 Q Now but it would be your testimony here today
23 that all of the statements given by Ms. Allen
24 leading up to line 20, I mean page 24 which is about
25 half the statement, y'all considered her just

1 rambling on and not offering any truthful
2 information?

3 A Not any valuable information.

4 Q Any truthful information?

5 A Some of it was truthful.

6 Q Okay. Now let me ask you, at that point that you
7 said if you're not straight with us we can charge
8 you with murder, did you read her her Miranda
9 warnings again?

10 A It wasn't -- it wasn't said to her in that
11 context.

12 Q Okay. Now at that point did you tell her again
13 that she was entitled to having an attorney present?

14 A There was no point.

15 Q Okay. Did you in any way review her rights not
16 to speak any further at that point?

17 A And she did not exercise her rights.

18 Q Okay. Now if you would, would you look at
19 Page 25 Line 5. And I believe this is Lieutenant
20 Collins again questioning Ms. Allen. What is the
21 reference there?

22 A Okay. That is where she again was referring to
23 Ms. Allen. And I'll start with line 2. You just
24 need to be straight because you have been -- you
25 have been seen here, meaning she had relayed that we

1 had witnesses that Ms. Allen had been in the area
2 and saw Ronald Antonio got in the car with you the
3 witness had said seen this. Don't let us have to
4 change your charge to murder so you need to tell us
5 exactly what happened. I've been sitting here
6 listening to you roam on about what happened. All
7 that is good but you're here so let's start on the
8 4th which is Saturday, that Kenyon got killed that
9 night.

10 Q Okay. Now after she says don't let us have to
11 charge you with murder, was she given her Miranda
12 rights again?

13 A There was no need to. She was not being charged
14 additionally.

15 Q Was she advised at that time that she was
16 entitled to having an attorney present?

17 A No, sir, she had already been advised of that.

18 Q Was she advised again that she did not have to
19 offer any evidence that would incriminate her at
20 that point?

21 A No, sir, that was done initially, all of the
22 above.

23 Q And after that point is when what the solicitor
24 described as a confession, that information was
25 given?

1 A That's correct. She, as a matter of fact, after
2 she knew that we had witnesses to the fact that's
3 when she mainly told the truth to.

4 Q But she didn't say that, did she? That I know
5 that you have witnesses present so now I'm gonna
6 give you a different version?

7 A No, that was not said.

8 Q I mean, that's your impression, not hers?

9 A That was not said.

10 Q Okay. At any point even during the remainder of
11 the statement does Ms. Allen say that she was here
12 in South Carolina on the 5th of April or is that
13 date actually suggested by you?

14 A It wasn't suggested by me. We asked her --
15 again, I refer back to the same page, Page 25.
16 Lieutenant Collins said, let's go back to the 4th,
17 4th of April which, you know, the interview
18 continued from the 4th.

19 Q But now, and that same page and that same
20 questioning you asked her was she here on Saturday
21 which is the 4th; is that correct? Or did she leave
22 on Saturday and she says she left on Friday; is that
23 correct?

24 A She says that Ronald, being her son, called her
25 that day. He asked me, had I already left out. He

1 said, if y'all already left mom. I said, no, I
2 haven't left the time supposed to leave I didn't
3 leave. Initially when he called you that Saturday
4 morning and asked you whether y'all had left, and
5 she corrected us and said he called me that Friday.
6 And then she said, because we were supposed to leave
7 that Friday after I got off work.

8 Q Okay. Now prior to May 28th did you, or
9 subsequent to May 28 did you have information as
10 part of your investigation concerning this incident
11 that you didn't have prior to that day?

12 A Details pertaining to it?

13 Q Yes.

14 A No, sir.

15 Q Okay, all right. Thank you so much.

16 MR. BARR: No further questions, just have
17 a motion.

18 THE COURT: Any redirect, Ms. Barr?

19 MS. BARR: Yes, please.

20 **R E D I R E C T E X A M I N A T I O N**

21 BY MS. BARR:

22 Q Investigator Lail, when the statement was taken
23 from Ms. Allen had you already taken a statement
24 from Ronald Mack?

25 A I would have to look at my Miranda sheets I

1 think.

2 Q Can I just bring everything up to you?

3 A Yes, ma'am. Ms. Allen was Mirandized at
4 10:38 a.m. and Ronald Hakeem Mack was Mirandized at
5 2:09 p.m., the same date, 5/28/09.

6 Q What about Antonio McClary?

7 A He was interviewed prior to the 28th.

8 Q May 13th of -- I'm sorry, May 13th, 2009, would
9 that be the date that he was interviewed?

10 A Yes, ma'am.

11 Q And the basis of his statement was for -- the
12 substance of his statement was the basis of your
13 arrest warrants for Ms. Allen and for Mr. Ronald
14 Mack?

15 A That's correct.

16 Q All right. Now the arrest warrants on Ms. Allen
17 had already been served while she was in the State
18 of Maryland; is that correct?

19 A If I'm not mistaken, yes, ma'am.

20 Q At any point prior to the indictment did you all
21 ever change the charges on her from being accessory
22 to murder, armed robbery and/or burglary to being a
23 principal offender?

24 A No, ma'am.

25 Q Okay. Y'all ever intend to do that?

1 A No, ma'am.

2 Q Now was it your decision to have her indicted for
3 the principal offense of murder and principal
4 offense of burglary?

5 A No.

6 Q Or was that a solicitor's decision?

7 A No, ma'am, we're not in charge of that.

8 Q Would it have been unusual for the solicitor's
9 office to have an individual indicted for a charge
10 that you didn't have them arrested for?

11 A No, ma'am, it's not unusual. That's completely
12 left up to the solicitor's office.

13 Q And did you know that the accessory offenses,
14 accessory before the fact, carry the same amount of
15 time as the principal offense? Would it surprise
16 you to know that?

17 A No, ma'am, I pretty much knew that but that was
18 not our charge.

19 Q Okay. All right, that's all the questions that I
20 have.

21 MR. BARR: Just one last question.

22 **R E C R O S S - E X A M I N A T I O N**

23 BY MR. BARR:

24 Q Did anyone there discuss sentencing and potential
25 sentencing with Ms. Allen?

1 A No, sir.

2 Q All right. Thank you.

3 MR. BARR: No further questions, Your
4 Honor, just a motion.

5 THE COURT: All right. You may step down,
6 Ms. Lail.

7 Do you have any additional witnesses that
8 ---

9 MS. BARR: No, sir, Judge.

10 THE COURT: All right. Okay, Mr. Barr.

11 MR. BARR: Your Honor, if it please the
12 Court, it would be the Defense position that we
13 would ask the Court to suppress the May 28th
14 statement of Ms. Tawanda Allen. It would be based
15 on Jackson Denno, and it would be our position that
16 clearly Ms. Allen was threatened at least twice in
17 the taking of this statement. And after being
18 threatened and after being told that she would be
19 placed in a greater position of jeopardy if she was
20 not straight with the investigators and of course
21 the statement took a different turn at that point.
22 Ms. Allen then made statements that to a very large
23 degree incriminating her, and we don't feel as if
24 those statements were necessarily given on a
25 voluntary basis but that they were coerced by the

1 investigators. And it's clear that at that point
2 what the police officers saw as charges that could
3 be substantiated were the accessory charges, and
4 they got no additional information that they didn't
5 already have. And she, even though the time, the
6 potential sentencing may be the same, the charges
7 are distinctly different. The conduct is distinctly
8 different. And for those reasons we would ask, Your
9 Honor, that the statement given by Ms. Tawanda Mack
10 Allen not -- on May 28, 2009 -- not be allowed to be
11 a part of this trial.

12 MS. BARR: Judge, we would respectfully
13 take exception to counsel's assertion that the
14 defendant gave incriminating statements after being
15 threatened with charges that would place her in
16 greater jeopardy. Your Honor, clearly the law
17 provides exception 16-1-40 that a person charged
18 with accessory before the fact shall be punished the
19 same way as the principal felon. And so the fact
20 that she was charged with accessory before the fact
21 for a burglary, a armed robbery, and a murder that
22 she later was indicted for the principal offenses of
23 murder and burglary, has placed her in no greater
24 jeopardy. Now we're not required -- the police
25 officers are not required to tell a defendant what

1 the possible penalties are. They're not required to
2 tell them what the specific law means and what the
3 offenses carry. Judge, she clearly was an
4 intelligent woman. She could read or write. She
5 wasn't harmed in any way. She wasn't threatened in
6 any way. She was advised of the rights that the law
7 requires that she be advised of. She knowingly and
8 intelligently waived the rights, and we would submit
9 that the statement was given in a voluntary manner
10 and should be allowed admitted to evidence at the
11 trial of the case.

12 THE COURT: All right. Mr. Barr, any
13 response?

14 MR. BARR: Your Honor, just one, and it's
15 clear that they're not required to say what the
16 range of sentencing is to a person being examined or
17 a person giving a statement; but the essence and
18 heart of Jackson Denno as well as Miranda is the
19 impression of the person, of the defendant, whether
20 or not the defendant feels that they're giving
21 information voluntarily and intelligently knowing
22 what the parameters are. And it's our position that
23 once the investigators start to threaten the
24 defendant the defendant is not then sure what might
25 happen, and then the defendant is entitled to be

1 advised as to what might happen at that point. She
2 would be entitled to be told again if this now is a
3 situation that you don't fully understand or you
4 don't fully appreciate, then you're entitled to have
5 a lawyer and even if you can't afford the State has
6 to give you one. And I think that's the situation
7 that was created here at least twice.

8 THE COURT: Well, you're saying -- your
9 contention is that she was threatened while giving
10 the statement?

11 DEFENSE ATTORNEY: Yes, sir.

12 THE COURT: And the threshold I'm supposed
13 to evaluate as to whether or not it was a free and
14 voluntarily statement.

15 MR. BARR: Yes, sir.

16 THE COURT: Does that apply to the
17 colloquy, the entire colloquy during the entire
18 period of time, or after they go through Miranda and
19 she signs and she agrees to give a free and
20 voluntary statement, then is it a free and voluntary
21 statement. Or must the Court then not only examine
22 whether or not the statement is free and voluntarily
23 but also track every question and answer and make
24 sure every question and answer is freely and
25 voluntarily?

1 MR. BARR: Well, it would certainly be our
2 position, Your Honor, that we would ask the Court to
3 look at the totality of the statement but would
4 certainly ask that you consider redacting everything
5 subsequent to Page 4 and 25 as not being voluntarily
6 given, as being given under threat and duress.

7 THE COURT: All right. Ms. Barr.

8 MS. BARR: Judge, I think the Court's
9 questions to Mr. Barr are important because if there
10 were threats -- and we certainly maintain that there
11 were not. But if there were threats, in order for
12 the statement in its entirety to be excluded or any
13 relevant portions of the statement to be excluded,
14 you'd have to show that the threats, if there were
15 any, were made at the time that the statement was
16 given to begin with. In other words, if the police
17 had come and said, listen, we got a statement from
18 this person Antonio McClary saying that you drove
19 these individuals to kill Kenyon Dorsey and right
20 now the only thing we have you charged with is
21 accessory before the fact and you don't talk to us
22 right now and give us a statement right now and tell
23 us what we want to here right now, then we're going
24 to lock you up and throw away the key, you're not
25 going anywhere and we're going to go after the death

1 penalty and we're gonna hit you with everything
2 we've got. Then I think clearly it's a problem,
3 it's a big problem. But I think the Court's
4 questions are correct. We have to determine whether
5 or not at the giving of the statement, the time the
6 statement was made, and when I say the statement I
7 mean the beginning of the statement to them. If she
8 was properly advised of her Miranda warnings, if she
9 waived her Miranda rights, if she was not threatened
10 or coerced in any way, then if the Court is
11 satisfied she understood what she was doing and she
12 gave a knowing and voluntary voluntarily statement
13 that we would submit that anything that is made
14 after she was properly advised of her rights and she
15 waived them is admissible.

16 MR. BARR: Your Honor, just one last
17 statement and I'll sit down. Certainly it can't be
18 the case that if at the beginning of the statement
19 you ask a person to waive their rights and that the
20 question is whether or not you're giving this
21 statement free and voluntarily and then there's
22 180-degree change in that same statement, whether or
23 not the defendant is then bound based on the waiver
24 given at the beginning of the statement that that
25 just opens the door to say you can just do whatever

1 you want after that with regarding to take the
2 statement. I don't think that's the case.

3 THE COURT: Well, the examination of the
4 witness in this case sort of took on a new twist as
5 far as a Jackson v. Denno inquiry because the
6 questioning on cross-examination did not center on
7 the voluntariness of the statement itself but on the
8 contents of the statement and whether or not the
9 answers were influenced by the firmness of the
10 interrogation or the interrogation technique. And
11 generally, when a Court looks to whether or not a
12 statement is freely and voluntarily given the Court
13 is not interested in the contents of the statement.
14 The Court is interested in whether or not a
15 statement was made and whether or not the statement
16 was itself was freely and voluntarily and without
17 hearing whatever was said was part of the statement.
18 Because once a statement is freely and voluntarily
19 given, what is said is beyond know the scope of the
20 inquiry as to whether the statement is free and
21 voluntarily. So the Court doesn't then go on and
22 examine the statement itself to test whether each
23 response was free and voluntary and making an
24 assessment that at some point in time it no longer
25 became free and voluntary, but generally just

1 whether the statement itself after being properly
2 advised whether the rights were waived and the
3 statement freely and voluntarily given. I find that
4 the State has established by a preponderance of the
5 evidence that the statements made by the defendant
6 in this case were free and voluntary statements
7 after the constitutional rights as outlined in
8 Miranda versus Arizona and all other subsequent
9 cases were given.

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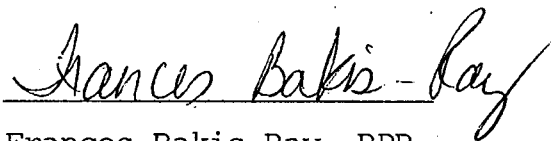
C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 12th day of March, 2012.



Frances Bakis-Ray, RPR

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG) GENERAL SESSIONS COURT
STATE OF SOUTH CAROLINA)
STATE,)
v.)
TAWANDA MACK ALLEN,)
DEFENDANT.)

Transcript of Record
09-GS-45-00180
August 30, 2010
Kingstree, South Carolina

BEFORE:

THE HONORABLE CLIFTON NEWMAN, JUDGE;
AND JURY

APPEARANCES:

KIMBERLY V. BARR, ESQ.
DOWARD HARVIN, ESQ.
Assistant Solicitors

VERDELL BARR, ESQ.
Attorney for defendant

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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

3 ASSISTANT SOLICITOR BARR: Thank you, Your
4 Honor. May it please the Court. Judge, at this time the
5 State calls indictment number 2009-GS-45-180. It's the
6 State versus Tawanda Mack Allen. Ms. Allen was indicted
7 by Williamsburg County grand jury on July the 2nd, 2009,
8 and she's charged with the offense of murder, burglary in
9 the first degree, and criminal conspiracy. She's here
10 with her lawyer, Mr. Verdell Barr, and the State is ready
11 for trial.

12 THE COURT: Ladies and gentlemen, the State has
13 called to trial the case of the State versus Tawanda Mack
14 Allen. This case comes into court as a result of an
15 indictment returned by the grand jury of Williamsburg
16 County charging Ms. Allen with the offense of murder,
17 burglary first degree, criminal conspiracy and
18 possession -- criminal conspiracy. Murder, burglary first
19 degree, and criminal conspiracy. She's pled not guilty to
20 these charges. She's presumed to be not guilty of these
21 charges. She cannot be found guilty of these charges
22 unless the State presents evidence which convinces a jury
23 of her guilt beyond a reasonable doubt, and that is the
24 purpose of a trial to determine whether the State can meet
25 that burden of proof.

SW - A. BRADSHAW - DIRECT

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ASSISTANT SOLICITOR BARR: We call Annette
Bradshaw to the stand.

CLERK OF COURT: Place your left hand on the
Bible, raise your right hand.

WHEREUPON,

ANNETTE DORSEY BRADSHAW,
having been duly sworn by the Clerk of Court, testified as
follows:

CLERK OF COURT: Have a seat here please.

DIRECT EXAMINATION

BY ASSISTANT SOLICITOR BARR:

Q Ms. Dorsey, let me get you to state your -- I'm sorry
Ms. Bradshaw, let me get you to state your full name for
me.

A Annette Dorsey Bradshaw.

Q All right. And Ms. Bradshaw, where do you live?

A [REDACTED] in Kingstree.

Q And how long have you lived at that address?

A Practically all my years.

Q Okay. Almost all your life?

A Yeah, all my life.

Q Now I don't usually ask a woman this, but how old are
you?

A 45.

SW - A. BRADSHAW - DIRECT

1 Q Okay. And before April 5th of 2009 how many children
2 did you have?

3 A Before ---

4 Q Before April the 5th? Before Kenyon was killed. How
5 many children did you have?

6 A Three.

7 Q And their names and their ages for me.

8 A Teresa Dorsey.

9 Q How old is she?

10 A 25.

11 Q Okay.

12 A Tiesha Dorsey, 22.

13 Q Okay.

14 A And Kenyon Dorsey, he deceased. He would have been 19
15 today.

16 Q He would have been 19 today?

17 A Yes.

18 Q He was 17 years old at the time this happened?

19 A Oh, yes. Eighteen-and-a-half.

20 Q Now during the first part of April of 2009 was Kenyon
21 enrolled in school anywhere?

22 A Yes.

23 Q Where?

24 A Hemingway High School.

25 Q Hemingway High School?

SW - A. BRADSHAW - DIRECT

- 1 A Yes.
- 2 Q And what grade was he in?
- 3 A Eleventh.
- 4 Q Okay. Now do you work?
- 5 A Yes.
- 6 Q Where do you work?
- 7 A At Nanya Plastic in Lake City.
- 8 Q Now you indicated that you lived on Jaybird Avenue.
- 9 How long had you lived there?
- 10 A Well, just about all my life.
- 11 Q At that particular address?
- 12 A At that address, yes.
- 13 Q And that's located Williamsburg County?
- 14 A Yes.
- 15 Q Okay. Now during the time that Kenyon was murdered how
- 16 many people were living in your home with you?
- 17 A Just me and Kenyon.
- 18 Q Just him and you?
- 19 A Yes.
- 20 Q Now do you know a fellow by the name of Ronald Mack?
- 21 A Yes.
- 22 Q How is it that you know him?
- 23 A Through my son.
- 24 Q Okay. Through Kenyon?
- 25 A Yes.

SW - A. BRADSHAW - DIRECT

- 1 Q What was the relation? How did Kenyon know Ronald?
2 Were they friends?
- 3 A Yes, they was friends.
- 4 Q All right. Now did Ronald Mack ever spend any time in
5 your home?
- 6 A Yes.
- 7 Q All right. Tell us about that.
- 8 A He spent one night there with Kenyon.
- 9 Q Okay. Tell us about how you became aware that Ronald
10 Mack had spent the night in your home with Kenyon.
- 11 A It was one Saturday morning when I came home from work.
- 12 Q When you say you came home from work ---
- 13 A Yes.
- 14 Q ---what hours did you normally work?
- 15 A Pardon me?
- 16 Q You said when you came home from work that morning,
17 what hours did you normally work?
- 18 A I work from eight -- from 8 that morning to 8 that
19 night.
- 20 Q 8 that morning to 8 that night?
- 21 A Yes.
- 22 Q So you worked day shift?
- 23 A I work day shift and night shift.
- 24 Q And so your night hour would be 8 p.m. to 8 a.m?
- 25 A Yes.

SW - A. BRADSHAW - DIRECT

1 Q All right. So you came home one morning and what
2 happened as relates to Mr. Mack?

3 A I saw a guy laying in the bedroom.

4 Q Okay.

5 A And then I already saw Kenyon been in one bedroom. So
6 I went and waked Kenyon up and asked him who that was in
7 that room. He told me it was his friend Ronald Mack.

8 Q He told you -- Kenyon told you it was his friend Ronald
9 Mack?

10 A Yes.

11 Q Now did you know prior to you coming home that Ronald
12 Mack was spending the night in your house?

13 A No.

14 Q What did you say to Kenyon after finding out that
15 Ronald Mack had spent the night at your house?

16 A I got on him about letting people stay at the house
17 when I'm not there.

18 Q That's something you disapproved of?

19 A Yes.

20 Q How long did he stay in the house once you arrived
21 home?

22 A He stayed there that whole day.

23 Q What time do you think it was that you got home from
24 work that morning?

25 A About 8:35.

SW - A. BRADSHAW - DIRECT

- 1 Q Okay. Now what is the relationship between Ronald Mack
2 and Tawanda Mack Allen? How are they related?
- 3 A That's his mother.
- 4 Q That's his mother. Have you ever met her?
- 5 A No.
- 6 Q Okay. The only time you've seen her is in connection
7 with this case?
- 8 A Yes.
- 9 Q Did -- was Ronald Mack aware of your work schedule?
- 10 A Yes.
- 11 Q He knew sometimes you worked at night?
- 12 A Yes, he knows.
- 13 Q How would -- how many sets of keys did you have to your
14 home?
- 15 A Well, I had lost one so I only had one left. I usually
16 take that one to work.
- 17 Q So you only had one left and Kenyon lived with you.
18 How was he able to get in and out of the house?
- 19 A I always leave the front door open for him.
- 20 Q You always left the front door open for him?
- 21 A Yes.
- 22 Q Now the day before you met Ronald Mack, before you
23 realized he had spent the night in your house, when you
24 left that night to go to work was Ronald Mack in your
25 home?

SW - A. BRADSHAW - DIRECT

1 A No.

2 Q All right. That night do you recall whether or not you
3 left the front door open for Kenyon?

4 A Yes.

5 Q You did?

6 A Yes.

7 Q Ronald Mack knew you left the front door open?

8 A Well, he probably didn't know I left ---

9 MR. BARR: Objection, Your Honor.

10 THE COURT: Objection sustained.

11 BY ASSISTANT SOLICITOR BARR:

12 Q All right. Was Kenyon at home when you left to go to
13 work?

14 A Yes.

15 Q Now there's something peculiar about your front door
16 and the locks on your front door. Can you tell us about
17 that.

18 A Okay. The bolt lock is the only lock that work on it.
19 The one with the knob on it, ---

20 Q Yes, ma'am.

21 A ---it don't work. That one don't work.

22 Q So the top bolt does work?

23 A Yes.

24 Q But the regular knob does not work?

25 A Right.

SW - A. BRADSHAW - DIRECT

1 Q Do you know whether or not Ronald Mack had ever spent
2 the night at your house other than that one time?

3 A No.

4 Q All right. You indicated that they were friends. Do
5 you remember what time of year or when the month was that
6 you first realized that Ronald Mack had spent the night in
7 your home?

8 A I'm not sure.

9 Q Okay. Was it more than six months before Kenyon was
10 killed?

11 A No. It might have been between February and March.

12 Q Between February and March of last year 2009?

13 A Yeah.

14 Q Okay. And I was gonna ask you, you indicated they were
15 friends. Did there ever come a point in time where they
16 changed in terms of their friendship?

17 A Well, what I knew is that Ronald used to call Kenyon
18 and ---

19 Q Ronald used to call Kenyon?

20 A Yes.

21 Q Okay.

22 A And all of a sudden Kenyon just don't want to talk to
23 him no more. He always used to tell me to tell Ronald
24 that he wasn't home.

25 Q Okay. And how long before -- how much time frame did

SW - A. BRADSHAW - DIRECT

1 this start happening before Kenyon was murdered? Was it a
2 matter of weeks or months?

3 A Probably about a month.

4 Q Okay. Did you ever take any calls from Ronald Mack in
5 which your son wouldn't answer the phone?

6 A Well, I answered the phone.

7 Q Okay.

8 A And ---

9 Q What did you tell Ronald Mack?

10 A That he wasn't home.

11 Q Was Kenyon there?

12 A Yes.

13 Q Do you know why the two of them fell out?

14 A No.

15 Q What type of vehicle do you drive or did you drive
16 during this time?

17 A Well during that time I was driving a 1997 Toyota
18 Forerunner.

19 Q What color was it?

20 A Green.

21 Q Did Ronald Mack ever see you driving that vehicle?

22 A Yes.

23 Q All right. Do you recall the day of the week in which
24 your son was killed? Do you remember what day of the week
25 it was?

SW - A. BRADSHAW - DIRECT

- 1 A Yes.
- 2 Q What day of the week was it?
- 3 A It was normally Palm Sunday.
- 4 Q Okay, all right. If it happened on Palm Sunday kind of
- 5 tell me what all you had been doing on Saturday and what
- 6 all your son had been doing on that Saturday.
- 7 A Okay. It was -- it was Hemingway High School prom.
- 8 Q Hemingway High School's prom, okay.
- 9 A Kenyon didn't went to prom. He and some more guys and
- 10 I guess some of the girlfriends --
- 11 Q Make sure you keep your voice up for me.
- 12 A They went to the beach, spend the whole day at the
- 13 beach.
- 14 Q Okay. So your son had gone to the beach and spent that
- 15 Saturday at the beach.
- 16 A Yes.
- 17 Q Can you give me the names of the individuals who he
- 18 went to the beach with.
- 19 A It was Kendra Mitchum.
- 20 Q Okay.
- 21 A Jason Grant. He live next door.
- 22 Q Okay.
- 23 A And Lexus Pringle.
- 24 Q Okay.
- 25 A Ron was supposed to go but he didn't go.

SW - A. BRADSHAW - DIRECT

- 1 Q Ronald was supposed to go but he didn't go?
- 2 A Right.
- 3 Q Now did your son have a vehicle?
- 4 A Yes.
- 5 Q What kind of vehicle did he have?
- 6 A A 2000 Lincoln LS.
- 7 Q What color was it?
- 8 A White.
- 9 Q What time did Kenyon get back from the beach?
- 10 A He got back home 12:30 that night which was the next
- 11 morning.
- 12 Q 12:30 that night so actually after midnight so leading
- 13 up to Sunday morning?
- 14 A Yes.
- 15 Q Now how do you know what time he got back if you were
- 16 at work?
- 17 A I supposed to work that night but I didn't went to
- 18 work.
- 19 Q So you were supposed to work from 8 p.m. to 8 a.m.?
- 20 A Right.
- 21 Q But you didn't go to work?
- 22 A No.
- 23 Q Do you know why?
- 24 A I don't know. All I know something just tell me not to
- 25 go to work.

SW - A. BRADSHAW - DIRECT

- 1 Q Something just told you not to go to work?
- 2 A Yes.
- 3 Q Okay. Were you up when Ronald came back home from the
- 4 beach? I mean, I'm sorry, when Kenyon came home from the
- 5 beach?
- 6 A Yes, I was.
- 7 Q And what did he do when he came in?
- 8 A Well, he didn't came in the house. He got his bag out
- 9 the car trunk and he went next door to Jason Grant house.
- 10 Q Now was Jason a relative of his or just a friend of
- 11 his?
- 12 A A friend.
- 13 Q Okay. Was that unusual for Kenyon to go to Jason's
- 14 house?
- 15 A No.
- 16 Q All right. Was it unusual for him to go that late?
- 17 A No.
- 18 Q All right. Now when he -- after being gone at the
- 19 beach all day and he came back and went to Jason's house,
- 20 did you say anything to him?
- 21 A No.
- 22 Q Okay, all right. What did you do after Kenyon left to
- 23 go to Jason's house?
- 24 A I finished cleaning up and I went to bed.
- 25 Q You went to bed?

SW - A. BRADSHAW - DIRECT

1 A Uh-huh.

2 Q When was the next time you saw your son?

3 A When he came in the -- well, he knocked on the back
4 door and I got up and opened the door for him.

5 Q Okay, what time was this?

6 A That was about 1:30.

7 Q 1:30 in the morning so he only stayed gone for about an
8 hour?

9 A Yes.

10 Q Okay, all right. And when he came back what did he do?

11 A He came through -- I opened the back door. He came in
12 through the kitchen door and went to take his bag in the
13 bedroom. Then he came back in the kitchen.

14 Q All right. Now did you say anything to him at that
15 time about the late hour?

16 A Yeah, I tell him he come home this time of night, when
17 I wake him up in the morning to go to church I don't want
18 to hear his mouth.

19 Q You told him coming in this late I better not hear your
20 mouth about going to church in the morning?

21 A Yes.

22 Q What time did y'all normally go to church?

23 A Well, we just get up at 7:00. Bible school start at 9.

24 Q What did he say when you told him that?

25 A He just say, okay, ma.

SW - A. BRADSHAW - DIRECT

- 1 Q And then what happened?
- 2 A He said he had -- he said he had -- he sit down in the
- 3 chair in the kitchen in front of the TV.
- 4 Q All right. So you all have a kitchen area?
- 5 A Yes.
- 6 Q And you indicated that there is a television in the
- 7 kitchen area. Is it in the dining room area?
- 8 A It's in the kitchen.
- 9 Q And the last time you saw him alive he was sitting in
- 10 the chair?
- 11 A Yes.
- 12 Q Okay. What was he doing?
- 13 A He was watching TV.
- 14 Q Okay, all right. And what did you do after you let him
- 15 in and you admonished him about coming in so late and
- 16 going to church tomorrow the next morning?
- 17 A I went back in my bed.
- 18 Q Now when you went back in to your bed you went back
- 19 there to go to sleep?
- 20 A Yes.
- 21 Q Okay, all right. Now was your bedroom door locked or
- 22 unlocked?
- 23 A It was locked.
- 24 Q Okay. Pretty sure about that?
- 25 A Yes.

SW - A. BRADSHAW - DIRECT

1 Q Okay. Now tell me what is the next thing you remember
2 happened.

3 A I remember hearing something went off and firecracker.

4 Q Okay.

5 A And that's what woke me up.

6 Q Okay. And did you happen to check the time when you
7 were awakened?

8 A Well, when I heard the noise I got up. I looked at the
9 clock. It was like 2:20.

10 Q Okay. 2:20 a.m.?

11 A Yes.

12 Q Okay.

13 A And I hollered and called Kenyon. I think I called him
14 like two or three times and he ain't never answered me so
15 after I got up and went around in the kitchen. I saw the
16 TV on and he was like laying in the chair asleep and so I
17 just thought I was dreaming.

18 Q Slow down for a minute. When you were awakened and you
19 heard the noise that you thought were firecrackers do you
20 know whether or not you unlocked your bedroom door?

21 A Yes, I unlocked it.

22 Q Did anybody come into your bedroom while you were in
23 there sleeping?

24 A No.

25 Q Did you hear any unusual sounds after you heard what

SW - A. BRADSHAW - DIRECT

1 you thought were firecrackers?

2 A Well, after I called Kenyon I could like hear people
3 running out the house.

4 Q You could hear footsteps leaving the house?

5 A Yes.

6 Q Okay, all right. You said you walked out of your
7 bedroom and you went into the kitchen area; is that right?

8 A Yes.

9 Q Okay. Kind of show the jury again how Kenyon was
10 positioned, if you will.

11 A Pardon me?

12 Q Show us again how Kenyon was positioned in the chair.

13 A He was leaning like -- this the top of the chair, he
14 was leaning like that.

15 Q Okay. And your first thought was what?

16 A That he was sleeping.

17 Q Okay. Then what happened?

18 A When I reach down and turn the TV off ---

19 Q The TV was on?

20 A The TV was on. When I reached down to turn the TV off
21 I look on the wall, blood was on the wall. And then when
22 I look at him he had a white T-shirt on. On his -- on his
23 right side it was blood all down here and then I got up
24 and tried to go out the back door and run to my mother
25 house and tell them somebody just shot Kenyon.

SW - A. BRADSHAW - DIRECT

1 ASSISTANT SOLICITOR BARR: Mr. Harden, if I can
2 get your assistance for a moment please.

3 BY ASSISTANT SOLICITOR BARR:

4 Q Ms. Bradshaw, if I can, I'm gonna get you to step down.
5 Are you okay?

6 A Yes.

7 Q You sure? Okay.

8 ASSISTANT SOLICITOR BARR: Your Honor, for the
9 record I understand that all of the exhibits that I have
10 here have been admitted without objection.

11 THE COURT: Exhibit numbers?

12 ASSISTANT SOLICITOR BARR: Exhibits number 1,
13 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
14 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 35,
15 36, 37, 38, 39, 40, 41, 42, and 43, 44.

16 THE COURT: Mr. Barr.

17 MR. BARR: Without objection, Your Honor.

18 THE COURT: They're admitted without objection.

19 (WHEREUPON, State Exhibits Nos. 1 through 29, 31,
20 35, 36 through 44 were admitted into evidence.)

21 BY ASSISTANT SOLICITOR BARR:

22 Q Now ma'am, tell me if you can kind of give the jurors a
23 idea how to get to your house. What is your house off of?
24 Is there a main highway there?

25 A 261.

SW - A. BRADSHAW - DIRECT

1 Q Off of 261. All right. I'm gonna display what's been
2 admitted as State's Number 4. Is that the -- that the
3 front of your house?

4 A Yes.

5 Q All right. I'm going to publish what has been admitted
6 as State's Number 5. Tell me what that is. What does
7 that show?

8 A Oh, that's the back door.

9 Q Okay. Now I was curious, there is -- the number looks
10 like 23?

11 A Yes.

12 Q Your back door has the house number on the back door?

13 A Yes.

14 Q When you ran out of the home to go to your mother's
15 house, does your mother live -- did you run out the front
16 door or the back door?

17 A I run out the back door.

18 Q And she lives right next to you?

19 A Yes.

20 Q Did you recall whether or not you left the back door
21 open?

22 A I left it open.

23 Q All right. Now will you be able to handle seeing some
24 of the photos of Kenyon or would you rather me not show
25 those to you? I won't show them to you. I'm going to

SW - A. BRADSHAW - DIRECT

1 publish what's been admitted as State's Number 9. If you
2 will, kind of tell the jurors what's depicted in that
3 particular photograph.

4 A That's the kitchen.

5 Q Okay. Now you mentioned that you turned the television
6 off. Is this the television ---

7 A Yes.

8 Q ---that you turned off?

9 A Yes.

10 Q All right. This is your kitchen or dining room table?

11 A Yes.

12 Q Okay. What is this here? Is that something pink on
13 that? What is that?

14 A I think that's a desk with a cloth on it.

15 Q So Kenyon would be seated. His chair would be seated
16 right back here somewhere?

17 A Yes.

18 Q Okay. Tell us about State's Number 10, if you will.

19 A That's also in the kitchen.

20 Q All right. So on this particular photograph where
21 would Kenyon have been seated relative to where your stove
22 and your sink is?

23 A Farther up in the corner.

24 Q So right up in here?

25 A Yes.

SW - A. BRADSHAW - DIRECT

1 Q Okay. State's Number 11, tell us what's depicted in
2 that particular photograph.

3 A That's the bedroom.

4 Q Okay. Can you see the front ---

5 THE COURT: Ms. Barr, do you need Ms. Bradshaw
6 to testify from there for you to show the photographs?

7 ASSISTANT SOLICITOR BARR: No, Judge, I don't
8 have to have her here.

9 THE COURT: All right. We can hear her a
10 little better if she's seated up there.

11 ASSISTANT SOLICITOR BARR: Yes, sir. Thank
12 you, Judge.

13 BY ASSISTANT SOLICITOR BARR:

14 Q Just to make sure you can see the screen, okay,
15 Ms. Bradshaw? Tell us about State's Number 12.

16 A That's also the living room but the room in the back is
17 my bedroom.

18 Q All right. I think I've got a highlighter that works.
19 You press that button and kind of show the jurors where
20 your bedroom is.

21 A That's my bedroom.

22 Q Okay. And this would be the view from what room in the
23 house?

24 A From the living room.

25 Q All right. Now there is an object on the right side

SW - A. BRADSHAW - DIRECT

1 that appears to be a sofa. Is that what that is?

2 A Yes, that's a love seat.

3 Q All right. And what are those items on the sofa?

4 A Clothes.

5 Q Do you remember seeing those there on the night that
6 your son was killed?

7 A Yes.

8 Q All right. Let's talk about Number 16. Do you have a
9 deck out there in the -- or porch in the front yard?

10 A That's the deck from the back, yes.

11 Q Okay, all right. On State's 21, can you tell us where
12 the chair is that Kenyon was in that night?

13 A That's right there.

14 Q And does that -- show us where the TV is.

15 A That's the TV.

16 Q All right. And where the table is.

17 A The table.

18 Q All right. State's Number 28, tell us what's depicted
19 in that particular photograph.

20 A That's a microwave. That's also in the kitchen.

21 Q All right. Is the chair where Kenyon was seated when
22 you saw him depicted in that photograph?

23 A Yes.

24 Q Okay, show us where.

25 A (Indicating.)

SW - A. BRADSHAW - DIRECT

- 1 Q All right. Thank you, Ma'am. And State's Number 36,
2 is that your son?
- 3 A Yes.
- 4 Q And that's his driver's license?
- 5 A Yes.
- 6 Q All right. This is State's Number 38. Is that just a
7 front view of your house taken at night?
- 8 A Yes.
- 9 Q What about State's 39?
- 10 A That the side of the house.
- 11 Q All right. Now does it show the back of the house or
12 the front of the house from the side view?
- 13 A That's the back.
- 14 Q Is that the door you went out of that night?
- 15 A Yes.
- 16 Q Now where is your bedroom? Can you see your bedroom,
17 the bedroom window on this picture?
- 18 A Yes.
- 19 Q Tell us where.
- 20 A Those are double windows in my bedroom.
- 21 Q And what is that window? What room is that?
- 22 A That's the bathroom.
- 23 Q All right. So Kenyon would have been on which side of
24 the house?
- 25 A On the other side of that bedroom, that bathroom.

SW - A. BRADSHAW - DIRECT

1 Q Yes, ma'am. Tell us a little bit about State's Number
2 40.

3 A That's the back door, the door I came out of. I came
4 down this step right here.

5 Q Okay.

6 A And ran to my mother house next door.

7 Q Now how far did you say your mom lived from you?

8 A Maybe from here to the -- the bank across the street.

9 Q Okay, all right. Tell us about State's 41.

10 A That's the back.

11 Q That's just a closeup view of the back door with
12 Number 23?

13 A Yes.

14 Q All right. Tell us about State's 42.

15 A That's the front door in the living room.

16 Q And we talked about the love seat with the clothes on
17 it. Can you see that particular item in this picture?

18 A Yes.

19 Q Tell us where.

20 A Right there.

21 Q All right. Now do you know whether or not when you got
22 out of your bedroom and you discovered your son, do you
23 know whether or not the front door was open or shut?

24 A It was shut.

25 Q Okay. What about the back door?

SW - A. BRADSHAW - DIRECT

- 1 A When I went out I left it open.
- 2 Q All right. Do you know whether or not the front door
- 3 or back door was locked?
- 4 A Yes.
- 5 Q All right. Kind of outline for me what's depicted in
- 6 that particular photograph.
- 7 A That's the living room where that frig at. That's the
- 8 kitchen.
- 9 Q So Kenyon would have been where?
- 10 A Right in this room.
- 11 Q Okay.
- 12 A Over there at the ---
- 13 Q And we have something that appears to be a hallway; is
- 14 that correct?
- 15 A Yes, that's the hallway.
- 16 Q And where would Kenyon's room have been? Where would
- 17 he normally sleep?
- 18 A There's a room straight down the hallway and he sleep
- 19 on the one on the side in the corner.
- 20 Q Okay. And if you will tell us about State's 44.
- 21 A That's the kitchen.
- 22 Q Okay. Would that be a view of the kitchen if you were
- 23 standing by Kenyon looking out?
- 24 A Yes.
- 25 Q Okay, all right. Now Ms. Bradshaw, as you ran to your

SW - A. BRADSHAW - DIRECT

1 mother's house did you see anything unusual?

2 A Well, as I was running I kept looking back 'cause I
3 thought someone was after me.

4 Q Okay. Why were you looking back?

5 A 'Cause I thought someone was after me and I just kept
6 looking back.

7 Q Okay.

8 A And I must be looking out the highway and I saw like a
9 truck or something leaving. There was a fire station, the
10 one that's on King Street.

11 Q How would you describe the truck leaving? Was it
12 driving at a regular pace, accelerated pace, or slow pace?

13 A Well, it was like kind of speeding 'cause it really
14 like almost didn't stop for the stop sign.

15 Q Which particular stop sign do you mean? Stop sign at
16 what intersection?

17 A Well, on 261. The one that goes on to 261.

18 Q Now you said it was a truck.

19 A Like a pickup truck or some kind of small sport truck
20 or something.

21 Q And when you say a small sport truck what do you mean?

22 A Some ---

23 Q SUV?

24 A A SUV, yes.

25 Q Do you know what color it was?

SW - A. BRADSHAW - DIRECT

- 1 A All I know it was a dark color.
- 2 Q Now you indicated that this was about 2:20 in the
- 3 morning when you heard what you thought were firecrackers,
- 4 and you would have run out the house immediately when you
- 5 saw your son?
- 6 A Repeat that again, please.
- 7 Q You would have run out the house immediately when you
- 8 saw your son?
- 9 A Yes.
- 10 Q Did you ever see anybody other than your son?
- 11 A No.
- 12 Q Were there any other vehicles out and about in the area
- 13 at that time?
- 14 A No.
- 15 Q Just that one particular vehicle?
- 16 A Just that one.
- 17 Q I'm curious, where was your vehicle?
- 18 A My daughter had my truck.
- 19 Q Your daughter had your vehicle?
- 20 A Yes.
- 21 Q Would you normally have the vehicle at the house?
- 22 A Yes.
- 23 Q Where would you normally park?
- 24 A Up under the shed. Up under the car porch.
- 25 Q If someone came in your front yard or backyard that

SW - A. BRADSHAW - DIRECT

1 particular night would they have saw your vehicle there?

2 A Yes.

3 Q That night if it were there?

4 A Yes.

5 Q Was your vehicle there?

6 A No.

7 Q How long had your daughter had it?

8 A She had it the whole day.

9 Q All right. After you ran to your mother's house who
10 all was there in the house at your mom's?

11 A My brother.

12 Q Okay.

13 A My stepfather and my mom.

14 Q Okay, all right. Tell me what happened as you were
15 pounding on the door.

16 A I think my stepfather came to the door and then when I
17 tell him he just say, you lieing. And then he came out
18 after me and he came over there. My momma called 9-1-1,
19 then my brother came.

20 Q Okay. And do you remember Investigator Pamela Jean
21 Lail, Investigator Deborah Collins, being some of the
22 officers who were out there that night?

23 A Yes.

24 Q Okay. And did you provide a statement to them of what
25 all you knew about it?

SW - A. BRADSHAW - DIRECT

- 1 A Yes.
- 2 Q Now did there ever come a point in time when they asked
- 3 you who you thought might have been responsible for this?
- 4 A Yes.
- 5 Q What did you tell them?
- 6 A Ronald Mack.
- 7 Q That was the first name you called?
- 8 A That was the first name I called.
- 9 Q Why was that the first name you called?
- 10 A When I -- when I first met Ronald that night he was at
- 11 my house, or that day. And they was like at the
- 12 basketball court playing basketball and I told my husband,
- 13 I said, there just something that I don't trust in Leron.
- 14 But that night when it happened, that name just be in my
- 15 heart ever since then. I just know he did it.
- 16 Q That he had done -- that he was responsible for it?
- 17 A Yes.
- 18 Q Now did you ever know Ronald to have a vehicle?
- 19 A No.
- 20 Q Okay. When he would call Kenyon what would he want?
- 21 A I guess for Kenyon to take him someplace. They used to
- 22 run together all the time.
- 23 Q Did Ronald know you drove the '97 Toyota Forerunner?
- 24 A Yes.
- 25 Q He knew what it looked like?

SW - A. BRADSHAW - CROSS

1 A Yes.

2 Q Did he know where you parked it?

3 A Yes.

4 ASSISTANT SOLICITOR BARR: Beg the Court's
5 indulgence.

6 That's all the questions I have, Ms. Bradshaw.
7 Please answer any questions Defense counsel may have for
8 you.

9 CROSS - EXAMINATION

10 BY MR. BARR:

11 Q How are you today, Ms. Bradshaw?

12 A Alright.

13 Q I'll try not to keep you long. On direct examination,
14 Ms. Bradshaw, you've told the Solicitor that you, on the
15 night this incident occurred, that you saw a truck leaving
16 at a high rate of speed and that it almost didn't stop at
17 the stoplight 261 and McCtory Road. Is that at the stop
18 sign, 261, McCtory Road? Is that correct?

19 A Yeah, right.

20 Q Now you also told her that after this incident, shortly
21 after this incident that you were interviewed by Detective
22 Lail and Detective Collins of the Williamsburg County
23 Sheriff's Department; is that correct?

24 A Right.

25 Q In that interview and in that statement did you tell

SW - A. BRADSHAW - CROSS

1 them that night that you saw a truck?

2 A I told them it was a vehicle.

3 Q Did you tell them that you saw a truck?

4 A No, I told them a vehicle.

5 Q Okay. Did you tell them that the truck nearly didn't
6 stop at the stop sign?

7 A I don't think I did.

8 Q Okay. So what you're telling us here today and telling
9 the jury here today is not what you told the investigators
10 at the time this occurred; is it not?

11 A Correct.

12 Q Okay, all right. Now you said that Ronald Mack once
13 spent the night in your home; is that correct?

14 A Yes.

15 Q Did Ronald Mack spend more than one night in your home?

16 A All I know is one. That's what I saw.

17 Q And that's the only night that you're aware of?

18 A That's the only one I'm aware of 'cause I work night
19 shift.

20 Q Okay. Do you know Tawanda Allen?

21 A No, I don't.

22 Q Tawanda Mack Allen?

23 A No, I don't.

24 Q Had you ever had any conversation with Tawanda Mack
25 Allen?

SW - A. BRADSHAW - CROSS

- 1 A No.
- 2 Q Prior to this incident have you ever seen Tawanda Mack
- 3 Allen?
- 4 A No.
- 5 Q Did you see Tawanda Mack Allen at your house that
- 6 night?
- 7 A No.
- 8 Q Can you identify Tawanda Mack Allen as a person who had
- 9 either been around your house, in your house, or even on
- 10 the road?
- 11 A No.
- 12 Q Okay. Now how close were you and Kenyon?
- 13 A Me and Kenyon was very close.
- 14 Q You were very close?
- 15 A Yes.
- 16 Q And would you say that y'all had regular conversations
- 17 about him and his life and your life and that sort of
- 18 thing?
- 19 A Well, not like his personal, you know, his personal
- 20 life.
- 21 Q Okay. You mentioned that he would often ride around
- 22 with Ronald Mack.
- 23 A Yes.
- 24 Q Where would they go to?
- 25 A Playing basketball, run to the car wash, or run to, I

SW - A. BRADSHAW - CROSS

1 think, some of his people own a gift shop right there in
2 Kingstree.

3 Q Yes, ma'am.

4 A Or either there.

5 Q Okay, do you know anywhere else they would go?

6 A No.

7 Q Do you know anything about them having an altercation
8 in Hemingway or in Georgetown?

9 A No.

10 Q Okay. Why do you -- you mentioned that the
11 relationship you believe between Kenyon and Ronald changed
12 about a month before Kenyon's death. Do you have any idea
13 what happened?

14 A I don't know what happened, but I know he told me that
15 he -- they fight and then he wasn't a friend no more. He
16 leave him alone.

17 Q You don't know why they fought?

18 A No, sir.

19 Q Okay. Now do you know whether or not Ronald and Kenyon
20 were in a gang?

21 A No, sir.

22 Q Are you saying, no, or you didn't know?

23 A No, I didn't know.

24 Q Did you ever ask him?

25 A Well, I didn't ask Ronald but I asked my son. He told

SW - A. BRADSHAW - CROSS

1 me, no.

2 Q Did he? Okay. Did he ever demonstrate to you or did
3 you ever see the two of them when they were together
4 exhibiting gang signs or making signs toward each other?

5 A No.

6 Q Did they ever talk to each other in a way that you
7 wouldn't interpret or understand?

8 A No.

9 Q Okay. Did they have, or did you know them to have,
10 large sums of money?

11 A No.

12 Q Okay. Did you ever check Kenyon's bag?

13 A No.

14 Q Okay. Do you know why they fought?

15 A No, I don't.

16 Q Now did you purchase a 2000 Lincoln Continental for
17 Kenyon?

18 A It's LS.

19 Q LS? Yes, ma'am.

20 A Yes.

21 Q And the proceeds for the sale, you paid that money?

22 A Yes, I did.

23 ASSISTANT SOLICITOR BARR: Objection, Your
24 Honor, relevance.

25 THE WITNESS: I did. Yes, I did.

SW - A. BRADSHAW - CROSS

1 THE COURT: Objection overruled.

2 BY MR. BARR:

3 Q You did?

4 A Yes.

5 Q Okay, all right. Did you think that at 17 he was
6 responsible enough to have an automobile?

7 A Pardon me?

8 Q Did you think at age 17 he was responsible enough to
9 have an automobile?

10 A Yes.

11 MR. BARR: Beg the Court's indulgence, Your
12 Honor.

13 BY MR. BARR:

14 Q Now I believe you said that it was about 2:20 a.m. I
15 believe when you heard what appeared to be firecrackers?

16 A Yes.

17 Q Okay. Did you reference that time to anything? Did
18 you look at your clock or anything to verify that was the
19 accurate time?

20 A I had a clock in my bedroom.

21 Q Ma'am?

22 A One was in my bedroom.

23 Q And you actually noticed the clock?

24 A Yes.

25 Q Okay. Now you say that you didn't go to work on the

SW - A. BRADSHAW - CROSS

1 night of Saturday, April 4th. Were you scheduled on the
2 schedule to be at work?

3 A Yes. Yes.

4 Q Okay. And you just decided based on intuition not to
5 go to work?

6 A Yes.

7 Q Did you -- had you heard anything or trouble or of
8 trouble or anything else that might have been associated
9 with that decision other than just intuition?

10 A No.

11 Q No?

12 A No.

13 Q Were you aware of any threats that Kenyon might have
14 received from anyone up until that time?

15 A No.

16 Q Okay. When you say that -- when you said that you told
17 the police when they asked you did you know of anyone who
18 may have had some ill feeling toward Kenyon and you said
19 that Ronald Mack's name just came to heart, was there
20 anything else related to that decision or that feeling
21 that came into your heart?

22 A No.

23 Q And of all the other boys he knew, Ronald's name just
24 came into your heart?

25 A Yes, it did.

SW - A. BRADSHAW - REDIRECT

1 Q You didn't base that on anything else?

2 A Not a thing.

3 Q That was just what was in your heart?

4 A What was in my heart.

5 Q Okay. Again, I'll ask you, are you aware of any plan
6 that may have taken place between Ronald and his mother to
7 either hurt you, to hurt Kenyon, or to invade your home?

8 A No.

9 Q None. Thank you.

10 THE COURT: Anything further?

11 ASSISTANT SOLICITOR BARR: Just a couple of
12 questions, Judge, if I may.

13 **REDIRECT EXAMINATION**

14 BY ASSISTANT SOLICITOR BARR:

15 Q I want to make sure I'm clear about something. You
16 talked about hearing the noise that you thought were
17 firecrackers. I want to be sure, after you got up and you
18 saw your son did you still believe it was firecrackers?

19 A No.

20 Q Did you know what it was at that point?

21 A Yes.

22 Q What was it?

23 A Gunshots.

24 Q Okay. Now you said that when you asked Kenyon about
25 being in a gang you told -- he told you no.

SW - A. BRADSHAW - RECROSS

1 A Right.

2 Q Did you tell him about what could happen if he wanted
3 to get out?

4 A Yes, I did.

5 Q What did you tell him?

6 A I told him that if he was in a gang, involved in a
7 gang, ain't no getting out unless they kill you.

8 Q You told him that if you are involved in a gang the
9 only way you can get out is if they kill you?

10 A Yes.

11 ASSISTANT SOLICITOR BARR: That's all the
12 questions I have.

13 MR. BARR: Just one or two more questions.

14 **RECROSS - EXAMINATION**

15 BY MR. BARR:

16 Q Did Kenyon say to you that he had found Christ and
17 wanted to get out the gang?

18 A Pardon me?

19 Q Did Kenyon say to you that he had a relationship with
20 God and he wanted to get out of gang?

21 A Well, he always had a relationship with God. But the
22 part of being in a gang, I don't know whether he was in a
23 gang or not.

24 Q You don't know whether or not he was in a gang?

25 A No, I don't.

SW - A. BRADSHAW - RECROSS

1 Q But you asked him that; didn't you?

2 A I asked him whether he was involved in a gang, whether
3 he was in a gang.

4 Q And you asked him that based on what?

5 A Hearsay.

6 Q Hearsay?

7 A Yes.

8 Q Okay. Had you ever examined his body or looked at him
9 to see whether or not he had gang insignias anywhere on
10 his body?

11 A No.

12 Q You never checked that?

13 A No.

14 Q Nothing further.

15 THE COURT: All right, ma'am, you may step
16 down.

17 ASSISTANT SOLICITOR BARR: We call Agent Scott
18 Hardee. He's in the Solicitor's Office.

19 THE COURT: Ladies and gentlemen, we will take
20 a break at the time. If you will go to the jury room.
21 Please do not discuss the case.

22 (WHEREUPON, the jury was removed from the
23 courtroom at 4:03 p.m.)

24 THE COURT: We'll take about ten minutes.

25 (WHEREUPON, a recess was taken from the

SW - L. HARDEE - DIRECT

1 proceedings.)

2 THE COURT: All right, bring the jury please.

3 (WHEREUPON, the jury was returned to the courtroom
4 at approximately 4:15 p.m., and the following
5 proceedings commenced in open court.)

6 ASSISTANT SOLICITOR BARR: Judge, we call Agent
7 Scott Hardee.

8 CLERK OF COURT: Place your left hand on the
9 Bible, raise your right hand.

10 WHEREUPON,

11 **LELAND SCOTT HARDEE,**

12 having been duly sworn by the Clerk of Court, testified as
13 follows:

14 CLERK OF COURT: Have a seat in the witness
15 box.

16 **DIRECT EXAMINATION.**

17 BY ASSISTANT SOLICITOR BARR:

18 Q Sir, let me get you to state your full name for me.

19 A My name is Leland Scott Hardee.

20 Q For some reason I'm having a difficult time hearing.
21 Can you make sure you put the microphone a little closer
22 to your voice?

23 A My name is Leland Scott Hardee.

24 Q Thank you, sir. That's better. Now tell the ladies
25 and gentlemen of the jury where you work.

SW - L. HARDEE - DIRECT

1 A I work with South Carolina Law Enforcement Division as
2 a crime scene investigator.

3 Q Now South Carolina Law Enforcement Division, that's
4 what we call SLED?

5 A Yes, ma'am.

6 Q Okay. And you indicated that you work there as a crime
7 scene investigator?

8 A Yes, ma'am.

9 Q Can you tell us a little bit what that means and what
10 you do.

11 A Basically I respond to crime scenes at the request of
12 other agencies. And once there I conduct crime scene
13 investigation into any sort of crime from usually -- most
14 of ours are more, I guess, high profile, murders and stuff
15 like that but we have responded to burglaries, bank
16 robberies, assaults, stuff of that nature.

17 Q How long have you worked at SLED?

18 A Since May of 2008.

19 Q Okay. Now of course you and I know each other from the
20 Florence days. You used to work for the City of Florence
21 Police Department?

22 A I did.

23 Q And what did you do there?

24 A I was a patrol officer, school resource officer, and a
25 crime scene investigator.

SW - L. HARDEE - DIRECT

1 Q And do you have your law enforcement certification from
2 the Criminal Justice Academy?

3 A Yes, ma'am, I do.

4 Q When did you receive your certification?

5 A In June of 2000.

6 Q All right. So a little over ten years ago?

7 A Yes, ma'am.

8 Q And have you been working at a police officer or in law
9 enforcement since June of 2000?

10 A Yes, ma'am.

11 Q Any lapses in your certification at all?

12 A No lapse.

13 Q Okay, all right. Now Agent Hardee, were you called
14 upon by the Williamsburg County Sheriff's Department back
15 on April 5th of 2009 to help to participate in the
16 investigation of a murder here in our county?

17 A Yes, ma'am.

18 Q All right. And can you tell us the time in which you
19 received the call and where you responded to.

20 A Okay. I received a call from our operations around
21 3:40 that morning on April 5th. I live in Florence and so
22 I got here after getting up and everything about -- it was
23 about 5, little after 5:20, somewhere around 5:20 that
24 morning. And then Agent Hallman met me. She got there a
25 few minutes after I did.

SW - L. HARDEE - DIRECT

1 Q Now you say Agent Hallman, are you talking Vickie
2 Hallman?

3 A Yes, ma'am.

4 Q And she is the young lady that's seated across from us
5 in the black?

6 A Yes, she is.

7 Q And she's also with SLED; is that correct?

8 A Yes, ma'am.

9 Q Do you all pretty much work together on that day?

10 A We did.

11 Q Okay. And where did you go?

12 A We went to [REDACTED] in Kingstree.

13 Q Do you recall what day of the week it was on?

14 A Sunday morning.

15 Q Okay. Is there anything that about that particular day
16 that stands out in your mind?

17 A It was -- yeah, I missed the sunrise service. It was
18 like Palm Sunday or something like that.

19 Q Okay. Now when you arrived at the scene of the murder
20 how many people were there?

21 A I couldn't give an estimate. There were law
22 enforcement and there were neighbors, people that lived in
23 that neighborhood.

24 Q Okay. When I say "there" I mean like inside the
25 residence.

SW - L. HARDEE - DIRECT

- 1 A Oh, inside the residence.
- 2 Q Yes, sir.
- 3 A There's just the victim.
- 4 Q Okay. No one had come into the crime scene other than
- 5 law enforcement?
- 6 A Other than -- no, not since I arrived.
- 7 Q Now you were so kind enough for demonstrative purposes
- 8 to draw a diagram of the victim's residence; is that
- 9 correct?
- 10 A Yes, ma'am, I did.
- 11 Q Now, and the way that you've done it you had it drawn
- 12 on your computer?
- 13 A Yes, ma'am.
- 14 Q And would you mind stepping down and kind of helping us
- 15 to display the diagram for the jury?
- 16 A Yeah, I'll will be glad to.
- 17 Q Thank you.
- 18 A (Complies.)
- 19 Q All right. Now we always have to issue some warnings
- 20 to the jury. You indicated that on your diagram it's not
- 21 to scale?
- 22 A Right.
- 23 Q And you indicated on your diagram that it doesn't
- 24 include all of the items in the residence?
- 25 A Correct.

SW - L. HARDEE - DIRECT

- 1 Q Just the main points, the highlighters if you will.
- 2 A Right. It doesn't have like maybe a couple of end
3 tables, a vacuum cleaner, a little child's toy, stuff like
4 that. Mostly it's just to kind of illustrate which room,
5 like a bed in this room, a bath tub, chair, table, just
6 the main items that would be in that room.
- 7 Q Let me give you the highlighter. Can you tell us where
8 the front of the residence is.
- 9 A The front of the residence is actually right there at
10 the very bottom where you have that single set of steps
11 going up.
- 12 Q I tell you what, it looks like it's going to work for
13 me now. You come back over here so we can make sure we
14 hear you. This is the front of the residence?
- 15 A Yes. Right where the pointer is now.
- 16 Q What about what you identified as number six.
- 17 A Number six actually is meant to go underneath the deck
18 at the back of the residence. That's where we located a
19 bullet.
- 20 Q Okay. You located a bullet under the deck?
- 21 A Yes, ma'am.
- 22 Q All right. And tell me what this room is.
- 23 A That's the master bedroom.
- 24 Q All right. And who would have slept in that particular
25 room there?

SW - L. HARDEE - DIRECT

1 A To the best of my recollection that was the victim's
2 mother's bedroom.

3 Q All right. Now tell me about this particular room
4 here.

5 A That's the kitchen.

6 Q All right. Now we've had some of the photographs
7 admitted into evidence. Can you tell me what's depicted
8 there where the number two is?

9 A Okay. The number two is actually ---

10 Q Keep your voice up.

11 A I'm sorry. Number two was actually a cartridge case
12 that was located on a blue mat near a microwave on the
13 counter.

14 Q Okay. So the victim would have been here?

15 A Yes.

16 Q Is that the chair where the victim was in?

17 A Yes, ma'am.

18 Q Now what is that little diagonal box there?

19 A That was like a stand for the television.

20 Q All right. Do you have a recollection of whether or
21 not the television was on when you arrived at the scene?

22 A Yes, it was on.

23 Q It was on, okay. Now what would that part be there
24 that it looks like in between number six and number two,
25 that little area here?

SW - L. HARDEE - DIRECT

1 A That is a laundry room, mud room. It led into from the
2 back deck that led into the -- where the washer and dryer,
3 or where the washer was, there was no dryer.

4 Q Now when you talk about the washer, is it depicted on
5 this particular diagram?

6 A Yes, ma'am, it's right there. Come over a little bit
7 to your right.

8 Q Here?

9 A Yeah, that's the washer right there.

10 Q Okay, all right. And you indicated that this -- or
11 these are the kitchen appliances; is that correct?

12 A Yes. That's the stove and the refrigerator is right
13 below it.

14 Q Okay, what is this particular box there?

15 A That's a kitchen table.

16 Q Okay, all right. Now tell me the significance of the
17 numbers three and four.

18 A That's where we located two shot shells.

19 Q So you had bullets and shotgun shells?

20 A Yes, ma'am.

21 Q Okay, all right. Now, and this area here is what?

22 A That would have been the family room where the couch
23 and large screen TV was.

24 Q All right. So would this be the front entrance to the
25 house?

SW - L. HARDEE - DIRECT

- 1 A Yes, ma'am.
- 2 Q And is this the hallway here?
- 3 A Yes, ma'am.
- 4 Q Okay. Now tell me about these other rooms, if you
- 5 will. What is this room?
- 6 A That was the hall bathroom.
- 7 Q Okay.
- 8 A And over to the right was another bedroom.
- 9 Q Okay.
- 10 A And then that was a bedroom also but it had like --
- 11 like a computer and a couple of chairs and a dresser, but
- 12 I didn't see a bed.
- 13 Q Yes, sir.
- 14 A And then next on to that room was another bedroom that
- 15 had like a twin side bed, a small bed, and like a little
- 16 table right there by the window.
- 17 Q Okay, all right. I'm gonna get you to have a seat.
- 18 Kind of outline for us while we set up the projector
- 19 screen about what you did once you arrived at the scene.
- 20 A Once we arrived we -- Vickie and I got Agent Hallman
- 21 and I got briefing from the officers that were on scene.
- 22 Q Yes, sir.
- 23 A The first one I met was Lieutenant Jeffrey Scott with
- 24 Williamsburg County. He met me at my truck when I
- 25 arrived. Then after that we made sure that we had a

SW - L. HARDEE - DIRECT

1 search warrant and then entered the residence. We started
2 to do our cursory look around.

3 Q Now slow down just a second for me. You indicated that
4 you made -- you had a search warrant?

5 A Yes, ma'am.

6 Q To search what, the victim's residence?

7 A Yes, ma'am.

8 Q Please continue.

9 A Then after we entered we walked around and looked for
10 just the items of evidence, just kind of a walk-through is
11 what we call it. Then I started taking photographs. I
12 take general photographs of the entire residence outside.
13 I work my way in, down the street, just to give me a
14 complete overview of the crime scene. And then after I
15 did the general photos I get -- I take more in-depth of
16 like different parts of evidence, the victim, stuff of
17 that nature.

18 Q All right. Tell me about the victim. Kind of describe
19 where you saw him. What was his position when you entered
20 the residence?

21 A When we entered the residence, which actually we
22 entered through the back entrance that led to that laundry
23 room that led to the kitchen. The first thing we saw he
24 was sitting in a reddish burgundy arm chair.

25 Q Yes, sir.

SW - L. HARDEE - DIRECT

1 A He was slouched down. He had his right hand in his
2 pocket. He had his left arm crossing over, and he was
3 kind of slumped like this with his head against one of the
4 wings on the chair. He was wearing a ball cap and the
5 clothes and, but I mean, he looked like he was asleep
6 obviously.

7 Q Okay, all right. Now did you have any conversations
8 with his mother at the scene?

9 A No, ma'am, I didn't speak to the mother.

10 Q Your job was to photograph the scene and anything else?

11 A Document the scene with also, like I did a crime scene
12 diagram, notes, stuff like that. Then collect the
13 evidence, package the evidence, and then transport it
14 to -- or have it transported to SLED for further
15 examination.

16 Q Okay. Now you indicated that you noticed that there
17 were shotgun shells in the residence?

18 A Yes, ma'am.

19 Q And you also noticed that there were bullets out, at
20 least outside the residence, correct?

21 A Correct.

22 Q All right. Now would you have collected those items
23 and then take them to SLED, or would someone else in the
24 Williamsburg County Sheriff's Department been responsible
25 for doing that?

SW - L. HARDEE - DIRECT

1 A Generally my practice is if I collect it and take
2 possession of it, then I'll transport it or someone that
3 works with my agency would transport it.

4 Q Yes, sir.

5 A If it's of evidentiary value for the crime that we were
6 called to work.

7 Q Yes, sir.

8 A The -- but if it's something that the other agency
9 wanted for their own investigation that didn't pertain to,
10 say, for this instance the shooting, then that could be
11 handed over to them.

12 Q Do you have any specific recollection as to whether or
13 not you took the bullets or the shotgun shells from the
14 residence on the night of the shooting?

15 A We did.

16 Q Okay, all right. And when you took those particular
17 items of evidence you indicated you would have taken them
18 to SLED?

19 A Yes, ma'am.

20 Q For what purpose?

21 A To process at in our labs or to log into evidence to
22 have sent to other labs. Like with us we work crime
23 scene. But we have a firearms department, you have a DNA
24 department, and so the evidence would -- that we would
25 want to get DNA from, go to those departments, or firearms

SW - L. HARDEE - DIRECT

1 would be sent to that department.

2 Q So in this case, now with regard to the shotgun shells
3 and bullets, you would have taken them to SLED to be
4 processed by firearms department?

5 A They would have first been processed like if we were
6 going to try to get latent prints off of them, since we
7 work latent prints crime scene.

8 Q Yes, sir.

9 A And we would have tried to get latent prints off of the
10 bullets and then they would have been sent to firearms to
11 do, for their analysis.

12 Q Now were you all able to lift any prints in connection
13 can with this case, any fingerprints in connection with
14 this case?

15 A Yes. Agent Hallman collected two latent print cards
16 and one was a second lift from the front door area.

17 Q All right. Now did they have any evidentiary value?

18 A She would have to testify to that.

19 Q I understand.

20 A Her report indicated from what I read they were of no
21 value.

22 Q No value, not -- okay. What does that mean, they were
23 of no value?

24 A That will be a question you'll have to ask her. She's
25 latent print examiner.

SW - L. HARDEE - DIRECT

1 Q Sure, I appreciate that. All right, Agent Hardee, I'm
2 going to publish what's been admitted as State's Exhibit
3 Number 9 and -- all right now, sir, on your particular
4 diagram you talked about an area where the television was
5 on. Do you have specific recollection of it still being
6 on?

7 A Yes, ma'am.

8 Q Do you remember what was on that night?

9 A Comedy Central I think it was 'cause I thought it was,
10 well, it was ironic. But it was the John Stewart Show if
11 I remember correctly.

12 Q All right. And is that the particular television set
13 that you're talking about?

14 A Yes, ma'am.

15 Q Okay. Now talk about State's Number 7. All right.
16 And it appears you're right. That's John Stewart on the
17 television screen?

18 A That's actually Steven Cobare. That was later during
19 the day though.

20 Q Okay, all right. Now is this the chair in which the
21 victim would have been seated?

22 A Yes, ma'am.

23 Q And that's his foot laying out there?

24 A Yes, ma'am.

25 Q All right. Now tell me what is this, looks like some

SW - L. HARDEE - DIRECT

1 type of ---

2 A That's a dowel rod we use to try to indicate trajectory
3 'cause when a bullet passes through like two points you
4 can put a rod through it, and you can kind of tell what
5 direction the bullet went.

6 Q Yes, sir. Now you have this particular marker here,
7 I'll call it, with the number two on it. What does that
8 represent there, the yellow marker?

9 A That was actually indicating where the cartridge case
10 that I mentioned earlier was on a blue mat next to the
11 microwave on the countertop.

12 Q So the microwave would be, I guess, somewhere here?

13 A Actually you're pointing right at it.

14 Q Okay, all right. Calling your attention to State's
15 Number 20. Now is that a closer up view of the victim in
16 this case?

17 A Yes, ma'am.

18 Q All right. Tell me what is this here, the little white
19 area here on the chair.

20 A That's gonna be the stuffing that was in the chair when
21 a bullet had passed through it.

22 Q Okay, all right. And State's Number 21. Is that the
23 microwave that you're talking about there?

24 A Yes, ma'am.

25 Q Okay. Now, and this is Mr. Dorsey in the chair there?

SW - L. HARDEE - DIRECT

- 1 A Yes, ma'am.
- 2 Q Now what is that little spot right there on the wall to
- 3 the victim's right?
- 4 A That was actually a bullet hole that had gone, ---
- 5 Q A bullet hole?
- 6 A ---that had gone through the residence. And that's the
- 7 bullet that we located up underneath the deck later that
- 8 morning.
- 9 Q It went through the residence, the wall, and the deck?
- 10 A Yeah, went through the deck and then landed on the
- 11 ground beneath the deck.
- 12 Q Okay. Tell the Court what's depicted in State's 22.
- 13 A Okay. That's gonna be looks like the victim's hand in
- 14 his pocket and the other hand that was draped across his
- 15 stomach.
- 16 Q So you indicated that you had specific recollection of
- 17 the victim's hand being in his pocket; is that right?
- 18 A Correct.
- 19 Q And that's what is here? Right there?
- 20 A Yes, ma'am.
- 21 Q All right. His jeans pocket here?
- 22 A Yes.
- 23 Q Okay. Now does there appear to be injury to the
- 24 victim's hand or finger here in that area? Can you see
- 25 that?

SW - L. HARDEE - DIRECT

1 A You can see from this angle. Can you lighten it up a
2 little bit. Yes, on his -- looks like on his middle
3 finger there appears to be some blood.

4 Q All right. What about this little area here? Can you
5 see that or you want me to bring the picture closer to
6 you?

7 A Yeah, that's the area I was looking at.

8 Q Okay.

9 ASSISTANT SOLICITOR BARR: Your Honor, may I
10 approach the witness?

11 THE COURT: Yes.

12 BY ASSISTANT SOLICITOR BARR:

13 Q On State's 22 is there -- is it blood there or bruise
14 there or anything that's of value on his hand?

15 A Actually looks like an abrasion laceration.

16 Q Okay, all right. What about State's 23?

17 A That's gonna be a photo of the victim's arm or hand in
18 his pocket.

19 Q All right. And there is a plug there that's on the
20 right side of the chair?

21 A Yes. Yes, ma'am.

22 Q And does it appear that's the same little abrasion or
23 bruise that you talked about earlier?

24 A Yes, ma'am.

25 Q Okay. Tell us the significance of State's Number 35.

SW - L. HARDEE - DIRECT

1 A That is where we took photos of the victim's arm where
2 it appears that some shot, shot shell pellets went into
3 his arm.

4 Q Okay. Tell us the significance of State 27. I may
5 need to darken that a little bit.

6 A Yeah, I can't really make that out. Okay, that's
7 actually one of the cartridge cases that we located here
8 in the victim.

9 Q Okay, so is this the chair that he's in there?

10 A Yes, ma'am.

11 Q All right. And we saw an outlet, orange or reddish
12 like plug, in the earlier photograph. Is that that same
13 plug?

14 A Yes, that's the cord to it.

15 Q Yes. All right, tell us about State's 28.

16 A That's the counter top, again, with the microwave and
17 empty milk jug and some sort of dish washing detergent,
18 and on the blue table mat was another cartridge case.

19 Q And that's here?

20 A Yes, ma'am.

21 Q Okay. And is State's Number 29 simply a larger view of
22 that same exhibit that we talked about?

23 A Yes, ma'am.

24 Q With the gun, the bullets being -- the bullet being
25 there?

SW - L. HARDEE - DIRECT

- 1 A Yes, ma'am -- or the cartridge case.
- 2 Q I'm sorry.
- 3 A No, that's all right.
- 4 Q All right. Tell us about State's Number 31.
- 5 A All right. That's the -- it's like a little area rug
- 6 in front of the oven, stove top.
- 7 Q Yes, sir.
- 8 A And that's where we located the two shot shells.
- 9 Q Here and here?
- 10 A Yes, ma'am.
- 11 Q So this would be, I guess, the stove or whatever here?
- 12 A Yeah, that's the stove. That's like a little drawer
- 13 you can pull out and put hands and stuff underneath it
- 14 from what it appeared. But yes, that was the oven.
- 15 Q And you said these are shotgun shells?
- 16 A Yes, ma'am.
- 17 Q And did you later have markings to reflect these as
- 18 depicted on State's Number 10?
- 19 A Yes, ma'am.
- 20 Q So those would be the markings where shotgun shells
- 21 were found as identified by markers three and four?
- 22 A Yes, ma'am.
- 23 Q And the sink is here of course?
- 24 A Correct.
- 25 Q Tell us about State's Number 25.

SW - L. HARDEE - DIRECT

- 1 A 25 was the -- that was the interior wall near the red
2 chair that the victim situated in?
- 3 Q Yes, sir.
- 4 A And that's gonna be some blood spatter and on what we
5 marked with the scale tape was actually a bullet hole.
- 6 Q And that would be here?
- 7 A Yes, ma'am.
- 8 Q And you have the blood spatter as depicted in these red
9 spots?
- 10 A Yes, ma'am.
- 11 Q Tell us about Number 26.
- 12 A Okay, that's gonna be the same interior wall and that's
13 where it appeared that some shotgun pellets went into the
14 wall.
- 15 Q And this is the same wall that would have been to the
16 right of where the victim was seated?
- 17 A Correct.
- 18 Q Okay. Tell us about Number 24.
- 19 A That's one without scale tape where you can see the
20 shotgun pattern or pellet pattern right there on the wall
21 near the outlet and the chair, which is over to your
22 right-hand corner area.
- 23 Q What is that here?
- 24 A That's the wall outlet with that orange cord.
- 25 Q And so the chair would be here?

SW - L. HARDEE - DIRECT

1 A Yes, ma'am.

2 Q And Kenyon Dorsey would be here?

3 A Correct, yes, ma'am.

4 Q Now State's 39 has already been identified and
5 admitted, but for clarity -- can the jurors see here? Can
6 you provide any guidance as to where that bullet would
7 have been found that was outside the residence?

8 A Okay. That's the side of the house. The first window
9 would have been the master bathroom.

10 Q Here?

11 A Correct.

12 Q Okay.

13 A And then the two sets of windows would have been the
14 master bedroom.

15 Q Okay.

16 A Going back where the dish is there's a deck.

17 Q Yes, sir.

18 A And then the bullet that we recovered underneath the
19 deck would be underneath the deck and that was the one
20 indicated as marker six.

21 Q Okay, so that would have been somewhere here?

22 A Correct. I believe, if I'm not mistaken, my
23 recollection it would be on the other side of that white
24 little pipe or whatever, whatever that area was.

25 Q Okay, all right. Is this a different angle?

SW - L. HARDEE - DIRECT

- 1 A Yes, ma'am.
- 2 Q All right. So the -- that particular -- I'm sorry, was
- 3 it shotgun shell or was it a bullet?
- 4 A It was a -- it was actually a bullet.
- 5 Q And that would have been found somewhere up in here or
- 6 ---
- 7 A Correct, yes, ma'am.
- 8 Q Now tell me, this is the back door?
- 9 A Yes, ma'am.
- 10 Q What about this window? Do you know what this window
- 11 and this window goes to?
- 12 A Okay. The double window ---
- 13 Q Yes, sir.
- 14 A ---would have been over by the sink, that counter area.
- 15 Q Yes, sir.
- 16 A And then that other window right there would have been
- 17 in close proximity to where that red chair and victim were
- 18 located.
- 19 Q Okay. Now when you talk about the bullet actually
- 20 going through the wall and through the deck are you
- 21 talking about this deck here?
- 22 A Yes, ma'am.
- 23 Q And the victim would have been similarly seated around
- 24 here?
- 25 A Yes, ma'am.

SW - L. HARDEE - DIRECT

1 Q Tell us the significance of State's 13.

2 A That was a general photo showing where the bullet
3 exited the house and came out to where the deck area was.

4 Q Okay. And where would that be on this photograph, here
5 or ---

6 A Without seeing it closer it would be hard to tell
7 'cause, I mean, we didn't have -- we didn't have a scale
8 tape by there yet but.

9 Q Okay.

10 A It would definitely be one of those areas.

11 Q And tell us the significance of State's 14. Is that
12 simply just a closer up view?

13 A That's a closer up showing where the bullet exited.

14 Q Okay. And number 15?

15 A That would be scale tape on the outside of the
16 residence where the bullet exited.

17 Q Okay, so this is the side of the house?

18 A Correct.

19 Q All right. And just for clarity tell us about Number
20 16, State's 16 -- I mean, yes, State's Number 16.

21 A That was where Agent Hallman and and I photographed the
22 bullet that was up underneath the deck.

23 Q So the deck is here?

24 A Yes, ma'am.

25 Q And the bullet is here?

SW - L. HARDEE - DIRECT

1 A Yes, ma'am.

2 Q I call your attention to State's 18.

3 A That was marker number six. In front of it is the
4 bullet.

5 Q And that would be here?

6 A Yes, ma'am.

7 Q Okay. Number 19, is that a closer up view of the
8 bullet?

9 A Yes, ma'am.

10 Q And that would be here; is that correct?

11 A Yes, ma'am, it is.

12 Q Now you talked about the deck. Can you explain to us
13 State's Number 17.

14 A That was a photograph of the deck, one of the deck
15 boards where the bullet went through to go up underneath
16 the deck.

17 Q Okay. Here?

18 A Yes, ma'am.

19 ASSISTANT SOLICITOR BARR: Your Honor, at this
20 time we would move the remaining exhibits in evidence.

21 THE COURT: They're marked for identification
22 purposes, and you can examine him on Number 30 and 33.
23 Are those all in evidence now?

24 ASSISTANT SOLICITOR BARR: Yes, sir.

25 BY ASSISTANT SOLICITOR BARR:

SW - L. HARDEE - DIRECT

1 Q Agent Hardee, I'm going to hand you what's been marked
2 for identification purposes on State's Exhibit Numbers 30
3 and 33. I ask you if you recognize what's depicted in
4 those particular exhibits?

5 A Okay. Exhibit 30 is gonna be the victim lying in the
6 -- or in a seated position in the chair that was located
7 in the kitchen.

8 Q All right. And you said that's as it relates to
9 Number 30?

10 A Yes, ma'am.

11 Q What about Number 33?

12 A 33 is the photograph showing where one of the
13 projectiles -- well, actually this is going to be one of
14 the shotgun blast went through the chair and the victim's
15 head is over near it. I can see that 'cause that's where
16 the wadding to one of the shotgun shells is.

17 Q Okay, all right.

18 ASSISTANT SOLICITOR BARR: Judge, we would move
19 State's Numbers 30 and 33 in evidence at this time.

20 MR. BARR: Your Honor, we would renew our
21 earlier, Judge.

22 THE COURT: All right. They will be admitted
23 over objection.

24 (WHEREUPON, State Exhibits Nos. 30 and 33 were
25 admitted into evidence.)

SW - L. HARDEE - DIRECT

1 ASSISTANT SOLICITOR BARR: Thank you.

2 BY ASSISTANT SOLICITOR BARR:

3 Q All right. Calling your attention to what's been
4 admitted as State's Exhibit Number 30?

5 A That's the one where the victim was situated on the
6 chair deceased.

7 Q The kitchen area would be back here; is that correct?

8 A Yes, ma'am.

9 Q Microwave here?

10 A Yes, ma'am.

11 Q The window near where the victim was would be here?

12 A Yes, ma'am.

13 Q And would the television be along this line?

14 A Correct.

15 Q All right. And tell us about State's Number 33.

16 A That was one where I indicated the victim's head was
17 right there where the hat is, his ball cap. And then the
18 -- where the shotgun blast went through the chair you can
19 see the wadding on the other side on the lower portion of
20 the exit right --

21 Q Is that here?

22 A Yeah, right where you have it, yeah. Right there.

23 Q Now when you say wadding tell me what you mean by that.

24 A I'm not a firearm examiner so I can just tell you what
25 I know from hunting. A shotgun has pellets that are like

SW - L. HARDEE - DIRECT

1 kind of in a bolt, and we call it wadding, and it's -- and
2 when the pellets roll the shotgun is, I guess the shot,
3 the blast, the trigger's pulled, shot blasts shoots out,
4 and the wadding will fall out for a distance.

5 Q All right. Okay. Does it appear here that a portion
6 of the victim's baseball cap was destroyed by the firearm
7 there? And I can take it off and bring it to you so you
8 can see it closer.

9 A I can't testify to that since I didn't see the hat
10 before. I don't know if that could have been some other
11 damage.

12 Q I understand.

13 ASSISTANT SOLICITOR BARR: Your Honor, do you
14 have State's Exhibit Number 31?

15 THE COURT: Yes. No, I do not.

16 ASSISTANT SOLICITOR BARR: Sir?

17 THE COURT: I do not.

18 ASSISTANT SOLICITOR BARR: Your Honor, may I
19 see the exhibits that the Court has.

20 THE COURT: Ladies and gentlemen of the jury,
21 I'll have you go to the jury room just a minute. Please
22 do not discuss the case.

23 (WHEREUPON, the jury was removed from the
24 courtroom at 4:50 p.m., and the following proceedings
25 commenced in open court.)

SW - L. HARDEE - DIRECT

1 condition that it was in and her mistaken belief initially
2 that her son was asleep and that the -- and establishing
3 the nature of the injury and the wounds from the
4 defendant's -- the wounds of the victim apparently from
5 behind while sleeping or sitting in the chair.

6 I believe that the other photographs based on
7 the testimony that I've heard to this point, that the
8 prejudicial effect of admitting closeup photographs of
9 dried blood on the victim's face, the closeup photograph
10 showing blood all over his body, that they would be unduly
11 prejudicial and lack any probative value based on the
12 testimony at this point and that's what I'm to judge it
13 based on point in time in which they're offered, not based
14 on subsequent evidence. So that's the ruling of the
15 Court.

16 ASSISTANT SOLICITOR BARR: Yes, sir.

17 MR. BARR: Thank you, Your Honor.

18 THE COURT: All right. Let's bring them back.
19 You may proceed.

20 (WHEREUPON, the jury was returned to the courtroom
21 and the following proceedings commenced in open
22 court.)

23 BY ASSISTANT SOLICITOR BARR:

24 Q Agent Hardee, did you take possession of any other
25 items of evidence in connection with this investigation?

SW - L. HARDEE - DIRECT

1 A Yes, ma'am.

2 Q All right. Tell us about the other items of evidence
3 that you took possession from.

4 A Let me refer to my notes.

5 Q Yes.

6 A Okay. I took possession of the photographs, gunshot
7 residue from the victim, residue kit, excuse me. I took
8 possession of a gunshot, two gunshot residues from a Jason
9 Grant and Annette Bradley. They were actually obtained
10 prior to our arrival and then transferred to our custody.
11 We collected a paper ice cream bag.

12 Q Let me -- Judge, may I approach the witness.

13 THE COURT: Yes.

14 BY ASSISTANT SOLICITOR BARR:

15 Q Let me try to speed this up a little bit. Let me ask
16 you this.

17 A There you go.

18 Q 46, State's.

19 (WHEREUPON, State Exhibit No. 46 was marked for
20 identification only.)

21 BY ASSISTANT SOLICITOR BARR:

22 Q All right. Agent Hardee, I'm gonna hand you what's
23 been marked for identification purposes as State's
24 Number 46. You recognize what's depicted in that
25 photograph?

SW - L. HARDEE - DIRECT

1 A Yes, ma'am, it was a -- it was a kind of pink in color
2 long sleeve like thermal shirt.

3 Q Okay. And where was this particular item found?

4 A It was actually on located on Jaybird Avenue several
5 feet in the house.

6 Q All right.

7 ASSISTANT SOLICITOR BARR: Judge, I understand
8 that State's Number 46 the Defendant doesn't have an
9 objection.

10 MR. BARR: Without objection, Your Honor.

11 ASSISTANT SOLICITOR BARR: We would move to
12 introduce.

13 THE COURT: It's in.

14 (WHEREUPON, State Exhibit No. 46 was admitted into
15 evidence.)

16 BY ASSISTANT SOLICITOR BARR:

17 Q You indicated that this particular shirt was found on
18 Jaybird Avenue?

19 A Yes, ma'am.

20 Q Do you know who the shirt belonged to?

21 A No, ma'am.

22 Q All right. Let me see, one more thing and I think that
23 might be it, sir. You indicated that you took the shotgun
24 shells in evidence as well.

25 A Yes, ma'am.

SW - L. HARDEE - CROSS

1 Q The cartridge cases?

2 A Yes, ma'am.

3 Q Now based on the cartridge cases were you looking for a
4 particular type of weapon?

5 A Yes, they were 9-millimeter.

6 Q 9-millimeter. So you had a 9-millimeter and you had a
7 shotgun that was used in connection with the killing?

8 A Yes, ma'am.

9 Q Did you also collect pellets from the scene?

10 A We did.

11 Q Okay. And you talked about this wadding as far as the
12 shotgun and chair. Did you take portions of that into
13 evidence as well?

14 A Yes, ma'am, we did.

15 Q All right, sir. I believe that's all the questions
16 that I have. If you will please answer any questions
17 Defense may have.

18 **CROSS-EXAMINATION**

19 BY MR. BARR:

20 Q How are you doing, Officer, today?

21 A I'm fine. How are you doing?

22 Q Good. Now clarify something, if you would, for me.
23 Are you distinguishing the projectiles from the
24 cartridges. Have you distinguished the projectiles, the
25 actual bullets?

SW - L. HARDEE - CROSS

1 A I didn't do any distinguishing. I just collected the
2 evidence.

3 Q Yes, sir.

4 A Firearm examiner would have to make that distinction.

5 Q Okay. My question then is how many cartridges, shotgun
6 shell cartridges, did you collect?

7 A We collected two.

8 Q Two? Okay. And how many spent casings or bullets did
9 you collect?

10 A We collected two cartridge cases and one bullet.

11 Q Two shell cartridge cases and one bullet, okay. Did
12 you date any of these as to when they may have been
13 actually fired or was your investigation -- were you able
14 to date these?

15 A Like when they were shot or?

16 Q Right.

17 A No, I can't have that ability.

18 Q You don't have that ability to do that? Now so the
19 markers one through six are locations where either shells,
20 cartridges, or bullets were found.

21 A With the exception of Number 5. Number 5 is where a
22 hand towel was found in the front yard.

23 Q Okay. And you said that your result was that there was
24 no prints lifted from any of these items?

25 A From the cartridge cases and all that.

SW - L. HARDEE - CROSS

1 Q Cartridge cases.

2 A No, we weren't able to get any prints off that.

3 Q Weren't able to lift any prints, okay. Why did you
4 find it unusual that the TV was on and Comedy Central was?

5 A It's so much unusual. I mean, most crime scenes I go
6 to it's either out in the field somewhere, it's in a
7 house, but the TV is not on. But this one I walk in, it
8 looks like he's asleep in a chair, and the TV is turned
9 on.

10 Q Okay. Were you present in court when his mother
11 testified that she turned the TV off before she went to
12 him?

13 A No.

14 MR. BARR: No further questions.

15 ASSISTANT SOLICITOR BARR: Judge, that's all
16 the questions I have.

17 THE COURT: All right. Thank you. You may
18 step down.

19 Next witness.

20 ASSISTANT SOLICITOR BARR: We call Vickie
21 Hallman.

22 WHEREUPON,

23 **VICKIE HALLMAN,**

24 having been duly sworn by the Clerk of Court, testified as
25 follows:

SW - V. HALLMAN - DIRECT

DIRECT EXAMINATION

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BY ASSISTANT SOLICITOR BARR:

Q Good afternoon, Ms. Hallman.

A Good afternoon.

Q Please introduce yourself to the ladies and gentlemen of the jury.

A My name is Vickie Hallman. I am a special agent with South Carolina Law Enforcement Division, also known as SLED.

Q Tell us what you do.

A I'm assigned to the latent crime scene unit at SLED.

Q Okay. And how long have you been in law enforcement?

A I've been in law enforcement since 1991.

Q Have you been with SLED the entire time?

A No, ma'am. I spent my first 13 years in law enforcement at the Lexington County Sheriff's Office.

Q Okay. Now tell us when you say you work with in the latent's print department, kind of explain to us what that means.

A Well, the latent print crime seen unit at SLED is kind of a little catch-all department. We work crime scenes at the request of local agencies. We examine evidence for latent fingerprints and if those are located we actually do the comparisons. I also do footwear tire tread comparisons, blood stain pattern analysis, and crime scene

SW - V. HALLMAN - DIRECT

1 reconstruction.

2 Q Now you, of course, have been in the courtroom when
3 Agent Hardee testified about his involvement in the
4 investigation. Can you tell us a little bit about your
5 involvement in this particular investigation.

6 A We basically, when we receive a request for assistance
7 on a crime scene we basically work in pairs. Usually it
8 just makes it go a little bit faster. You always have
9 somebody to help you out if things get a little hairy or
10 you've got a lot to do. We worked basically hand in hand
11 throughout the scene locating evidence, marking evidence,
12 photographing, collection, that type of thing.

13 Q All right. Now Agent Hardee testified earlier that
14 there were latent prints, if you will, taken from the
15 residence in connection with the investigation. If you
16 will tell us a little bit about that.

17 A First of all, a latent print is basically an unknown
18 print. Latent actually stands -- or actually means hidden
19 which means we had to some type of development in order
20 for it to appear. In this case I processed the door with
21 black powder. I had areas that appeared to have ridge
22 detail which is basically -- you have friction ridge skin
23 on your feet and on your hands in order to, for you to
24 grip and to hold things. Those are the only two basic
25 areas on your body that you have what's called friction

SW - V. HALLMAN - DIRECT

1 ridge skin. I had areas appear, and instead of doing an
2 examination on the scene I basic-- we basically collected
3 those items and we took them back to laboratory for
4 examination.

5 Q So you lifted the prints as we commonly call them in
6 layman's terms?

7 A Yes, ma'am.

8 Q Now which particular door did you lift the prints from?

9 A I think they're actually marked as the front door which
10 would be basically the opposite side of the house from
11 where the victim was located.

12 Q Okay, all right. Now when you lift prints from an
13 area, what are the possible results you could have as a
14 result of the analysis of those latent prints?

15 A There's actually several different results if I have
16 suspects to compare them to. The first one is basically
17 no value, which means that there's not enough points or
18 there's not enough basically what we call areas of
19 interest, or minutia to actually make an identification.
20 There's just not enough detail within the print itself.
21 It can be non-identified, which means that we have a
22 suspect to compare it to or a person to compare it to and
23 they do not match. I have enough minutia there to tell
24 that this person did not make this fingerprint. Or in the
25 case at SLED we actually have sometimes where they're not

SW - V. HALLMAN - DIRECT

1 identified with the person that we're looking for but
2 we're able to run it through our AFIS system which is our
3 Automated Finger Print Information System.

4 Q All right.

5 A And actually we also have one that's a no conclusion,
6 and that basically means that the fingerprint card that
7 I'm given of the person of interest or the suspect is not
8 a good enough quality to compare it to the unknown print
9 that I have.

10 Q All right. Now as it relates to this particular case,
11 what was the results of your analysis on the latent prints
12 that were recovered from the front door?

13 A All of them were no value for identification.

14 Q Weren't suitable enough sample for you to make an
15 identification?

16 A That's correct.

17 Q Other than assisting Agent Hardee in photographing the
18 scene and collecting the prints from the scene and
19 performing an analysis on the prints from the scene, did
20 you have any other involvement in the case?

21 A No, ma'am.

22 Q All right. Thank you so much, Agent Hallman. Please
23 answer any questions defense counsel may have for you.

24 MR. BARR: I have no questions of this witness,
25 Your Honor.

1 THE COURT: All right, you may step down.

2 ASSISTANT SOLICITOR BARR: Your Honor, may we
3 approach.

4 THE COURT: Yes.

5 (WHEREUPON, counsel approached the Bench for an
6 off-the-record discussion.)

7 THE COURT: All right, ladies and gentlemen,
8 we're gonna quit for the day. I need you back at ten
9 tomorrow morning. Have a good evening. Please do not
10 discuss the case.

11 (WHEREUPON, the jury was removed from the
12 courtroom at 5:11 p.m., and the following proceedings
13 commenced in open court.)

14 THE COURT: We're gonna be in recess on this
15 case.

16 (Court resumed August 31, 2010 at 10:00 a.m.)

17 (WHEREUPON, State Exhibits Nos. 47 through 75 were
18 marked for identification only.)

19 THE COURT: Good morning. Ready for the jury?

20 ASSISTANT SOLICITOR BARR: Judge, just one
21 pretrial quick matter involving some of the exhibits.
22 Judge, I'd like to state for the record that what's been
23 marked as State's Exhibit 47, 48, 49, 50, 51, 52, 53, 54,
24 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
25 69, 70, 71, 72, 73, 74, and 75, are without objection

SW - Q. WILSON - DIRECT

1 from the Defense. 73, the Defendant objects to.

2 THE COURT: Is that right, Mr. Barr?

3 MR. BARR: That's correct. Your Honor.

4 THE COURT: They're in -- those that are in
5 without objection are in without objection.

6 ASSISTANT SOLICITOR BARR: Thank you, Your
7 Honor. Judge, we're ready for the jury.

8 (WHEREUPON, State Exhibits Nos. 47 through 72, 74,
9 and 75 were admitted into evidence.)

10 (WHEREUPON, the jury was returned to the courtroom
11 at approximately 10:17 a.m., and the following
12 proceedings commenced in open court.)

13 THE COURT: Good morning, day number two. Your
14 next witness, Madam Solicitor.

15 ASSISTANT SOLICITOR BARR: Thank you, Your
16 Honor, if it please the Court, Judge, at this time we call
17 Quadir Wilson.

18 WHEREUPON,

19 **QUADIR AKEEM WILSON,**
20 having been duly sworn by the Clerk of Court, testified as
21 follows:

22 **DIRECT EXAMINATION**

23 BY ASSISTANT SOLICITOR BARR:

24 Q Mr. Wilson, state your name for the jurors?

25 A Quadir Akeem Wilson.

SW - Q. WILSON - DIRECT

- 1 Q I need you to spell your first name for me.
- 2 A Q-U-A-D-I-R.
- 3 Q How old are you, sir?
- 4 A 21.
- 5 Q Do you work, go to school?
- 6 A I work and go to school.
- 7 Q Pull the microphone a little closer to your mouth so we
- 8 can hear you nice and clear. You said you work and go to
- 9 school?
- 10 A Yes, ma'am.
- 11 Q You live here in Williamsburg County?
- 12 A Yes, ma'am.
- 13 Q And how long have you lived in Williamsburg County?
- 14 A I would say about ten years.
- 15 THE COURT: Mr. Wilson, your purpose of being
- 16 here is to talk where we can hear what you're saying. You
- 17 speak loud so we can hear you. Understand?
- 18 THE WITNESS: Yes, sir.
- 19 BY ASSISTANT SOLICITOR BARR:
- 20 Q All right. Sir, you said you lived in Williamsburg
- 21 County for about ten years?
- 22 A Yes.
- 23 Q And were you subpoenaed by the State to testify in this
- 24 case?
- 25 A Yes.

SW - Q. WILSON - DIRECT

1 Q All right. You a little nervous about testifying?

2 A Yes.

3 Q Okay, I understand. Sir, do you know Ronald Mack?

4 A Yes.

5 Q How long have you known Ronald Mack?

6 A I can say for a year.

7 Q Okay. How is it that you know him? Are you all
8 friends? Did you go to school together or what?

9 A We stayed in the same neighborhood.

10 Q Say again?

11 A We stayed in the same neighborhood.

12 Q Did you all ever socialize?

13 A Yes.

14 Q Okay, you all went out to different places together?

15 A Yes.

16 Q All right. Now I'm going to hand you what's been
17 marked and admitted as State's Exhibit Number 75. Is this
18 a picture of Ronald Mack?

19 A Yes, it is.

20 Q All right. Now was he about your same age?

21 A Yes.

22 Q A little younger?

23 A He is two years younger.

24 Q Two years younger, all right. Sir, I'm gonna take you
25 back to the night of April the 4th leading up to the

SW - Q. WILSON - DIRECT

1 morning of April the 5th, 2009. And this would have been
2 the time that Kenyon was shot, okay? All right?

3 A Okay.

4 Q Were you in the presence of Ronald Mack on that day?

5 A Yes, I was.

6 Q All right. Tell the jury about that. Where did you
7 see him, when did you see him, what were y'all doing?

8 A We were at a party.

9 Q Talk up.

10 A We were at a party that night and ---

11 Q When you say "we," tell me who you're talking about.

12 A Me, Ronald, Antonio, Trey, we all went out to a party
13 together.

14 Q Hold on now. Your voice is losing me. When you say
15 "we," you're talking about yourself, correct?

16 A Yes.

17 Q Ronald Mack?

18 A Yes.

19 Q You said Antonio.

20 A Yes.

21 Q Now what's Antonio's last name?

22 A McClary.

23 Q Antonio McClary. And you said Trey?

24 A Uh-huh.

25 Q Sir?

SW - Q. WILSON - DIRECT

1 A Yeah, Trey.

2 Q That's another thing I got to remind you of. Don't
3 shake your head and nod your head and say uh-hum, uh-huh.
4 You got to say yes or no so she can understand what you're
5 saying. When you say Trey you're talking about Dontrey
6 Barr?

7 A Yes.

8 Q Where is Dontrey now, right now as we stand here?

9 A He's finishing up basic training down in Georgia.

10 Q Okay, he's in the army in Georgia right now?

11 A Yes.

12 Q Okay, all right. So you, Ronald Mack, Antonio McClary
13 and Dontrey were at some kind of party?

14 A Yes, ma'am.

15 Q Where at?

16 A Club Jordan.

17 Q Club Jordan. That's a little local night club here in
18 Williamsburg County?

19 A Yes.

20 Q Where is it located?

21 A On -- I'm trying to think of the highway. It's over
22 there by the school.

23 Q By the school?

24 A Yeah.

25 Q Okay. What kind of mood was Ronald in?

SW - Q. WILSON - DIRECT

- 1 A He -- he was like kind of upset at from earlier when
2 him and Kenyon had an argument.
- 3 Q He was upset when he and Keyon argued earlier?
- 4 A Yeah.
- 5 Q Now did he and Kenyon, were they friends at one point?
- 6 A They were friends at one point.
- 7 Q All right. On the day when you all went to Club Jordan
8 were they still friends?
- 9 A No, 'cause of what Keyon said to him.
- 10 Q Okay. Now you said that Ronald was upset with Keyon
11 because of an earlier argument. Did he say what his
12 intent was as far as Keyon was concerned?
- 13 A He was like, he was going to get him.
- 14 Q Ronald said he was going to get Keyon?
- 15 A Yes.
- 16 Q And this is the day before Keyon was murdered?
- 17 A The night of.
- 18 Q The night of, okay. Now did you ever notice Ronald
19 Mack on the phone at all?
- 20 A No, I wasn't really around him. I was shooting pool
21 while he was ---
- 22 Q Okay. When did you all leave Club Jordan?
- 23 A I can say around about 2:00 when it was ended.
- 24 Q Now when you left Club Jordan who all was with you when
25 you left?

SW - Q. WILSON - DIRECT

1 A It would be me and Antonio.

2 Q You and Antonio left Club Jordan?

3 A Yeah, 'cause he already dropped Ronald and Dontrey off.

4 Q Who dropped Ronald and Dontrey off?

5 A Antonio.

6 Q Dropped them off where?

7 A At Trey house.

8 Q At Dontrey's house?

9 A Yes, ma'am.

10 Q All right. Back at Dontrey's house did you ever hear
11 any conversation between Antonio and Ronald?

12 A Antonio was asking him, he was like, you still going to
13 do that and Ronald was like yeah. And Ronald got on the
14 phone but I don't know who he was talking to 'cause he
15 went out the door and --

16 Q Slow down for a minute. Slow down and talk up, okay.
17 You said that you heard Antonio and Ronald talking.

18 A Yes, ma'am.

19 Q Antonio asked, Ronald are you still gonna do that.

20 A Yes, ma'am.

21 Q And Ronald says, yeah; is that correct?

22 A Yes. Yes.

23 Q And you then saw -- then Ronald got on the phone?

24 A Yes.

25 Q But you're not hear to testify to who he was talking to

SW - Q. WILSON - DIRECT

1 or what he said because you didn't hear that part; is that
2 right?

3 A I did not hear that part.

4 Q Fair enough. Now when you observed that Ronald and
5 Antonio were talking to each other, were they talking
6 normal English language like you and I are talking now?
7 Were they talking a little differently?

8 A They were talking a little different. They were
9 speaking in like codes like saying half words or ---

10 Q Say again now?

11 A They was saying half the words or hitting each other.

12 Q They were saying half of the words and some kind of
13 code?

14 A Yeah, and hitting each other on like certain little
15 things.

16 Q Okay. What did -- did there ever come a point in time
17 where Ronald and Antonio left Dontrey's house?

18 A Yes.

19 Q All right. When they left were they dressed the same
20 way they were when they came to Dontrey's house?

21 A No.

22 Q Tell me what happened.

23 A They went and got some clothes. It was like some dark
24 clothes.

25 Q They went and got some dark clothing?

SW - Q. WILSON - DIRECT

1 A Uh-huh.

2 Q And say yes or no for me, okay.

3 A Yes.

4 Q Now when you say "they," who are you talking about that
5 went and got the dark clothing?

6 A Antonio and Ronald.

7 Q All right. And did you actually see them change
8 clothes?

9 A No, I didn't see them change clothes. I saw when they
10 left but I didn't see when they changed clothes.

11 Q So you saw when they left. They had different clothes
12 on when they came in?

13 A Yes.

14 Q Okay, all right. Right before they left did you say
15 anything to them?

16 A I told them don't do nothing stupid 'cause I saw that
17 Ronald was already mad.

18 Q You told him don't do anything stupid?

19 A Yes.

20 Q What did they say to you?

21 A Don't worry about it.

22 Q They said, don't worry about it, don't you worry about
23 it?

24 A Yes.

25 Q Now when they left where were you and where was

SW - Q. WILSON - DIRECT

- 1 Dontrey?
- 2 A We was in the living room watching a movie.
- 3 Q Y'all were still at Dontrey's house?
- 4 A Yes.
- 5 Q Did either you or Dontrey go with Antonio or Ronald
- 6 when they left?
- 7 A No.
- 8 Q Did you see Ronald or Antonio at any point again later
- 9 that night or early that next morning -- or not the next
- 10 morning, but actually earlier that same morning?
- 11 A I saw him later on that night.
- 12 Q Later on that night?
- 13 A Yes.
- 14 Q About how long after they left did you see them? Was
- 15 it a matter of minutes or hours?
- 16 A I would say probably an hour.
- 17 Q Okay, all right. Now when you saw them where did you
- 18 see them?
- 19 A They came to Dontrey's.
- 20 Q They came back to Dontrey's house?
- 21 A Yes.
- 22 Q Now what were you doing when they got there?
- 23 A I was laying down.
- 24 Q Okay.
- 25 A And I was like dozed off.

SW - Q. WILSON - DIRECT

1 Q Okay.

2 A And when I looked up that was when I looked at them.

3 Q So when you looked up what happened?

4 A When I looked up I looked at them and I said -- I
5 looked at them and I said, look what'd y'all do. He said,
6 don't worry about it, don't worry about it.

7 Q All right. Now Antonio came back as well as Ronald?

8 A Yes.

9 Q Okay. Did they keep on the same dark clothing that
10 they had when they left or did they change clothes again.

11 A They put back on their clothes that they had on
12 earlier.

13 Q Put back on the clothes that they had on earlier when
14 they first came?

15 A Yes.

16 Q All right. Do you know what happened to the dark
17 colored clothes that they had on when they left the house?

18 A No, I didn't know where they put -- where he put them.

19 Q Did they take them with them?

20 A I don't think he took them with them.

21 Q Did he do anything -- when I say "he" I mean Ronald
22 Mack. Did he do anything unusual when he came back to
23 your house other than change clothes again?

24 A He got on the phone again and then he started washing
25 his hands.

SW - Q. WILSON - DIRECT

1 Q He got on the phone and he started washing his hands;
2 is that right?

3 A Yes.

4 Q When you say "he," who are you talking about?

5 A Ronald Mack.

6 Q All right. What was he washing his hands with?

7 A At first it was soap and then he asked me where was the
8 bleach.

9 Q First it was soap and then he then asked you where was
10 the bleach?

11 A Yes.

12 Q Do you think it was odd that he was washing his hands
13 with bleach?

14 A Yes.

15 Q Now Quadir, when was the first time that you learned
16 that Keyon had been shot?

17 A That next morning.

18 Q Where were you at when you found out about it?

19 A I was at church.

20 Q You was at church?

21 A Uh-huh.

22 Q All right. Did you have an idea in your mind as to who
23 was responsible for killing Keyon when you find out that
24 he had died?

25 A Yes.

SW - Q. WILSON - DIRECT

1 Q Who did you think was responsible?

2 A Ronald.

3 Q Did you ever ask him about it?

4 A I asked him about it. He told me he did it.

5 Q You asked him about it and what now?

6 A And he said he did it.

7 Q He admitted to you that he did it?

8 A Yes.

9 Q Okay. Now Quadir, do you remember giving a statement
10 to Investigator Lail back in May of 2009 regarding this
11 case?

12 A Yes.

13 Q All right. And did you tell her pretty much the same
14 thing you told us?

15 A Yes.

16 Q Now when you told her about what all the information
17 you knew, you mentioned Dontrey as being at the house with
18 you?

19 A Yes.

20 Q All right. You mentioned Antonio McClary's name?

21 A Yes.

22 Q You mentioned Ronald Mack's name.

23 A Yes.

24 Q When you spoke with Investigator Lail did you mention
25 any other names of anybody in connection with this case?

SW - Q. WILSON - DIRECT

1 A I heard about a man named Callie and---

2 Q A man named who?

3 A Callie.

4 Q Callie?

5 A Uh-huh.

6 Q Okay. That's a yes?

7 A Yes.

8 Q All right. Anybody else?

9 A And his mother.

10 Q Whose mother?

11 A Ronald's mother.

12 Q So back in May of 2009 when you talked to Investigator

13 Lail you gave Investigator Lail the name of somebody named

14 Callie?

15 A Yes.

16 Q And the name of -- or Ronald's mother. Not necessarily

17 her name but Ronald's mother, you called her; is that

18 correct?

19 A Yes.

20 Q Quadir, kind of help us understand if you knew as much

21 information as you knew back on the night Kenyon was

22 killed, kind of help us understand why you didn't come

23 forward earlier and tell the police what you knew.

24 A I was scared that by me knowing that I probably would

25 have got locked up for or something else would have

SW - Q. WILSON - DIRECT

1 happened.

2 Q Something else? What you mean something else?

3 A Like my life probably would have been threatened too
4 'cause I would have told.

5 Q You were afraid something would happen to you if you
6 told?

7 A Yes.

8 Q Now prior to that night when you had the conversation
9 with Ronald about -- not conversation, I guess when you
10 heard Ronald talk about being upset with Kenyon, had you
11 ever met his mother before?

12 A I never met her but I saw her before.

13 Q Okay. Do you think you'd recognize her again?

14 A No.

15 Q Do you have any knowledge as to whether or not Ronald
16 Mack was in a gang during this time?

17 A Yes.

18 Q What kind of gang was he in?

19 A He say he was a Blood.

20 Q A Blood?

21 A Yes.

22 Q Mr. Wilson, thank you. I believe that's all the
23 questions I have. Please answer any questions Defense
24 counsel may have.

25 **CROSS-EXAMINATION**

SW - Q. WILSON - CROSS

- 1 BY MR. BARR:
- 2 Q How are you today, Mr. Wilson?
- 3 A All right.
- 4 Q Good. Mr. Wilson, you said you gave the name of
- 5 Ronald's mother to the police. Is that correct?
- 6 A Yes.
- 7 Q How did you come to know Ronald's mother's name?
- 8 A I didn't know her name. I just said Ronald's mother
- 9 but...
- 10 Q So you didn't actually give the police Ronald's
- 11 mother's name, did you?
- 12 A No.
- 13 Q Okay. Now on the night of April 4th, 2009, did you see
- 14 Ronald's mother?
- 15 A No, sir.
- 16 Q Okay. Did you even know of Ronald's mother whereabouts
- 17 at all?
- 18 A No, sir.
- 19 Q Okay. So you couldn't give the police any information
- 20 regarding Ronald's mother as relates to this incident,
- 21 could you?
- 22 A No, sir.
- 23 Q You talked to the police several times concerning this
- 24 case; didn't you?
- 25 A I would say it was twice.

SW - Q. WILSON - CROSS

1 Q Twice, right. And the second time you talked to the
2 police you asked them to talk to them; didn't you?

3 A Yes.

4 Q And you asked them to talk to them because the
5 information that you had given them was incorrect; wasn't
6 it?

7 A Yes, sir.

8 Q Okay. And it's only in the aftermath in order to help
9 yourself you decided to talk with them; is that correct?

10 A Yes.

11 Q Okay. Now you said that you told, I think it
12 was McClary and Ronald as they were leaving Dontrey's
13 house, don't do anything stupid.

14 A Yes, sir.

15 Q Now I think the Solicitor allowed you to review your
16 statement ---

17 A Yes.

18 Q ---today? You didn't say that in your statement to the
19 police, did you?

20 A Yes, I did.

21 Q Did you tell the police in your statement that
22 Antonio McClary and Ronald Mack actually left your house
23 at different -- left the house at different times?

24 A No, they left at the same time.

25 Q Okay. Now but did you tell them earlier that they left

SW - Q. WILSON - CROSS

1 different times?

2 A No, I was saying -- said we left from the club at
3 different times.

4 Q Okay. Now when you left the club you then went to
5 Dontrey's house; is that correct?

6 A Yes.

7 Q Okay. Now you testified under direct examination with
8 the Solicitor that when Mr. McClary and Mr. Mack came back
9 to the house you asked them what they had done; is that
10 correct?

11 A Yes.

12 Q Now in your statement given to the police, even the
13 second time, did you not tell them that you were actually
14 asleep?

15 A I said I was dozing off.

16 Q Did you say in the statement that was like you were
17 dozing off and when you woked up and then you went back to
18 sleep?

19 A Yes, I said that.

20 Q So this conversation that you're claiming that you had
21 with them, you're just saying that today; aren't you?

22 A I had -- I actually had a conversation with them.

23 Q But you didn't tell the police that. You told the
24 police you went to sleep.

25 ASSISTANT SOLICITOR BARR: Judge, we would ask

SW - Q. WILSON - CROSS

1 -- first of all, we object. We'd ask that if the Defense
2 counsel wishes to impeach the witness that he do it
3 according to the rules, he be allowed to examine his
4 statement and clarify and make any points he needs to
5 make.

6 MR. BARR: Your Honor, may I approach the
7 witness?

8 THE COURT: Yes.

9 MR. BARR: Court's indulgence, Your Honor.

10 BY MR. BARR:

11 Q Mr. Wilson, I'm gonna show you this statement. I
12 believe it's a statement made May 14th, 2009. I believe
13 the investigators were Lail, Collins. And ask you to look
14 at Page 7, lines 24 and 25. Now did you tell the police
15 during this statement under oath that you looked up, you
16 dozed off, and you went back to sleep?

17 ASSISTANT SOLICITOR BARR: Judge, we'd object
18 to the question because it assumes facts not in evidence.
19 There's no testimony that the statement of the police was
20 under oath.

21 THE COURT: Objection is overruled.

22 THE WITNESS: I said -- I read that statement,
23 but I said I looked up, I asked him what did y'all do, and
24 he said don't worry about it.

25 BY MR. BARR:

SW - Q. WILSON - CROSS

1 Q I'll ask you to look at it again. You said that you
2 asked them what they did and they said don't worry about
3 it?

4 A Yeah.

5 Q I don't mean to press you here, but at what point
6 before you went to sleep did you say that?

7 A What you mean?

8 Q At what point in your conversation with them did you
9 say that, or did they say that to you?

10 A They didn't say anything to me when they walked in. I
11 woke up and I said, what did y'all do. They said, don't
12 worry about it. That was the end of the conversation. I
13 lay back down and went to sleep.

14 Q Now when you told the police this, though, in the
15 interview you didn't say that you asked about it. You
16 said that you dozed off and you went to sleep. And it's
17 not in this statement, is it, that you gave, that you
18 asked them what they did?

19 A No, it's not in the statement.

20 Q Okay. So you're here today testifying differently than
21 you did in the statement?

22 A No, it's just typed differently in the statement.

23 Q Okay, so you think the statement is typed wrong?

24 A It could be mistyped.

25 Q Okay. Now you said that Ronald told you that he was

SW - Q. WILSON - CROSS

1 gonna get Keshawn (sic).

2 A Yes.

3 Q At what point on the statement did he tell you? Where
4 were y'all?

5 A We were at the club.

6 Q And what were y'all doing?

7 A Dancing, shooting pool.

8 Q Okay. And he was in your immediate presence?

9 A He was like walking around, and then he told me but
10 when he told me that he was in my presence?

11 Q And did he say why?

12 A He said they got in an argument earlier that day.

13 Q Did you ask him what the argument was about?

14 ASSISTANT SOLICITOR BARR: Objection, Hearsay,
15 Judge.

16 BY MR. BARR:

17 Q Do you know anything about what the argument was about?

18 A No, not really.

19 THE COURT: Just a moment.

20 MR. BARR: I'm sorry, Your Honor.

21 THE COURT: All right. There's an objection to
22 the previous question or to the most recent question or
23 both questions?

24 ASSISTANT SOLICITOR BARR: Both questions,
25 Judge, to the extent that it calls for him to say, to give

SW - Q. WILSON - CROSS

1 a hearsay response.

2 THE COURT: I overrule the objection.

3 Yes, sir, you can answer.

4 THE WITNESS: It was a argument about -- I'm

5 trying to think about -- trying to think back. I can't --

6 I can't tell what the argument was about, why they started

7 arguing, but the things that he said to Ronald made Ronald

8 mad.

9 BY MR. BARR:

10 Q Okay. You testified under direct examination that when

11 you heard that Keshawn had been killed ---

12 UNIDENTIFIED PERSON: It's Kenyon.

13 MR. BARR: I apologize.

14 THE COURT: Just a moment. Just a moment. No

15 outbursts from the audience.

16 Proceed.

17 BY MR. BARR:

18 Q You testified that when you heard that Kenyon had been

19 killed that you believe that Ronald did it?

20 A Yes.

21 Q Why?

22 A Because he were in an argument that day and ---

23 Q Is that the only reason simply because he told you --

24 did you hear the argument?

25 A No, I have not hear the argument, but by putting all

SW - Q. WILSON - CROSS

1 those facts that he -- that went on that day, that that's
2 the first thing that came to my mind. That the first
3 thing that came to everybody mind.

4 Q What happened that day?

5 A They got in an argument.

6 Q Do you have any idea what it was about?

7 ASSISTANT SOLICITOR BARR: Objection, asked and
8 answered.

9 THE WITNESS: No.

10 THE COURT: Objection sustained.

11 BY MR. BARR:

12 Q All right. Now regarding Ms. Tawanda Allen, you don't
13 know her, do you?

14 A No, I do not know her.

15 Q Okay. And you didn't see her in this entire, or near
16 in any ---

17 A I did not see her that night at all.

18 Q Sir?

19 A I did not see her that night at all.

20 Q And you testified about the name Callie. Do you know a
21 Callie?

22 A I do not know a Callie.

23 Q Did you ever see a Callie?

24 A I never saw a Callie.

25 Q Did you see a Callie that weekend?

SW - Q. WILSON - REDIRECT

1 A No, I have not seen Callie.

2 Q Okay. Did anybody point out Callie to you or anything?

3 A I do not know Callie.

4 Q How did you come about getting the name Callie?

5 A I heard of Callie.

6 Q Where did you hear it from?

7 A Ronald.

8 Q Ronald?

9 A Yes.

10 Q I have no further questions.

11 THE COURT: Redirect.

12 ASSISTANT SOLICITOR BARR: Judge, may I
13 approach the witness.

14 THE COURT: Yes.

15 **REDIRECT EXAMINATION**

16 BY ASSISTANT SOLICITOR BARR:

17 Q Mr. Wilson, is this a copy of the transcript of the
18 statement that you gave to the police back in May of 2009?

19 A Yes.

20 Q All right. Now sir, Mr. Barr asked you on
21 cross-examination whether or not you actually told the
22 police on that day that you told Ronald and Antonio not to
23 do anything stupid. Do you remember that question that he
24 asked you?

25 A Yes.

SW - Q. WILSON - REDIRECT

1 Q Now sir, I'm gonna have you, if you will, turn to
2 Page 6 for me. Let me know when you're there.

3 A I'm there.

4 Q You're there? Look at lines 11 through 12. Is that
5 your response? Just lines 11 and 12.

6 A 11 and 12?

7 Q Yes.

8 A Yes.

9 Q All right. So did you actually tell the police back in
10 May of 2009 that you told Ronald and Antonio not to do
11 anything stupid?

12 A Yes.

13 Q And that's reflected in your statement?

14 A Yes.

15 Q Do me a favor and turn to Page 8. Look at lines 8
16 through 13 and let me know when you've had an opportunity
17 to review those lines. You finished?

18 A Yes.

19 Q Mr. Barr asked you under cross-examination whether or
20 not you were sleeping when these statements were made by
21 Antonio and Ronald about what's done is done. Did you
22 give a statement to the police indicating that you were
23 dozed off and you had woken up?

24 A Yes.

25 Q Is that reflected in lines 8 through 13?

SW - Q. WILSON - REDIRECT

1 A Yes, it is.

2 Q All right. What did you say to police back then in May
3 of 2009 when you gave that statement on that issue?

4 A This is it. This is exactly what I said.

5 Q All right. And read it for me. Speak up.

6 A You said 11 through?

7 Q 8 through 13.

8 A I just looked at them and he look at me.

9 Q Speak up.

10 A I just look at them and he look at me. And I was on
11 the floor and I told you I was kind of dozed.

12 Q Speak up. I was on the floor what now?

13 A I was on the floor and I kind of dozed off. I —

14 Q It says tried, but it's supposed to be tired?

15 A Yeah. I was tired that night and I think — I stopped
16 (ph) at that part. And Trey, and he said Trey, I said
17 that.

18 Q Okay.

19 A I think Trey said something to Ronald and Ronald was
20 like, what's done is done.

21 Q Said something to Ronald and Ronald said, what's done
22 is done.

23 A That's the part when I was telling him that when I
24 asked him what he said.

25 Q Yes, sir.

SW - Q. WILSON - RECROSS

1 A That's what I said.

2 Q All right.

3 A And that's when he replied, that's what he said.

4 Q Do you know how Antonio and Ronald left the house,
5 Dontrey's house that night?

6 A They were walking.

7 Q Okay. Did you ever see any vehicles or were you inside
8 the entire time?

9 A I was inside the entire time.

10 Q Okay. All right, sir. That's all the questions I
11 have. Thank you.

12 THE COURT: Anything further, Mr. Barr?

13 **RECROSS - EXAMINATION**

14 BY MR. BARR:

15 Q Mr. Wilson?

16 A Yes.

17 Q Both Page 6 and Page 8, are you speaking to the police
18 about what happened that Sunday morning early after you
19 say that Antonio and Ronald had returned home, or before
20 they left home?

21 A Before they left and then like kind of went on to the
22 next morning.

23 Q Now on Page 6, do you still have your statement?

24 A No.

25 Q Okay.

SW - Q. WILSON - RECROSS

1 (Document tendered to witness).

2 BY MR. BARR:

3 Q On Page 6, line 11, 12 and 13, have you looked at that
4 yet?

5 A Uh-huh.

6 Q Okay. Now is that before you say that Ronald and
7 Antonio left Dontrey's house, or is that when they
8 returned and down from that you're saying that Ronald's
9 washing his hands with bleach and asking you for bleach to
10 wash his hands, line 14 and 15.

11 ASSISTANT SOLICITOR BARR: Judge, we would
12 object to the compound nature of the question and we would
13 object. The question falls outside the scope of recross
14 examination.

15 THE COURT: Mr. Barr, response?

16 MR. BARR: Pardon me, Your Honor?

17 THE COURT: Response to the objection.

18 MR. BARR: Your Honor, I'll rephrase the
19 question.

20 BY MR. BARR:

21 Q Is the time frame you're referring to here on Sunday
22 morning after the return of Ronald and---

23 A It was that morning, Sunday morning.

24 Q Okay, all right. Thank you, sir.

25 THE COURT: All right.

SW - S. LUERSEN - DIRECT

1 ASSISTANT SOLICITOR BARR: Judge, we ask
2 Mr. Wilson be excused.

3 THE COURT: Thank you. You may step down. You
4 are excused.

5 Your next witness.

6 ASSISTANT SOLICITOR BARR: We call Detective
7 Steve Luersen.

8 WHEREUPON,

9 STEVE LUERSEN,
10 having been duly sworn by the Clerk of Court, testified as
11 follows:

12 DIRECT EXAMINATION

13 BY ASSISTANT SOLICITOR BARR:

14 Q Good morning, Detective Luersen.

15 A Good morning.

16 Q If you would please introduce yourself to the ladies
17 and gentlemen of our jury.

18 A My name is Steven Luersen. I'm with the Anne Arundel
19 County Police Department, investigator of Anne Arundel
20 County of Maryland.

21 Q And tell us what you do there, sir.

22 A I work in the criminal investigation division currently
23 assigned to the robbery unit.

24 Q Now how long have you been in law enforcement?

25 A I've been in law enforcement for since 1993.

SW - S. LUERSEN - DIRECT

1 Q Okay. And give us an idea of what your day to day
2 responsibilities would have been with the Anne Arundel
3 County Police Department in May of 2009 last year.

4 A The last year I was assigned to homicide unit, which
5 would be primary function as investigating all suspicious
6 deaths, departmental shootings, and quite honestly any
7 unattended deaths with a suspicious nature involved.

8 Q Now sir, your agency was gracious enough to assist the
9 Williamsburg County Sheriff's Department concerning an
10 investigation of a murder that happened here; is that
11 correct?

12 A Yes.

13 Q When were you first notified -- when was your agency
14 first contacted by the Sheriff's Department?

15 A We were contacted on May 18th during the morning hours
16 around 11:15, 11:17 in the morning.

17 Q Do you recall the name of the individual who made
18 contact with you?

19 A Detective Lail.

20 Q Detective Lail?

21 A Yes.

22 Q Is she the detective here that's in the black jacket?

23 A Yes.

24 Q You met her for the first time actually today; is that
25 right?

SW - S. LUERSEN - DIRECT

1 A I did, yes.

2 Q Now what was the basis of the contact? Why were you
3 being contacted and what were you asked, if anything, to
4 do?

5 A Our agency was asked to try to locate and serve arrest
6 warrants on two individuals wanted in South Carolina.
7 Their investigation led them to having information in the
8 Maryland area, specifically the Columbia area, which is in
9 our jurisdiction.

10 Q And I'm having a little bit of difficulty hearing you
11 so if you could kind of adjust the microphone so that your
12 voice would carry. You indicated that you had been
13 contacted so that you could serve arrest warrants on two
14 people who were believed to live in the Maryland area.

15 A That's correct.

16 Q Who were those two people?

17 A It was a Ronald Mack and a Tawanda Allen.

18 Q Okay. Now kind of go through with us what all your
19 agency did in terms of assisting Sheriff's Department?

20 A Our agency school, a resource officer determined that
21 Mr. Mack was enrolled in a high school in Glen Burnie
22 called Old Mill High School. He also learned he was not
23 in school that day. Through school records they were able
24 to identify an address where they were living at, which
25 was [REDACTED], Apartment [REDACTED] Glen Burnie County of

SW - S. LUERSEN - DIRECT

1 Maryland.

2 Q [REDACTED]?

3 A [REDACTED].

4 Q [REDACTED]?

5 A Apartment [REDACTED].

6 Q Apartment [REDACTED]?

7 A Glen Burnie, Maryland.

8 Q Glen Burnie, Maryland, and which is located in Anne
9 Arundel County?

10 A Yes, it is.

11 Q Now once you all confirmed the residence for Ronald
12 Mack tell us what your agency did next.

13 A We had officers set up surveillance on the apartment
14 complex.

15 Q Okay.

16 A They also had information there was a vehicle involved,
17 in this case, which was registered to Ms. Allen. They had
18 a license plate number and type of VIN, make and model of
19 the vehicle.

20 Q Okay.

21 A Also went to the apartment complex. They located the
22 vehicle, and they set up surveillance on the apartment and
23 the vehicle.

24 Q All right. Now you had already had a physical
25 description of the vehicle and a tag number, your agency

SW - S. LUERSEN - DIRECT

1 did?

2 A Yes. Yes, we did.

3 Q Now I'm gonna hand you what's been admitted as State's
4 Exhibits Number 60, 61, and 62 and 63. Are these -- is
5 this the -- are these photographs of the vehicle that you
6 all were looking that day?

7 A Yes.

8 Q And describe the make and model of the vehicle.

9 A It is a KIA. I don't know the model, basically what's
10 the model. It's a KIA Sportage. It's a 2006 KIA
11 Sportage. It's actually green but, initially, indication
12 it was blue.

13 Q Dark colored SUV?

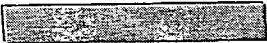
14 A Yes.

15 Q Now you indicated that you were looking for this
16 particular vehicle and your officers spotted a vehicle
17 matching the description?

18 A Yes, they did.

19 Q All right. Now where was that vehicle spotted?

20 A It was parked out front of the apartment complex.

21 Q And when we talk about the apartment complex --
22 approach you one more time. You said it's 

23 Apartment  Glen Burnie, Maryland. I'm gonna hand you
24 what's admitted as State's Exhibit 47 and 48. Is that the
25 apartment complex?

SW - S. LUERSEN - DIRECT

1 A Yes, it is.

2 Q All right. And that's the door to Apartment 

3 A Yes.

4 Q And that's reflected on State's 48; is that right?

5 A That's correct.

6 Q All right. Sir, can you see the screen from where you
7 are?

8 A Yes, I can.

9 Q I'm gonna publish -- all right, I'm gonna publish
10 State's 63. Detective Luersen, is that the vehicle that
11 you all were looking for?

12 A Yes, it is.

13 Q Side view of the vehicle?

14 A Yes, it is.

15 Q And tell me if you will, who is the vehicle registered
16 to?

17 A It's registered to a Tawanda Allen.

18 Q Okay. I'm going to publish State's 60. Is that a
19 front view of that same vehicle?

20 A That's correct.

21 Q The tag number that's reflected in the photograph,
22 10799M4, is that the same tag number you were looking for?

23 A Yes, it is.

24 Q All right. State's 61, is that a rearview of that same
25 vehicle?

SW - S. LUERSEN - DIRECT

1 A That's correct.

2 Q Does that particular exhibit show that it is a KIA
3 Sportage?

4 A Yes.

5 Q All right. And I'm going to publish State's 47. Is
6 that the front entrance to the apartment complex?

7 A Yes, it is.

8 Q All right. And does that reflect that the address is

9 ?

10 A Yes, it does.

11 Q And is this what is marked and admitted as State's 48,
12 is that the front door to the apartment?

13 A Yes, it is.

14 Q Apartment ?

15 A Yes, it is.

16 Q All right. Now you indicated that you all found the
17 vehicle in front of the apartment complex?

18 A Yes.

19 Q Who was in it?

20 A It was unoccupied and initially went into the apartment
21 complex. Two males entered the vehicle.

22 Q All right. Did you later determine the identity of
23 those males who entered the vehicle?

24 A Yes, we did.

25 Q And who were those males?

SW - S. LUERSEN - DIRECT

1 A It was Kelvin Bowen, Jr.

2 Q Yes, sir.

3 A And Ronald Mack.

4 Q Do you have any information concerning who's the driver
5 and who's the passenger?

6 A Kelvin Bowen, Jr., was the driver.

7 Q Ronald Mack was the passenger?

8 A That's correct.

9 Q Were those individuals detained?

10 A Yes, they were.

11 Q All right. I'm gonna hand you what's been admitted as
12 State's 74 and 75. Are these the individuals who were
13 stopped by the Anne Arundel County Police Department as
14 being the subjects who entered the vehicle?

15 A Yes.

16 Q All right. And Exhibit Number 75, is that Ronald Mack?

17 A That's -- yes, that's Ronald Mack.

18 Q Okay. What about 74?

19 A That's Kelvin Bowen, Jr.

20 ASSISTANT SOLICITOR BARR: Judge, permission to
21 publish.

22 THE COURT: Yes.

23 BY ASSISTANT SOLICITOR BARR:

24 Q Now these photographs were taken by Anne Arundel County
25 that day?

SW - S. LUERSEN - DIRECT

1 A Yes.

2 Q That's how they appeared and how they were dressed?

3 A Yes.

4 Q All right. Now once the individuals being Mr. Mack and
5 Mr. Bowen were discovered by your agency, what was the
6 next step in the investigation?

7 A They were taken to eastern district station.

8 Q Yes, sir.

9 A Mr. Mack was served with a arrest warrant. Mr. Bowen
10 was detained. His picture was sent to Detective Lail.

11 Q You sent Mr. Bowen and Mr. Mack's picture to
12 Investigator Lail?

13 A Yes.

14 Q All right. Did she specifically request that
15 information from you?

16 A Yes.

17 Q Okay, all right. Now don't tell me what she said, but
18 after you -- I guess you emailed. Y'all had email to her
19 or fax to her?

20 A Yes, the information was emailed over to her. The
21 photographs were emailed to her.

22 Q After the photograph of Mr. Bowen and Mr. Mack were
23 emailed to Investigator Lail. Did you subsequently take
24 Kelvin Bowen into custody?

25 A Yes, we did.

SW - S. LUERSEN - DIRECT

1 Q You at some point had someone serve an arrest warrant
2 on him for murder as well?

3 A That's correct.

4 Q Okay. Now tell me what your assistance was in terms of
5 the residence that is in Glen Burnie, Maryland.

6 A We were asked to obtain and execute a search and
7 seizure warrant on the apartment as well as the vehicle.

8 Q Yes, sir. Okay. And did you write out a statement
9 to -- I guess you all have magistrates there?

10 A We have judges. We have circuit court judges and
11 district court judge. I prepared an application and
12 submitted it to a circuit court judge.

13 Q And did the circuit court judge grant your application
14 for a search warrant?

15 A Yes, he did.

16 Q Search warrant of the vehicle and the residence?

17 A That's correct.

18 Q Now was there anything of evidentiary value found in
19 the vehicle itself?

20 A No.

21 Q Okay. Were you a part of the search of the residence?

22 A Yes.

23 Q All right. And, sir, I'll publish them at a later
24 time. But look through what's been admitted as State's

25 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59, and I'll

SW - S. LUERSEN - DIRECT

1 ask you if you recognize anything that's depicted in those
2 photographs. Don't tell me what they are. Just let me
3 know if you recognize anything.

4 A Yes, I do.

5 Q All right. Now as it relates to Mrs. Allen you
6 indicated that Mr. Bowen and Mr. Mack were at the vehicle
7 and so they were taken to the police department.

8 A Yes.

9 Q Where was Ms. Allen?

10 A It was determined that she was at work.

11 Q Okay. And you all received that information from whom
12 that she was at work?

13 A I don't know who gave us that information.

14 Q And where was she working at?

15 A It's actually a ice cream company. It's in Laurel
16 Maryland, which is at a neighboring county. It's Howard
17 County.

18 Q Yes, sir.

19 A Neighboring county, Deowandur County.

20 Q Was she later arrested at her place of employment?

21 A Yes, she was.

22 Q And she was brought where?

23 A She was taken to the Howard County Detention Center.

24 Q Okay. Now did your agency seize any evidence in the
25 case?

SW - S. LUERSEN - DIRECT

1 A Yes, we did.

2 Q Tell me what you seized.

3 A We seized a -- refer to my property list here.

4 Received a Revelation 12-gauge shotgun. We -- which was

5 we also received four Remington 12-gauge shotgun shells.

6 We collected nine -- or correction, ten 9-millimeter lazor

7 Ruger rounds ammunition. We collected two spiral

8 notebooks belonging to Ronald Mack.

9 Q Yes, sir.

10 A We collected a Maryland District Court paperwork for a

11 Tawanda Mack.

12 Q Yes, sir.

13 A We collected a BGE bill for Tawanda Mack. We collected

14 a employment paperwork for Kelvin Bowen, Jr.

15 Q Yes, sir.

16 A And we collected paperwork from the Kansas Department

17 of Revenue for Kelvin Bowen, Jr.

18 Q All right.

19 A We collected a Suntrust bank account for Kelvin Bowen,

20 Junior, and that account information. And we collected a

21 class schedule for Ronald Mack.

22 Q Okay. And where were all these things seized from?

23 A They are all seized from the apartment itself,

24 Apartment [REDACTED]

25 Q Apartment [REDACTED]

SW - S. LUERSEN - DIRECT

1 A Yes, from Apartment [REDACTED]

2 Q Yes, sir.

3 A The shotgun, the shotgun was found in the bedroom and
4 -- the apartment was broken down in three major rooms.

5 Bedroom one, bedroom two, then like a living room/dining
6 room area.

7 Q Yes, sir.

8 A The shotgun was recovered out of what we call bedroom
9 one, appeared to be the master bedroom.

10 Q Yes, sir.

11 A The shotgun shells were also found in the bedroom. The
12 spiral notebook was found which we called bedroom number
13 two. It's the small of the two bedrooms. The Maryland
14 District Court paperwork for Ms. Mack, or for Ms. Allen,
15 for the BGE paperwork employment paper.

16 Q Slow down. From BGE, what is that?

17 A Baltimore Glass and Electric. It's a local power
18 supplier for our area.

19 Q So you found a bill from the power electric company in
20 the master bedroom?

21 A Yes.

22 Q Whose name was listed on the electric bill?

23 A It was in Tawanda Mack, Mack's name on it.

24 Q Yes, sir, all right. Please continue.

25 A I'm sorry. It was in the name of Tawanda M. Allen.

SW - S. LUERSEN - DIRECT

1 Q Okay.

2 A The employment paperwork for Kelvin Bowen, Junior was
3 also in bedroom number one. The Kansas Department of
4 Revenue was in bedroom number one. The Suntrust bank
5 account paperwork information was in bedroom one. And the
6 class schedule for Ronald Mack was in bedroom number two.

7 Q Number two. After having arrested Mr. Bowen,
8 Mrs. Allen, and Mr. Mack, were they later extradited to
9 state of South Carolina?

10 A Yes, they were.

11 Q So you turned them over to the custody of Williamsburg
12 County Sheriff's Department?

13 A Yes, they were.

14 Q So Williamsburg County would have drove to Maryland to
15 pick them up and bring them back here? You all didn't
16 transport them to South Carolina, did you?

17 A No, we did not transport.

18 Q All right. What about the items that you just listed
19 that you seized from the residence? What did you all do
20 with those?

21 A They were packaged from the scene. They were
22 photographed and packaged by evidence technician and
23 they're ultimately logged into properties evidence into
24 our property system.

25 Q Yes, sir.

SW - S. LUERSEN - DIRECT

- 1 A And they would have been transferred over to South
2 Carolina, the authorities down here for processing.
- 3 Q Now who is your evidence technician, or who would have
4 been your evidence technician on this case?
- 5 A That would have been Katie Ladue.
- 6 Q Is Ms. Ladue present in the courtroom?
- 7 A Yes, she is.
- 8 Q Would you identify her for the jurors? Point her out.
- 9 A She's wearing a ---
- 10 Q If you would raise your hand.
- 11 A ---black suit jacket with her hand raised.
- 12 Q Okay. She would have been responsible for taking
13 possession of the items that were seized pursuant to
14 search warrant and later transported it to Williamsburg
15 County?
- 16 A Yes.
- 17 Q There's another young lady seated next to her. Tell me
18 her name and what her job would have been.
- 19 A Detective Kelly Harding. She was also in the homicide
20 unit at the time. She was my partner. She assisted with
21 the search warrant.
- 22 Q All right. Now once those items were seized from the
23 apartment complex in Maryland and taken to your law
24 enforcement complex, what precautions did you all take to
25 secure those items until they were turned over to

SW - S. LUERSEN - DIRECT

1 Williamsburg County?

2 A There's a chain of custody there which starts from the
3 time we pick them up which starts from this property list
4 that shows we've taken them from the residence and then
5 Katie Ladue would then turn -- enter them into a system,
6 maintain custody. She would turn control over to either a
7 storage locker or the property system, wherever they put
8 it in the property system. And then it would be secured
9 until it was released to another person. And once that
10 was released to that person we signed over to that person.

11 Q Okay. When you state that person are you talking about
12 a person with Williamsburg County Sheriff's Department?

13 A Either with Williamsburg County Sheriff's Department or
14 if another person our department needed to come in contact
15 with that item that would have been signed out and signed
16 it back in to maintain chain of custody.

17 Q Do you have an evidence log in this case?

18 A I have a partial evidence log. I don't have a complete
19 evidence log.

20 ASSISTANT SOLICITOR BARR: Beg the Court's
21 indulgence.

22 THE COURT: Let's stand for a moment.

23 BY ASSISTANT SOLICITOR BARR:

24 Q Detective Luersen, I have one or two questions, then
25 I'll be done. Do you have a what they call, you all call,

SW - S. LUERSEN - DIRECT

1 a case report?

2 A I have a partial case report, right.

3 Q May I see that please?

4 A Sure.

5 Q Is this a copy of -- is that the same thing?

6 A There's more -- one's another date. One is going to
7 show -- these are different items. As you see here they
8 are all ---

9 THE COURT: Make sure you speak up.

10 THE WITNESS: This is AE-1 here and AE-2. On
11 this one here it's CS which I'm sure CS to you it's for
12 crime scene one, crime scene two. All the items that are
13 in the crime scene.

14 BY ASSISTANT SOLICITOR BARR:

15 Q Okay. And who does it indicate took possession of the
16 items that were taken from the residence?

17 A Katie Ladue, item numbers 3126.

18 Q Katie Ladue, item number 3126; is that correct?

19 A Yes.

20 Q All right, sir. Thank you so much, Detective Luersen.
21 That's all the questions I have at this time. Please
22 answer any questions defense counsel may have for you.

23 THE COURT: Mr. Barr.

24 MR. BARR: Thank you, Your Honor.

25 CROSS-EXAMINATION

SW - S. LUERSEN - CROSS

1 BY MR. BARR:

2 Q Detective Luersen, did I get your name right?

3 A Yes, you did.

4 Q Okay. Your work, all of your work in this case, is
5 done in direct response to a request from South Carolina;
6 is that correct?

7 A Yes.

8 Q Okay. And Anne Arundel, you're not analyzing or
9 anything like that. You're simply searching, packaging,
10 and delivering; is that correct?

11 A My role was to, yes, just to search, just obtain the
12 search warrant and search. CS-2 Ladue's role was to
13 package. She'd be better to answer if anything was
14 actually processed or not. To my knowledge nothing was
15 processed to us. It was all transferred to local
16 authorities down here.

17 Q Okay. So to your knowledge nothing is processed in
18 Maryland. Everything was packaged and sent to South
19 Carolina?

20 A Yes.

21 Q Okay. And did you get a request to seize the KIA
22 Sportage, or is that simply the car that was there at the
23 time?

24 A There was a request to seize the vehicle.

25 Q Was it specifically a blue KIA, 2006 KIA Sportage, or

SW - S. LUERSEN - CROSS

1 just whatever vehicle these individuals had at that time?

2 A It was specifically that vehicle, VIN number, tag
3 number, Kia Sportage. It was -- it was a specific vehicle
4 they were looking for.

5 Q Okay. I have no further questions.

6 THE COURT: Anything further, Ms. Barr?

7 ASSISTANT SOLICITOR BARR: No, Your Honor.

8 THE COURT: Thank you, sir. Ladies and
9 gentlemen, we'll take a few minutes break. When you
10 return now, Mr. Wilson, I'm gonna appoint you to serve as
11 the foreperson of the jury. You've been holding the
12 foreperson's seat. I appoint you to serve as the
13 foreperson. You'll serve as spokesperson for the jury and
14 preside over the jury deliberations and complete the
15 verdict form representing the unanimous verdict of the
16 jury once the jury reaches that point. If you will sit --
17 that's the foreperson seat that you'll continue to
18 maintain and we'll see you all in about five minutes or
19 so. Please do not discuss the case.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 11:19 a.m.)

22 THE COURT: All right, we'll be in recess.

23 (WHEREUPON, a recess was taken from the proceedings
24 and State Exhibits Nos. 76, 77, 78, 79 were marked
25 for identification only.)

1 transportation, she's clearly liable under the hand of one
2 is the hand of all.

3 THE COURT: Clearly?

4 ASSISTANT SOLICITOR BARR: In my view, yes,
5 sir.

6 THE COURT: All right. Mr. Barr.

7 MR. BARR: Your Honor, that's -- I don't think
8 it's clear. I think that's the prosecution's view of
9 this. I've read Ms. Allen's statements. We argued the
10 motion for suppression of the statement. There's nowhere
11 in that statement that Ms. Allen said that she was coming
12 to South Carolina to harm Mr. Dorsey in any way. And I
13 think this is an extrapolation on the State's part to say
14 that that's the evidence. I think, Your Honor, even given
15 the notion that they can prove that either Ronald Mack or
16 Kevin Bowen killed Mr. Dorsey, they don't have the proof
17 of the conspiracy. They're saying, but they don't have
18 it. Now I think it prejudices my client for them to put
19 up Mr. Bowen's, Mr. Kelvin Bowen's case and Ronald Mack's
20 case, in my client's case to establish this guilty notion
21 with a smoke screen. I would like to see them establish
22 somewhere with a witness or statement or somewhere else
23 that there was this conspiracy that they say existed
24 because nowhere in the materials submitted and the rules,
25 none of these people who they put up as witnesses

1 establishes a mutual understanding that my client had with
2 Mr. Mack or anyone else that she was coming to South
3 Carolina to kill Mr. Dorsey.

4 THE COURT: All right.

5 ASSISTANT SOLICITOR BARR: Judge, we hadn't
6 rested yet.

7 MR. BARR: I understand. But you're putting up
8 this evidence, I mean, putting up the shotgun and that
9 sort of thing as if she had a shotgun.

10 THE COURT: All right. The exhibits will be
11 allowed to be marked and testified to concerning assuming
12 that they can be identified by the -- and its proper
13 foundation laid by the witness and the question of
14 admissibility will be dealt with later. I understand that
15 there are -- were other photographs that you called out
16 prior to the jury coming out. You probably called out
17 about 30 or 40 photographs and Mr. Barr agreed to maybe 20
18 of them or 30 of them and maybe 5 or 10 he didn't. Are
19 you seeking to introduce those? Do we need to talk about
20 them or not?

21 ASSISTANT SOLICITOR BARR: Judge, we can --
22 they're actually not photographs. He actually only had an
23 objection to one particular exhibit and this is a
24 composition notebook that was found in what we believe to
25 be the bedroom of Ronald Mack.

1 THE COURT: All right. That's exhibit number?

2 ASSISTANT SOLICITOR BARR: 73, Your Honor.

3 THE COURT: 73.

4 ASSISTANT SOLICITOR BARR: Yes, sir.

5 THE COURT: And are you gonna abandon
6 attempting to use it or?

7 ASSISTANT SOLICITOR BARR: No, sir, I just need
8 to get in through another witness.

9 THE COURT: All right. So that will be
10 addressed later then.

11 MR. BARR: Thank you, sir.

12 THE COURT: On the question of the right of the
13 State to present a full blown case against the
14 co-defendants to prove that on accomplice liability and to
15 prove that this defendant was in conspiracy with those
16 witnesses, I think it is incumbent upon the State to prove
17 the underlying crime in order to establish coconspirator
18 capability or under the culpability of the hand-of-one
19 hand-of-all theory. We will address each objection as
20 they are presented however.

21 MR. BARR: Thank you, Your Honor.

22 THE COURT: All right. We'll bring in the
23 jury.

24 (WHEREUPON, the jury was returned to the courtroom
25 at approximately 11:51 a.m., and the following

SW - J. SCOTT - DIRECT

1 proceedings commenced in open court.)

2 ASSISTANT SOLICITOR BARR: We call Lieutenant
3 Jeffrey Scott.

4 WHEREUPON,

5 **JEFFREY SCOTT,**

6 having been duly sworn by the Clerk of Court, testified as
7 follows:

8 **DIRECT EXAMINATION**

9 BY ASSISTANT SOLICITOR BARR:

10 Q Sir, state your name for me.

11 A Lieutenant Jeffrey Scott, Williamsburg County.

12 Q And can you tell the jury what it is that you do for
13 the Sheriff's Office.

14 A My current position is evidence technician training
15 officer and crime scene investigator for the Williamsburg
16 County Sheriff's Office.

17 Q How long have you been in law enforcement?

18 A Since 1996.

19 Q And have you been employed with the Sheriff's
20 Department during that entire period of time?

21 A No, I have been employed with the Sheriff's Office
22 since 1999.

23 Q Where did you work before?

24 A I worked for a small town here in Williamsburg County.
25 I started out in Greeleyville, worked for Dorchester

SW - J. SCOTT - DIRECT

1 County, and also Pamlico Police Department, Florence
2 County.

3 Q And give us an idea, if you will, what it is that you
4 do for the Sheriff's Department.

5 A I'm generally called out to major crimes such as
6 homicides or armed robberies, burglaries such as first
7 degree burglary, things of that nature. I assist in
8 processing crime scenes and collecting evidence either
9 myself or with the assistance of investigators or SLED.
10 It's the South Carolina Law Enforcement Division from
11 Columbia will come and assist us. What we do in
12 processing crime scenes is basically photographing crime
13 scenes processing for evidence, collecting evidence,
14 packaging, storage, and eventually taking evidence to
15 Columbia for analysis.

16 Q All right. Now sir, is it part of your responsibility
17 to make sure that evidence that's collected on a major
18 crime is detected and kept just under your control?

19 A Yes, it is.

20 Q All right. And you were involved in the investigation
21 murder of Kenyon Dorsey back in April of last year; is
22 that correct?

23 A Yes, I was.

24 Q Did you actually go out to the scene of that murder?

25 A Yes, I did.

SW - J. SCOTT - DIRECT

1 Q Now you were in court yesterday when Agent Hardee from
2 South Carolina Law Enforcement Division testified.

3 A No, I was not in when he actually testified.

4 Q Do you have a recollection of seeing him at the crime
5 scene ---

6 A Yes.

7 Q ---on the night ---

8 A Yes.

9 Q ---the body was found?

10 A The agents that came down were me and Vickie Hallman
11 from SLED.

12 Q Now at some point following the killing of Kenyon did
13 you come into possession of certain items that you felt
14 had evidentiary value?

15 A Yes.

16 Q All right. Now tell me what all you received in
17 connection with this case.

18 A What I directly collected and transported to SLED was
19 some evidence from the autopsy.

20 Q Okay. Sir, I'm gonna hand you what's been marked for
21 identification purposes as State's Exhibit Number 7-E.

22 Tell me if you recognize this particular exhibit.

23 A Yes, I do recognize it.

24 Q Okay. Tell me specifically, tell the ladies and
25 gentlemen of the jury, how it is that you recognize that

SW - J. SCOTT - DIRECT

1 exhibit.

2 A This is packaged that was sent to SLED. It actually
3 has on the sealing tape the top seal date of 4/8 of '09.
4 It has my initials JSS which was we have to put on when we
5 submit something to SLED. It also has a tracking number.

6 Q Yes, sir.

7 A That they turn it through their evidence log in.

8 Q Yes, sir.

9 A And it asks -- it has a container number ---

10 Q All right.

11 A ---where the item went to.

12 Q Now is there any kind of caution that is taken to make
13 sure that items that are taken in connection with a
14 homicide are not tampered with once they're taken by in
15 custody by law enforcement?

16 A Yes. They usually are placed in evidence containers or
17 bags or small tin cans depending on what the evidence they
18 want to put it in for safekeeping and then transport it to
19 SLED.

20 Q All right. Is there anything about Exhibit Number 78
21 that would suggest to you that that item of evidence has
22 not been tampered with?

23 A No, it has not been tampered with. It's actually been
24 resealed with the SLED analyst's name and that is the
25 condition as it was returned.

SW - J. SCOTT - DIRECT

1 Q All right, sir. And tell me what is contained in this
2 particular exhibit.

3 A Container E, it contains fired bullet, two fired
4 bullets or projectiles, and some pellets from clothes.

5 Q All right. So where would the projectiles and the
6 pellets have come from?

7 A These are from autopsy.

8 Q So you all, you received this as a result of the
9 autopsy of Kenyon Dorsey?

10 A That's correct.

11 Q All right. I'm gonna hand you what's been marked for
12 identification as State's Number 77. Does that also
13 indicate that that package has been sealed and not
14 tampered with?

15 A Yes, that is correct. It has a 6/5 of '09 with my
16 initials. Top seal is how we seal it at SLED.

17 Q Yes, sir.

18 A And at the bottom it has a seal of whichever analyst
19 that worked on the packages. That's been sealed. It has
20 their initials when they returned it to log-in and it has
21 a tracking number.

22 Q Yes, sir.

23 A It also has a package number where it is located,
24 container.

25 Q Tell me what's in State's 77.

SW - J. SCOTT - DIRECT

1 A It has a container number that's listed G, and this is
2 evidence contained in it's 9-millimeter shell ammunition
3 and 12-gauge ammunition.

4 Q All right.

5 A Remington brand shotgun shells.

6 Q So you had 9-millimeter bullets in effect and
7 ammunition for a Remington shotgun.

8 A Well, it's Remington shotgun shells. It's 12-gauge
9 shotgun shells.

10 Q Yes, sir. And where were those items taken from?

11 A These are the ones that were collected from Maryland.

12 Q Okay, all right. Tell us about 79.

13 A This is originally taken in by SLED itself from the
14 crime scene.

15 Q Yes, sir.

16 A And has their initialing. It also has tracking bar
17 number, code number, and it also has a container number C,
18 which is where the container -- this is the section that
19 we would have held it in container C.

20 Q Okay, all right. And are we satisfied that particular
21 exhibit has not been tampered with as well?

22 A That is correct. It still has all the sealing tape and
23 it also has all the initial dates and initials on top and
24 bottom of it.

25 Q What's in there?

SW - J. SCOTT - DIRECT

1 A Container C, this contains 9-millimeter casing what's
2 labeled marker one. 9-millimeter casing under label
3 marking two, Remington shotgun shell under marker three,
4 Remington shotgun shell under marker four, and some
5 pellets from the crime scene.

6 Q Okay. From -- and this would be of course from the
7 residence here in Williamsburg County --

8 A That's ---

9 Q ---where the killing took place?

10 A That is correct.

11 Q All right. Does it indicate in your evidence log who
12 would have taken possession of those items?

13 A These items were taken possession of by SLED, those
14 specific items here from the actual crime scene. They
15 took those in themselves.

16 Q Now when you say "they," are you talking about Vickie
17 Hallman and Scott Hardee?

18 A That's correct. That would be the two agents that came
19 down to assist them. They were the ones taking these
20 items in to collection.

21 Q And of course, those would have been the two
22 individuals who testified on yesterday?

23 A That is correct.

24 Q Now tell us about 76.

25 A All right. This is still completely sealed. It has my

SW - J. SCOTT - DIRECT

1 initials on certain parts of it for 6/5 of '09, my
2 initials. It has a tracking bar code number and it's
3 considered item 31.

4 Q Tell us what item 31 is.

5 A Item 31 is one 12-gauge shotgun.

6 Q All right. And where would you have gotten that item
7 from? Where would that have come from?

8 A This item was retrieved and collected from Maryland.

9 Q Okay. Now are the same tamperproof safeguards in
10 effect as it relates to Exhibit 76?

11 A That is correct. It still has the seal. It also has
12 the reseal of the analyst that would have done the
13 initial -- any testing on it. All the sealing is still in
14 tact.

15 Q Okay. Now as it relates to all of the items except I
16 believe 79, the projectiles that were taken from the crime
17 scene by Agent Hardee and Agent Hallman?

18 A Yes.

19 Q You took everything else to SLED?

20 A Yes. Those other items were taken to SLED.

21 Q By you?

22 A Yes.

23 Q So the projectiles that were recovered from victim at
24 autopsy were collected by you and taken to Columbia for
25 analysis?

SW - J. SCOTT - DIRECT

1 A That's correct.

2 Q All right. The shotgun was taken by you to Columbia
3 for analysis?

4 A That is correct. It was actually placed into this
5 container. Actually have some writing on there, the case
6 number, type of shotgun, and what type of case it was,
7 sealed it, took it to SLED.

8 Q All right. And what about the bullets and the shot
9 shells that were found in the Maryland residence?

10 A They were -- they were actually -- the envelope was
11 sealed--

12 Q Yes, sir.

13 A --from Maryland, did not have a broke seal and --

14 Q Did not have a broken seal from Maryland?

15 A That's correct. And it was turned in as it was
16 packaged from Maryland, no broke seal.

17 Q Who took it to Columbia for analysis by SLED?

18 A I did.

19 Q You did?

20 A Yes.

21 Q Now you eventually got all these things back from SLED,
22 correct?

23 A Yes, that's correct.

24 Q And that's why it still has the tape on it?

25 A Still has the seal on it. We keep everything sealed

SW - J. SCOTT - DIRECT

1 until it's time for court.

2 Q All right. So after SLED conducts its analysis you go
3 back to Columbia, pick these items up, and then come back?

4 A That is correct.

5 Q And where do they stay once they reach Williamsburg
6 County?

7 A They stay in the evidence vault located in the
8 detention center.

9 Q All right. And who's responsible for maintaining the
10 evidence vault?

11 A I am.

12 Q Have any of the items that have been analyzed by SLED
13 or collected as evidence in this case been tampered with,
14 interfered with in any way since they've been in your
15 possession?

16 A No, they haven't. They are still in their original
17 containers and packaging.

18 Q Do me a favor, sir.

19 A Yes.

20 Q If you will, open Exhibit Number 76.

21 A Okay.

22 Q Make sure the---

23 A Can you give me just a few minutes to kind of work with
24 it.

25 Q Sure?

SW - J. SCOTT - DIRECT

1 A Do a few precautionary measures as it pertains to this.

2 Q Yes. we certainly want you to do that.

3 A If you don't mind.

4 Q Yes, sir.

5 (Witness opens State's Exhibit 76.)

6 THE WITNESS: I'm looking straight up.

7 (Safety clip is added to gun.)

8 BY ASSISTANT SOLICITOR BARR:

9 Q If you'd just hold it.

10 A It is unloaded. It is safe. We inspected it. It's
11 unloaded. There are no shells in it. The problem is this
12 type of weapon.

13 Q Speak up so the court reporter can hear you.

14 A This type of weapon, usually we feed the safety latch
15 through the ejection port and through the loading port;
16 but because the loading port is all the way to the left of
17 the load, when you press down it doesn't give any space
18 between the loading port and the ejection port for us to
19 run the feed to try to hold it in place where nothing can
20 be fed through the shotgun.

21 Q Well, let's do this. If you'd hold it, keep it pointed
22 up to the ceiling ---

23 A Okay.

24 Q ---away from everybody. If you will stand right there
25 please in the middle of the courtroom.

SW - J. SCOTT - DIRECT

1 A Judge, I'm gonna show you that it is unloaded. The
2 breech is open and there's nothing inside so.

3 THE COURT: All right.

4 BY ASSISTANT SOLICITOR BARR:

5 Q Jeff, if you will stand right here for me.

6 A Yes.

7 Q All right. This is the shotgun that was taken to SLED
8 by you?

9 A Yes.

10 Q Is that correct?

11 A That's correct.

12 Q You can put it down now.

13 A Okay. The breech will be left open.

14 Q Is there anything else in that particular box ---

15 A Yes.

16 Q ---that was taken to SLED as well?

17 A There ---

18 Q Wait a minute. Remember the jury is behind you so
19 let's turn around so they can.

20 A In this container there are four shotgun shells that
21 have been unfired so this -- that's why I was trying to
22 put the safety latch on because we have these so these
23 need to be separate of this item.

24 Q All right. Well, let's do that. Let's mark those ---

25 A It's part of 31 but just needs to be separate of this

SW - J. SCOTT - DIRECT

1 item.

2 Q Now that's SLED number 31 but it's State's Exhibit 76.

3 A That's right.

4 Q Let me do this, let me if can have Madam Court Reporter
5 mark this as 76(a).

6 (WHEREUPON, State Exhibit No. 76-A was marked for
7 identification only.)

8 BY ASSISTANT SOLICITOR BARR:

9 Q What we'll do is we'll keep those out, Lieutenant
10 Scott, okay? Now please continue. I'm sorry, I didn't
11 mean to interrupt you.

12 A It still has bag packaging from when it was collected
13 inside here. And the other important thing to note on the
14 shotgun is the tag. It has a bar code from the system in
15 Maryland.

16 Q Anne Arundel County?

17 A Yeah.

18 Q Police department?

19 A It is. Anne Arundel County PD and that's their scan
20 tag, their bar code system.

21 Q All right, sir. You can take a seat, sir.

22 A (Witness complies.)

23 Q All right. Lieutenant Scott, I believe that's all the
24 questions I have for you. Please answer any questions
25 that defense counsel may have.

SW - J. SCOTT - CROSS

CROSS-EXAMINATION

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BY MR. BARR:

Q How are you doing, Officer Scott?

A All right.

Q Do you have any weapons training?

A Yes, I do.

Q Okay. Can you tell us whether or not the pellets that were packaged and sent to SLED could be traced to the gun itself?

A That's something a firearms analyst would have to explain to you like the person that works and analyzes firearms.

Q Right.

A They would have to explain that to you. You'd have to talk with a firearms analyst.

Q Okay. Now you also mentioned sending projectiles. Did you send a handgun to SLED as well for comparisons as far as certain projectiles?

A The only thing as far as firearms were sent was a -- was a 12-gauge shotgun.

Q All right. So they would have nothing to match the 9-millimeter shells to -- 9-millimeter cartridges or the projectile to?

A No pistol.

Q As far as being able to examine it to match it back to

SW - J. SCOTT - CROSS

1 a crime?

2 A There was no pistol sent.

3 Q No pistol sent?

4 A No.

5 Q Okay.

6 A Just projectile and shells.

7 Q And you don't know whether or not the pellets that were
8 sent could be matched to a particular shotgun?

9 A Like I said, that's something that a firearms analyst
10 that would work on these types of cases could explain to
11 you. And you'll have to talk to a firearms analyst ---

12 Q Okay.

13 A ---in this case to explain that.

14 Q Okay. Now you mentioned that you're also the crime
15 scene investigator as relates to this particular crime
16 scene. Did you do any other work with this crime scene
17 other than the collection of the items that you said you
18 collected and sent to SLED?

19 A I collected items from the autopsy. When the SLED
20 agents came down they assisted us and we assisted them,
21 but they did most of the collection and photographing at
22 the scene.

23 Q Right.

24 A And as I went to autopsy once, we got there the
25 photographing and collection I collected those items and

SW - K. HARDING - DIRECT

1 sent those to SLED.

2 Q So that's all the work you did in connection with this
3 case?

4 A Yes, you know, just collecting items as they came in
5 and sent to SLED, yes.

6 Q Okay, all right. Thank you kindly.

7 ASSISTANT SOLICITOR BARR: Judge, I don't have
8 any other questions of this witness.

9 THE COURT: All right, thank you.
10 Next witness.

11 ASSISTANT SOLICITOR BARR: We call Kelly
12 Harding.

13 WHEREUPON,

14 **KELLY HARDING,**
15 having been duly sworn by the Clerk of Court, testified as
16 follows:

17 **DIRECT EXAMINATION**

18 BY ASSISTANT SOLICITOR BARR:

19 Q Good afternoon, Ms. Harding.

20 A Good afternoon.

21 Q And you've come a long way today?

22 A Yes.

23 Q Introduce yourself to the ladies and gentlemen of the
24 jury, please.

25 A Good afternoon. I'm officer Kelly Harding. I'm with

SW - K. HARDING - DIRECT

1 the Anne Rundell County Police Department. I've been with
2 Anne Rundell County Police Department since April of 1998.
3 And for those of you unfamiliar, Anne Rundell is located
4 in Maryland. We're a county between Baltimore and
5 Washington, more of the suburbs but outline both DC and
6 Baltimore.

7 Q What do you do for the police department there?

8 A Currently I'm assigned to patrol operations meaning I'm
9 in uniform and I respond to 9-1-1 calls. We're a full
10 service patrol division.

11 Q Okay. Back in May of 2009 what were your
12 responsibilities?

13 A In May of 2009 I was assigned to CIDU, or the Criminal
14 Investigation Division Homicide Unit.

15 Q All right. Now ma'am, did you participate and assist
16 Detective Luersen concerning a search of a residence
17 located at [REDACTED] in Glen Burnie, Maryland?

18 A Yes, I did.

19 Q Tell us how you became involved and what you did.

20 A Detective Luersen obtained a search and seizure warrant
21 for the residence, and it is within our standard operation
22 that we complete a search and seizure warrant. To
23 complete it in a more timely fashion other investigators
24 help with the searching part and with the locating of the
25 evidence part and make the search go a lot faster.

SW - K. HARDING - DIRECT

1 Q Okay, all right. And so you actually were present at
2 Apartment █ in that area?

3 A Yes, I was.

4 Q Okay. Tell us what you did once you arrived inside the
5 apartment.

6 A I searched two bedrooms, the first bedroom being a
7 mater was bedroom. The second bedroom being an obviously
8 a child's bedroom.

9 Q All right. Now when you say you searched what appeared
10 to be the master bedroom can you kind of tell us what led
11 you to believe that that was a master bedroom.

12 A There's one bed located within the bedroom an --

13 Q Yes, ma'am.

14 A And it was the larger of the two rooms.

15 Q Okay. And why did you believe the other bedroom was a
16 children's room?

17 A It had bunk beds.

18 Q Okay.

19 THE COURT: Ms. Harding, do not block the
20 juror's view.

21 BY ASSISTANT SOLICITOR BARR:

22 Q I'm sorry, say that again, in terms of the second
23 bedroom.

24 A The second bedroom had bunk beds.

25 Q All right. Now before I publish, let me approach you

SW - K. HARDING - DIRECT

1 and ask you, do you recognize the items that are depicted
2 in State's 49 through 59?

3 A Yes, I do.

4 Q Okay. These were pictures taken of the scene as the
5 apartment in Maryland?

6 A Yes, they were.

7 Q Okay. Now, I am going to publish State's Exhibit
8 Number 49, and can you see that from where you are?

9 A Yes, ma'am.

10 Q All right. Which particular bedroom in the apartment
11 does Exhibit Number 49 show that?

12 A That's the master bedroom also labeled as bedroom one.

13 Q All right. And in bedroom one what is this in the
14 corner there?

15 A That's a nightstand. There's a lamp on top of the
16 nightstand as well as the some other household items like
17 an ash tray, deodorant sort of stuff.

18 Q All right. Now I'm gonna publish State's 50. Can you
19 tell me what's depicted in that particular photograph?

20 A That is the same bedroom, the master bedroom, also
21 known as bedroom one. That's the nights -- or the dresser
22 drawers and a mirror that's located in the same bedroom.

23 Q Yes, ma'am. All right. Now this is the dresser drawer
24 here with the mirror?

25 A Yes.

SW - K. HARDING - DIRECT

1 Q And is this the bed that we saw more fully in the
2 previous exhibit?

3 A Yes.

4 Q And what is that area there?

5 A That's another nightstand.

6 Q On the opposite side of the bed?

7 A Yes.

8 Q Okay, all right. Going to publish State's Number 51.

9 Tell me what's depicted in that particular exhibit.

10 A That is the nightstand to the left of the bed if you're
11 laying on the bed.

12 Q So if you're laying on the bed this would be next to
13 the window?

14 A Farthest from the door.

15 Q Yes, ma'am.

16 A Yes. That nightstand has an ashtray, remote control,
17 regular household items, but the drawer is open because
18 that is where I located 9-millimeter ammunition and some
19 shotgun shells.

20 Q All right. Now up in the corner there can you see
21 where I'm pointing?

22 A Yes, I can.

23 Q What is that?

24 A That looks like a Black and Mild cigar with a filter on
25 it.

SW - K. HARDING - DIRECT

1 Q What about that here? Is that some type of baby oil or
2 some type of gel or something?

3 A Yes.

4 Q And what about that?

5 A That is Dove, women's deodorant.

6 Q And does that appear to be a remote control to a
7 television set?

8 A Yes, ma'am.

9 Q Now you indicated you found the 9-millimeter bullets in
10 this particular drawer.

11 A Yes, ma'am.

12 Q All right. Is that what's shown here?

13 A That's correct. You're pointing at it right now.

14 Q Okay, all right, I'm going to publish State's 52. Did
15 you all take a closer up view of that particular
16 nightstand table?

17 A Yes, we did.

18 Q And what is that there that I'm pointing at?

19 A That is a 9-millimeter ammunition.

20 Q Okay. Is that also a 9-millimeter bullet?

21 A Yes.

22 Q And what about that?

23 A Yes.

24 Q What about that?

25 A Yes.

SW - K. HARDING - DIRECT

1 Q Now tell me about State's 53.

2 A Those are a closeup photograph of the shells that were
3 recovered in the top drawer.

4 Q Okay. Now the surface that those shells -- those are
5 the shotgun shells that we talked about?

6 A Yes.

7 Q The surface of those shells, what are they on?

8 A Looks like the top of the mattress.

9 Q Now you indicated that they were found in the drawer,
10 but they're on the mattress here. One of your officers
11 take them out, put them on?

12 A If you'd go back to the last photo I'll show you where
13 you can see one of the shotgun shells peaking from
14 underneath.

15 Q Okay.

16 A I don't know if you can see the business card.

17 Q Right there?

18 A Right there is one of the shotgun shells.

19 Q Thank you very much. Right there under that card?

20 A Yes, ma'am.

21 Q All right. Tell us about Number 54.

22 A 54 is just a closeup photograph of the ammunition that
23 was recovered.

24 Q So these are all the bullets that were taken out of the
25 drawer?

SW - K. HARDING - DIRECT

- 1 A Yes.
- 2 Q Okay. Now what about this Sloan shotshell that's
- 3 reflected in 55.
- 4 A This one is separated because when we located the
- 5 shotgun the shotgun was loaded with one round.
- 6 Q Okay.
- 7 A And that was the one round that was located inside of
- 8 the shotgun.
- 9 Q Okay. You all simply took it out ---
- 10 A Yes.
- 11 Q ---and photographed it?
- 12 A Yes.
- 13 Q All right. Now you talked about shot shells. Did you
- 14 all recover a shotgun in this case?
- 15 A Yes, we did.
- 16 Q Now who found the shotgun?
- 17 A I did.
- 18 Q All right. And tell us where you found the shotgun.
- 19 A The shotgun was underneath the mattress above the box
- 20 spring.
- 21 Q Between the mattress and the box springs?
- 22 A Yes, on the left side of the bed.
- 23 Q Was that photographed?
- 24 A Yes, ma'am.
- 25 Q All right. Tell us about State's 56.

SW - K. HARDING - DIRECT

1 A That is the exact location where I located the shotgun.

2 The shotgun was a Revelation 12-gauge shotgun.

3 Q And that's here?

4 A Yes, ma'am.

5 Q All right. So in this photograph it's difficult for me
6 to see how is the bed situated? Is this the bottom of the
7 bed or is this the right or left side of the bed?

8 A That is the left side of the box spring.

9 Q Okay, all right. So the nightstand table that you
10 talked about with the deodorant and the remote control
11 would be here?

12 A Yes, ma'am.

13 Q All right. And State's 57 is just a closer view of the
14 shotgun?

15 A Yes, ma'am.

16 Q All right. State's 58 is a closer view of the shotgun,
17 particular section of the shotgun?

18 A A particular section where the serial numbers would
19 sometimes be found.

20 Q All right. In this case was a serial number found on
21 this particular weapon?

22 A It was clearly filed off.

23 Q Obliterated?

24 A Yes.

25 Q Okay. Tell me about State's 59.

SW - K. HARDING - DIRECT

1 A That is the make of the shotgun.

2 Q And so we have a Revelation automatic there?

3 A Yes, we do.

4 Q Okay. Now Ms. Harding, if I can get you to step off
5 the stand. Don't touch it but just tell me if you
6 recognize what's been marked for identification purposes
7 as State's Number 76.

8 A This is the same shotgun.

9 Q Okay. Do you need gloves or anything just to look at
10 the tag?

11 A No, it's very clear.

12 Q Okay, all right. Lieutenant Scott testified earlier
13 that it beared some indicia that it came from your police
14 agency. Can you tell us about that.

15 A There's a tag indicated with our case number, our Anne
16 Arundel County case number with our bar code and as
17 indicated by our label Anne Arundel County Police
18 Department.

19 Q What about 76(a), the shotgun shells?

20 A This is -- this is from --

21 Q I'm sorry?

22 THE COURT: Can't hear you.

23 THE WITNESS: This is their bar code.

24 BY ASSISTANT SOLICITOR BARR:

25 Q From SLED?

SW - K. HARDING - DIRECT

1 A From Williamsburg County.

2 Q Okay, all right. Now you can have a seat?

3 A Okay.

4 Q Were you present in the courtroom when Lieutenant
5 Jeffrey Scott opened up this particular box?

6 A Yes, I was.

7 Q Okay. Did you all mark the shot shells separately from
8 the shotgun?

9 A Would we mark them?

10 Q Separately, right?

11 A We didn't mark them because they are evidence. We
12 would package them separately.

13 Q Okay. Now I'm going to hand you what's been admitted
14 as State's Number 72. Tell us what this particular
15 exhibit is.

16 A This is a spiral notebook that was located in the
17 second bedroom of the child's, was indicated as the
18 younger childrens' bedrooms.

19 Q All right. And can you give us any idea was there any
20 evidence inside the room, in that particular room, where
21 you found the notebook. I'm sorry, you found that
22 notebook?

23 A I -- yes.

24 Q Is there any evidence inside that room to tell you who
25 the room belonged to?

SW - K. HARDING - DIRECT

1 A Inside of the room we found other documents listed to
2 Mr. Ronald Mack.

3 Q Okay.

4 A There was clothing that belonged to -- that were not --
5 for instance, they were not women's clothing. They could
6 have been either young man's or men's clothing.

7 Q Okay, all right.

8 A Let me see that, if I may.

9 Q Ms. Harding, you've been so kind as to open this
10 notebook that's been marked and admitted as State's
11 Number 72. Does it indicate on this particular page a
12 name?

13 A Yes, it does.

14 Q All right. And whose name is reflected on that?

15 A Ron Mack.

16 Q All right.

17 A If I can explain?

18 Q Yes, ma'am.

19 A In Anne Arundel County, to have a hall pass you,
20 actually have to carry what is called agenda book.
21 Students who don't have agenda books, they have to have a
22 notebook composition book, some type of book where if
23 they're granted permission to use bathroom or to go to the
24 counselors or whatever excuse they need. Where this
25 particular person did not have an agenda book. Agenda

SW - K. HARDING - DIRECT

1 books are given out on the first day of school. If you
2 don't have an agenda book you're allowed to use your
3 spiral notebook until you get one. It's obvious that some
4 adult, a teacher, a guidance counselor, or whomever within
5 the school system wrote him a hall pass.

6 Q So that's a pass, hall pass, for Ron Mack?

7 A Ron, yes.

8 Q Okay, all right. Now I'm curious as to this particular
9 exhibit. It appears to be a hall pass in here, but what
10 does the first page of the composition tell us.

11 A The first page is something that I would identify as
12 gang writing.

13 Q Why do you say that?

14 A It's very common within rifle gangs, Blood and Crips,
15 that when they use a letter, for instance, if you are a
16 Crip, if you would never try to use the B or the D. And
17 if you did you would mark it off. So for instance, if
18 you're a Blood member, whenever you saw the letter C you
19 would try to cross it off.

20 Q Okay.

21 A And the fact that on this page every time the word, the
22 word blood is written, it's capitalized. And as well as
23 whenever there's a C anywhere on this page the C is
24 crossed off. And also there's gang references, for
25 instance, DA1STAR, DA1STAR is a known gang reference, one

SW - K. HARDING - DIRECT

1 of the beginning Blood starters. And the fact that
2 there's also the five stars which is a gang reference.

3 Q All right. Now I'm gonna hand you what's been marked
4 for identification purposes as State's Number 73 and ask
5 you if you recognize this particular exhibit?

6 A Yes, I do.

7 Q And how is it that you recognize that exhibit?

8 A Both of these notebooks were found together in the
9 second bedroom.

10 Q Found together in the same bedroom?

11 A Yes, ma'am.

12 Q All right. And those -- that particular exhibit number
13 73 was found by you?

14 A Yes, they both were.

15 Q Okay, all right. Is there any further indication of a
16 gang affiliation with regard to 73?

17 A Well, on the front page, instead of the word
18 composition, somebody's taken the effort to white out the
19 word so that it reads Comp Ton, the gang sitting in LA.

20 As well as the Cs are crossed out indicating that
21 whoever's notebook this is is a Blood member.

22 Q And you talk about the C being crossed out, is that
23 also consistent with the previous exhibit Number 72 --

24 A Yes.

25 Q --in term --

SW - K. HARDING - DIRECT

1 A Yes, it is.

2 Q Okay. If you kind of could stroll through the writing
3 portion, don't turn around just yet. Just scroll through
4 and tell me if you recognize anything that's important
5 within that exhibit as well.

6 A Yes, I do.

7 Q All right. And as it relates to the previous exhibit?

8 A Yes.

9 Q What is it?

10 A There are rules that gang members have to abide by.
11 And this particular person I would say is a Blood based on
12 the color and the fact that they crossed out all the Cs
13 within the rule in the rule book.

14 Q Okay, all right.

15 ASSISTANT SOLICITOR BARR: Judge, we would
16 move State's 73 into evidence at this time.

17 THE COURT: What says Defense?

18 MR. BARR: Your Honor, we would object.

19 There's nothing indicates that this book actually belongs
20 to Ronald Mack. There's nothing that indicates this
21 bedroom was actually used by Ronald Mack. The notebook
22 had Ronald Mack's name in it and the subpoena provided for
23 anything to be seized that was ---

24 THE COURT: Generally, when there's objection
25 the Court's asking for a legal basis for the objection,

SW - K. HARDING - DIRECT

1 not a speaking objection making an argument to the jury or
2 to the Court. So the legal basis for the objection.

3 MR. BARR: Your Honor, identification.

4 THE COURT: The objection is sustained. The
5 Court sustained the objection not based on the objection
6 but based on the relevance to this trial.

7 ASSISTANT SOLICITOR BARR: Yes, sir, Judge.

8 BY ASSISTANT SOLICITOR BARR:

9 Q Ms. Harding, when we talk about the first bedroom that
10 you all called the master bedroom, was there any evidence
11 found in that particular bedroom that would suggest to you
12 that Tawanda Allen and Kelvin Bowen slept there?

13 A Yes.

14 Q Okay. Tell us about those.

15 A In that bedroom we located -- we located paperwork from
16 the district court with Ms. Tawanda -- with Tawanda's name
17 on it, a Baltimore gas and electric bill with Ms. Allen's
18 name on it, and the address of [REDACTED], [REDACTED],
19 Apartment [REDACTED].

20 Q Yes, ma'am.

21 A As well as employment paperwork from an ice cream
22 factory with Mr. Kelvin Boman's name on it as well as
23 paperwork from the Kansas Department of Revenue with
24 Mr. Bowman's name on it and also Suntrust information,
25 Suntrust bank account, with Mr. Bowman's and the address

SW - K. HARDING - DIRECT

1 from Glen Burnie, Arundel County on it.

2 Q Let me do this, hand you what's been admitted as
3 State's 64 and ask you do you recognize this particular
4 exhibit?

5 A Yes.

6 Q How is it that you recognize it?

7 A It was recovered during a search and seizure warrant
8 from the bedroom one.

9 Q And is this the Suntrust bank record or note that you
10 talked about earlier?

11 A Yes, it is.

12 Q And if you -- it contains the name of who?

13 A Mr. Kelvin Bowen.

14 Q And address?

15 A [REDACTED], Apartment [REDACTED], Glen Burnie, Maryland.

16 Q All right. For the record, Ms. Harding, I have
17 published State's Exhibit Number 64 and that is this the
18 item that you just testified about?

19 A Yes, ma'am.

20 Q All right. I'm gonna hand you what's been admitted as
21 State's 65. Tell us about that.

22 A This is a copy of the lease agreement for [REDACTED].

23 Q For the [REDACTED] apartment?

24 A Yes.

25 Q All right.

SW - K. HARDING - DIRECT

1 A Yes.

2 Q Okay. And can you tell who is listed as the tenant for
3 that particular apartment at the bottom on the right hand
4 side?

5 A Tawanda Allen.

6 Q And what's the date of that lease agreement?

7 A It starts on October 2008.

8 Q October 2008 is when it starts?

9 A Yes.

10 Q All right. Tell us about State's 66.

11 A These are state identifications, one from Maryland and
12 one from California that we would have used to positively
13 identify the people that we were dealing with.

14 Q And whose identification cards are those?

15 A The first one is Tawanda Mack Allen and the second one
16 from California is Kelvin Michael Bowen, Jr.

17 Q So the identification for Ms. Allen would have been a
18 driver's license from the State of Maryland?

19 A Yes, ma'am.

20 Q And Mr. Bowen's identification card is from the State
21 of California?

22 A Yes, ma'am.

23 Q All right, okay. You also talked about a letter from
24 some sort of ice cream company. Is this reflected in
25 State's 67?

SW - K. HARDING - DIRECT

1 A Yes, it is.

2 Q All right. And whose name is on that particular
3 exhibit?

4 A Kelvin Bowen.

5 Q All right. Let me see if I can get some of this up
6 here. All right, Ms. Harding, can you see that?

7 A Yes, I -- I can.

8 Q Is that letter -- when is that letter dated?

9 A April 13th of 2009.

10 Q Okay. And is the address that's reflected on that
11 letter the same address upon which you all served your
12 search warrant?

13 A It omits the apartment number but that's not unusual.

14 Q Okay. What about what's been admitted as State's
15 Number 68?

16 A That's from the Kansas Department of Revenue and it's
17 addressed to Mr. Bowen, and it has the Glen Burnie
18 address. And it does include the apartment number.

19 Q All right. Now Mr. Bowen from the previous exhibits
20 has an identification card from the State of California?

21 A Yes.

22 Q But he had a Kansas driver's license?

23 A It would appear by the content of that letter that he
24 did have a Kansas license, however, it was suspended or
25 revoked or there was some sort of problem that he couldn't

SW - K. HARDING - DIRECT

1 obtain a license in another state until this was resolved.

2 Q All right. Tell me about State's 69.

3 A That is an eviction notice addressed to Ms. Tawanda
4 Allen.

5 Q Okay. And that is her name there?

6 A Yes, ma'am.

7 Q All right. And is that the address upon which you all
8 served the search warrant?

9 A Yes, ma'am.

10 Q I had to turn it a little sideways, but Ms. Harding, do
11 you see a date on that particular eviction notice?

12 A May 5th, 2009.

13 Q All right. And you all executed the search warrant on
14 which date?

15 A May 18th, 2009.

16 Q All right. Tell us about State's Number 70.

17 A That is a BGE which is a Baltimore gas and electric
18 bill which is our local power company in Maryland. If you
19 move just a little bit you'll see that the billing date is
20 May 5th, 2009; but however, up in the corner it's
21 addressed to Ms. Allen with the Glen Burnie address.

22 Q Okay. And you indicated that that is her name and her
23 address there?

24 A Yes.

25 Q Okay. Now when we talk about the room where item

SW - K. HARDING - DIRECT

1 number 72, which was the notebook was found, did you also
2 recover a school record from Williamsburg County for
3 Ronald Mack?

4 A Yes, we did.

5 Q And who does it have as being Mr. Mack's custodian or
6 guardian or parents?

7 A Tawanda Allen.

8 Q That's there?

9 A Yes, ma'am.

10 Q Okay. And at the top -- I don't know if I'll be able
11 to get it all on, but does that indicate district of

12 Williamsburg, School District of Williamsburg County?

13 A Yes, ma'am.

14 Q All right. Now do you recognize the buildings in the
15 back on State's Exhibit Number 74? And I may need to just
16 come up and let you see.

17 A That is the apartments known as Courtfield (ph)

18 Crossing which is apartment complex at [REDACTED].

19 Q Okay.

20 A That is the apartment complex where the search and
21 seizure warrant was executed.

22 Q All right. Now this person has previously been
23 identified as Kelvin Bowen. Is there anything peculiar
24 about his clothing?

25 A He's wearing all red.

SW- K. HARDING - CROSS

1 Q Why is that significant?

2 A Because different gang members tend to wear the
3 different colors of the gang that they're representing.

4 Q Okay.

5 A For instance, Blood members tend to wear red. Crip
6 members tend to wear blue.

7 Q Okay.

8 ASSISTANT SOLICITOR BARR: Beg the Court's
9 indulgence, Your Honor. That's all the questions I have
10 for the witness at this time.

11 THE COURT: Mr. Barr.

12 CROSS - EXAMINATION

13 BY MR. BARR:

14 Q Ms. Harding, how are you today?

15 A Fine, thank you.

16 Q Good. Just a few questions. The 9-millimeter shells
17 or 9-millimeter bullets and the 12-gauge cartridges that
18 were found, they would be generic; wouldn't they?

19 A Not necessarily.

20 Q How would you distinguish one box of Remington 12-gauge
21 shotgun shells from another?

22 A I would not distinguish; however, I believe firearms
23 analysts and experts could.

24 Q I understand that, but in terms of your -- you're not
25 analyzing them, are you?

SW- K. HARDING - CROSS

1 A No, I would not.

2 Q Okay. So you're just getting a -- anything that's
3 considered a weapon or a shell or cartridge, there's
4 nothing particular about these, you're just getting closer
5 in the drawer; is that right?

6 A That's correct.

7 Q Now this, I think it's a Revelation shotgun?

8 A Yes, sir.

9 Q Other than the serial number being filed off of it, it
10 would be the same as any other 12-gauge Revelation
11 shotgun; wouldn't it?

12 A I would have to get my tape measure out and measure the
13 barrel. I believe that barrel is a little different than
14 most.

15 Q Okay. But other than maybe the barrel is shortened or
16 there wouldn't be any other way to distinguish that from
17 any other 12-gauge shotgun would it, Revelation?

18 A It's very unusual for a shotgun to have a shortened
19 barrel, and it's unusual for serial numbers to be
20 obliterated.

21 Q I understand. I understand. Okay. Now you mentioned
22 the bedroom. Did you inquire of anyone who lived there
23 who lived in which bedrooms?

24 A Inquire as in as a leasing company or inquire---

25 Q No, of asking the family members or---

SW- K. HARDING - CROSS

1 A There were no family members present during the
2 execution of the warrant.

3 Q All right. So in determining who lives in which
4 bedroom, that's just basically sort of as a living
5 condition might appear to you?

6 A Well, as based on the evidence that we found in the
7 rooms.

8 Q All right. Thank you so much.

9 THE COURT: Ms. Barr.

10 ASSISTANT SOLICITOR BARR: Judge, I don't have
11 any other questions of this witness. Thank you, Your
12 Honor.

13 THE COURT: I guess we've come to lunch time
14 and we will break till 2:15. Please be back in the jury
15 room at 2:15. Please do not discuss the case.

16 (WHEREUPON, the jury was removed from the
17 courtroom at 12:50 p.m., and the following proceedings
18 commenced in open court.)

19 THE COURT: Okay, we'll be in recess.

20 (WHEREUPON, a lunch break was taken.)

21 THE COURT: Have them come in.

22 (WHEREUPON, the jury was returned to the courtroom
23 at approximately 2:14 p.m., and the following
24 proceedings commenced in open court.)

25 THE COURT: We're back to the next witness.

SW - K. LADUE - DIRECT

1 **ASSISTANT SOLICITOR BARR:** We call Katie Ladue
2 at this time, Judge.

3 **WHEREUPON,**

4 **KATIE LYNN LADUE,**
5 having been duly sworn by the Clerk of Court, testified as
6 follows:

7 **DIRECT EXAMINATION**

8 **BY ASSISTANT SOLICITOR BARR:**

9 Q Ms. Ladue, please state your name.

10 A Katie Lynn Ladue, L-A-D-U-E.

11 Q Ma'am, tell us where you're employed.

12 A Anne Arundel County Police Department. I work in the
13 criminal investigation division, and I'm assigned to the
14 crime scene unit.

15 Q All right. And how long have you worked for the police
16 department in Maryland?

17 A Just over three-and-a-half years.

18 Q And if you will, tell us what it is you do for the
19 police department in Maryland.

20 A My main purpose is to document, preserve evidence,
21 collect evidence, and sometimes process if it's warranted
22 in the case.

23 Q All right. And you of course along with Mr. Luersen
24 and Ms. Harding participated in executing a search warrant
25 for an apartment located at [REDACTED] in Glen

SW - K. LADUE - DIRECT

1 Burnie, Maryland?

2 A Yes, ma'am, that's correct.

3 Q Apartment [REDACTED]?

4 A Yes, ma'am.

5 Q Kind of tell us what you did, take the jury through
6 when you first arrived what all you did and what evidence,
7 if any, that you collected?

8 A When we first arrived we identified the building that
9 was located at [REDACTED] It was indicated by the
10 search warrant. I photographed the outside of the
11 apartment that also shows that it was the same description
12 of the building as in search warrant and photographed the
13 door of that shows it's apartment [REDACTED]. I believe, the
14 pictures were shown earlier. Then I did overall
15 photographs of the apartments. You can see the layout of
16 the rooms and the furniture and placement and then
17 anything that we seized or thought would be of interest we
18 took close up images of them.

19 Q Now in terms of photographing the apartment did you all
20 move anything and then photograph it, or did you
21 photograph it in the state it would have been when you
22 arrived to execute the search warrant?

23 A Both we photographed in the state we find it, and then
24 as we start to do the search we do photograph as we go
25 along. And if there's any items in open drawers that are

SW - K. LADUE - DIRECT

1 located within those, we photograph that as well.

2 Q Absolutely. Now tell me what did the search warrant
3 allow you all to look for and/or seize?

4 A If I can just refer to my notes.

5 Q Yes, ma'am.

6 A It would be any handguns, any shotguns, any shell
7 casings or ammunition, any projectiles, any clothing that
8 contained blood, swabbings for gunshot residue, receipts
9 showing purchase of firearms, or ammunition, any holster,
10 any paperwork showing that 2006 Kia Sportage, any
11 paperwork of the [REDACTED] Apartment [REDACTED], and any
12 paperwork that contained the name of Tawanda Allen, Kelvin
13 Bowen, or Ronald Mack.

14 Q All right. Let's kind of go down that list if you can.
15 In connection with that search warrant did you find any
16 handguns?

17 A No, I did not.

18 Q No 9-millimeter handguns were located in the residence?

19 A No, ma'am.

20 Q Now as it relates to 12-gauge shotguns, did the search
21 warrant allow you to seize those items?

22 A Yes, ma'am.

23 Q Did you find any items that were responsive to that
24 particular item?

25 A We found one 12-gauge shotgun, yes, ma'am.

SW - K. LADUE - DIRECT

1 Q What about shotgun shells?

2 A Yes, ma'am.

3 Q How many did you find?

4 A We located three in the dresser drawer, one when the
5 weapon was made safe by an officer came out of the weapon.

6 Q Okay. What about 9-millimeter shell casing?

7 A Yes, ma'am. We found 9-millimeter ammunition which was
8 also in the bedside table and that was in amount of ten.

9 Q What about any projectiles for shotguns?

10 A No projectiles were located.

11 Q Okay. And you've already talked about the shotgun
12 shells.

13 A Yes, ma'am.

14 Q All right. What about any GSR?

15 A No. There was no indication that the weapon was fired
16 in the residence such as a hole in the wall or such that
17 there was no evidence collected to that matter?

18 Q Okay. You indicate that the search warrant also
19 allowed you to seize receipts?

20 A Any receipts or paperwork.

21 Q Okay. Now in terms of receipts you mean for the
22 purchase of a gun or ammunition?

23 A It would be a purchase of the gun or any kind of a
24 registration form for the gun or a manual of the gun.

25 Q Did you find any items responsive to that particular

SW - K. LADUE - DIRECT

1 request, any receipts?

2 A No receipts or paperwork related to the weapon.

3 Q What about holsters?

4 A I'm sorry?

5 Q Holster you say?

6 A No holsters were located.

7 Q What about you indicated that the search warrant also
8 allowed you to seize paperwork containing the name of the
9 defendants Kelvin Bowen, Tawanda Allen, and Ronald Mack.

10 Did you find any documents that were responsive to that
11 particular item?

12 A Yes, ma'am, we found several.

13 Q All right. Now tell us briefly about those.

14 A I believe it was what was introduced earlier which was
15 a Baltimore electric gas bill. There was paperwork from
16 an employer there were some school documentation for
17 Ronald Mack as well as two note books.

18 Q Okay. Now I'm curious, Ms. Ladue, in terms of what
19 we've classified as bedroom number one, is -- would that
20 be considered the master bedroom?

21 A Yes, ma'am, it was. It was consistent with what we
22 find in a master bedroom containing one bed and several
23 items that would be both male and female products.

24 Q Okay. Now specifically, and I'm curious about that,
25 did you find any items not necessarily seize them, did you

SW - K. LADUE - DIRECT

1 find any items in there that would suggest to you that a
2 woman slept in the master bedroom?

3 A Absolutely.

4 Q Okay, tell us about those type things.

5 A A simple one that was on the photograph earlier would
6 be a womans deodorant. Other miscellaneous items women
7 would carry like cosmetic products, jewelry, and clothing
8 of course.

9 Q Like shoes, women's shoes?

10 A Yes, ma'am.

11 Q Now after you conduct the search, after you
12 photographed the apartment, you took certain items into
13 evidence for safekeeping; is that correct?

14 A That's correct.

15 Q All right. And would you have been responsible for
16 receiving items of evidence in Anne Arundel County?

17 A Yes, ma'am.

18 Q Tell me what you took.

19 A We contained the notebooks, the paperwork, shotgun
20 shells, 9-millimeter ammunition, and a 12-gauge shotgun.

21 Q All right. And what did you do with those items?

22 A They were documented by photograph. They were sealed
23 and packaged, and they were retained in an evidence locker
24 in a contained building, you know, as in our crime scene
25 unit.

SW - K. LADUE - DIRECT

1 Q Were those items later turned over to the Williamsburg
2 County Sheriff's Office?

3 A Yes, they were.

4 Q Now Ms. Ladue, if I can get you to step down from the
5 witness chair for just a moment please. All right. I'm
6 going to show you what's been marked as State's Exhibit
7 Number 76, ask you if you recognize that.

8 A Yes, I do. This is the 12-gauge shotgun that we
9 located under the mattress above the box string in the
10 master bedroom. It has my tag on it that has our bar code
11 label that we use in Anne Arundel County known as the B
12 system. It also shows Anne Arundel County Police
13 Department on the label.

14 Q All right. Thank you, Ma'am.

15 ASSISTANT SOLICITOR BARR: Judge, we would move
16 State's 76 into evidence at this time.

17 THE COURT: What says the Defense?

18 MR. BARR: Your Honor, earlier objection
19 involving relevance.

20 THE COURT: It's admitted.

21 (WHEREUPON, State Exhibit No. 76 was admitted into
22 evidence.)

23 ASSISTANT SOLICITOR BARR: Beg the Court's
24 indulgence.

25 Ms. Ladue, thank you. Please answer any

SW - S. CROMER - DIRECT

1 questions Defense may have.

2 THE COURT: Mr. Barr.

3 MR. BARR: We have no questions of this
4 witness, Your Honor.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you, Your Honor.

7 ASSISTANT SOLICITOR BARR: We call Ms. Susan
8 Cromer to the stand please.

9 WHEREUPON,

10 SUSAN CROMER,

11 having been duly sworn by the Clerk of Court, testified as
12 follows:

13 DIRECT EXAMINATION

14 BY ASSISTANT SOLICITOR BARR:

15 Q Ms. Cromer, state your full name for me.

16 A My name is Susan Cromer.

17 Q All right. And tell us where you work.

18 A I work at the South Carolina Law Enforcement Division
19 commonly referred to as SLED.

20 Q We were introduced on yesterday to a couple of your
21 colleagues. Tell me how long you've worked for SLED and
22 what it is that you do there.

23 A I've worked for SLED just under 12 years, and I am a
24 firearms and tool mark examiner in the forensic services
25 laboratory. What I do is look at ammunition components,

SW - S. CROMER - DIRECT

1 bullets, cartridge cases, shotgun shells, to determine
2 whether they were fired by or loaded into, extracted out
3 of a specific firearm.

4 Q All right. Now give us a little information about your
5 educational background and training which qualifies you
6 for the position that you hold.

7 A I have a bachelors degree from Clemson University. I
8 did some graduate work at the University of South Carolina
9 in criminal justice. While working on my Master I did an
10 internship in the SLED forensic services building in the
11 firearms department. I have -- was hired on at SLED.
12 I've completed their in-house training program for firearm
13 and tool mark examiners which is a three to five year
14 intense study program, more of an apprenticeship if you
15 will, where I worked under five court qualified firearms
16 and tool mark examiners. We take written tests, oral
17 tests, practical exercises, and then upon completion we're
18 allowed to work cases on our own and offer testimony in
19 court.

20 I have taken numerous seminars through the South
21 Carolina chapter of the International Association of
22 Identification, some of which being crime scene and tool
23 scene reconstruction. I've also taken classes through
24 the Association of Firearm and Tool Mark Examiners, on
25 ethics and barrel making. I've also have the privilege

SW - S. CROMER - DIRECT

1 of attending several of their yearly seminars which the
2 Association of Firearm and Tool Mark Examiners is an
3 international, an professional organization where they
4 get together once a year and have a week long discussion
5 about our field and advances in it. I've taken classes
6 through the Bureau of Alcohol, Tobacco and Firearms.

7 Q ATF?

8 A That is the ATF. On serial number restoration and our
9 integrated ballistics identification system.

10 Q Now prior to today have you ever testified in court as
11 an expert witness?

12 A Yes, ma'am, I have.

13 Q In this state?

14 A Yes, ma'am, approximately 38 times.

15 Q All right. And you've been qualified as an expert in
16 what field?

17 A Firearms and tool mark identification.

18 Q Okay.

19 ASSISTANT SOLICITOR BARR: Judge, at this time
20 we would tender Ms. Cromer as an expert in the field of
21 firearms and tool markings and identification.

22 MR. BARR: That would be without objection,
23 Your Honor.

24 THE COURT: She's so admitted.

25 ASSISTANT SOLICITOR BARR: Thank you, Judge.

SW - S. CROMER - DIRECT

1 BY ASSISTANT SOLICITOR BARR:

2 Q Ms. Cromer, did you receive evidence in connection with
3 this particular case that we're here today?

4 A Yes, ma'am, I did.

5 Q Okay. Tell me which particular items of evidence you
6 received and analyzed as far as this case is concerned?

7 A I received -- I'll just go through my items. I
8 received several fired 9-millimeter Ruger caliber
9 cartridge cases. I believe three total. I received two
10 fire Remington brand shotgun shells. I received one fired
11 bullet. I received several sets of fired or bird shot
12 pellets. I received a shotgun, and I received some
13 unfired ammunition as well as some fired bullets from
14 autopsy.

15 Q All right. Let me get your help on something. I'm
16 going to hand you what has been marked as State's Exhibit
17 Number 78 and ask you if you recognize that particular
18 item.

19 A Yes, ma'am. It has my initials, my initials and my
20 seal date. This is my container E.

21 Q Okay. And what do you have identified as your
22 container E?

23 A Let me check my notes really quick.

24 Q All right.

25 A In my container E was item 17 through 22, my item 17

SW - S. CROMER - DIRECT

1 through 22.

2 Q Yes, ma'am.

3 A Which were, fired evidence from the autopsy, two
4 bullets, a -- two bullets from autopsy, a fired,
5 9-millimeter Ruger caliber cartridge case, a set of five
6 lead bird shot pellets, another set of five lead bird shot
7 pellets, and a set of ten lead bird shot pellets.

8 Q As it relates to that particular exhibit, are you
9 satisfied that it is in the same condition that it would
10 have been after it was -- after it left SLED in Columbia?

11 A Yes, ma'am, it's still sealed the way I sealed on 7/1
12 of '09.

13 Q All right.

14 A Can I have a pair of scissors I can borrow?

15 Q Ms. Cromer, if I may, let me have you open it for me.
16 I've got a pair of scissors for you.

17 A (Complies.)

18 Q Do you recognize the items contained in Exhibit 78?

19 A Yes, ma'am. As I said, these are my items 17, 18, 19,
20 20, 21, and 22 and all of them are still sealed with my
21 initials and seal date.

22 Q All right. You indicated that your item marked, it
23 starts off with the number 17?

24 A Yes, ma'am.

25 Q What's Number 17?

SW - S. CROMER - DIRECT

1 A Number 17 is a fired 9-millimeter bullet received from
2 autopsy labeled left chest.

3 Q Received from autopsy labeled left chest?

4 A Yes, ma'am.

5 Q All right. What about 18?

6 A 18 is also a fired 9-millimeter bullet also received
7 from autopsy labeled head.

8 Q Labeled head. Okay. When we say autopsy whose autopsy
9 are we talking about?

10 A This was the autopsy of Kenyon Dorsey.

11 Q All right. Tell me about Number 19.

12 A Item 19 is a fired 9-millimeter Ruger CCI lazor brass
13 cartridge case.

14 Q Now what's a cartridge case?

15 A A cartridge case is what's left when you fire a piece
16 of ammunition, and as you can see, that's what it looks
17 like. An unfired piece of ammunition will have the bullet
18 sticking out at the top and will be all in one peace.
19 When you fire that piece of evidence you'll have a
20 separate bullet like this and the cartridge case, so
21 you'll have two items.

22 Q Okay, all right. Tell us about 20 and 21 and 22.

23 A 20, 21 and 22 were lead birdshot pellets, and I just
24 determined them to be most consistent with number six
25 birdshot.

SW - S. CROMER - DIRECT

1 Q Okay. Tell us what do you mean number six birdshot?

2 A Number six birdshot is the termination of their size.

3 They were all approximately -- check my notes again.

4 Q Sure.

5 A They're all approximately about .12 inches in diameter
6 and just under two grains and a grain is a unit of measure
7 that firearms use -- firearms examiners use. 7000 grains
8 equals one pound. So they were all the correct weight and
9 diameter for number six birdshot.

10 Q All right. Now of course I pretty much would be
11 considered lay person when it comes to firearms, but tell
12 me what you mean when you say birdshot pellets. How do
13 you get birdshot pellets?

14 A You have birdshot pellets which are smaller in size and
15 you have buckshot which are larger in size. You can have
16 number 12 all the way up to number one birdshot and then
17 you can have BB's and then you can have buckshot. So
18 these are smaller than buckshot and they're a certain
19 number, a certain size as indicated by a number.

20 Q All right. And birdshot pellets would come when you
21 fire a shotgun.

22 A They're fired it from a shotgun shell.

23 Q I see. All right.

24 ASSISTANT SOLICITOR BARR: Now Judge, at this
25 time we would move State's Number 78 I believe. Yes, sir.

SW - S. CROMER - DIRECT

1 Into evidence at this time.

2 THE COURT: What says Defense?

3 MR. BARR: Same objection, Your Honor,
4 relevance.

5 THE COURT: Admitted without objection. It's
6 in over objection.

7 (WHEREUPON, State Exhibit No. 78 was admitted into
8 evidence.)

9 BY ASSISTANT SOLICITOR BARR:

10 Q Let me get you to step down just a moment so the jury
11 can see what we're talking about here. I'm not going to
12 open it, but this particular number would be your SLED
13 Number 18?

14 A Yes, ma'am.

15 Q You indicated that this would be the bullet collected
16 from autopsy from which part of the victim's body?

17 A The head.

18 Q All right. And can we see the fired projectile at the
19 bottom of this particular bag?

20 A Yes, ma'am.

21 Q All right. Can you point to it so the jury can see.
22 Okay.

23 A (Indicates.)

24 Q All right. Now let's talk about -- stay with me.

25 A Okay.

SW - S. CROMER - DIRECT

1 Q Number 17, this particular item your records indicate
2 was collected from autopsy.

3 A Yes, ma'am.

4 Q From the victim's chest?

5 A Yes, ma'am.

6 Q All right. And can you point to the bullet there.

7 A Yes, ma'am. (Indicating.)

8 Q All right. What I'll do is just simply put these back
9 in the bag so we can keep them all together. Tell us
10 about, I believe this is item number -- I'm sorry, help me
11 with it.

12 A That's my item Number 20.

13 Q All right. Are these the pellets that you talked
14 about?

15 A Yes, ma'am. These are the lead birdshot pellets; and
16 as you can see, they're small so I put them in this extra
17 little tube.

18 Q Okay. We can kind of hear them. And as it relates to
19 the pellets, that's the same thing with this particular
20 item Number 21?

21 A Yes, ma'am.

22 Q You've also placed pellets in a little tube for us so
23 they wouldn't be lost?

24 A Yes, ma'am.

25 Q All right. And that's the same thing as it relates to

SW - S. CROMER - DIRECT

1 22, item 22, --

2 A Yes, ma'am.

3 Q ---the pellets. Okay. Now tell us about what you've
4 identified as item Number 19 that's found in State's
5 Exhibit Number 78.

6 A Item Number 19 is a fired cartridge case, fired
7 9-millimeter cartridge case. It is -- has a glaze on it,
8 head stamp. It's most likely made by CCI and they call it
9 lazor brass, just a brand and type. And it's fired and it
10 was most likely fired by a Glock type or Smith and Wesson
11 SIG, that type firearm.

12 Q Now the Glock type firearms and handguns, those are the
13 kind almost like police carry?

14 A Yes, usually.

15 Q All right. Tell us about what's been marked as State's
16 78; and if you need to go back and refer to your notes
17 please feel free.

18 A First, this is my container G, and it is still sealed
19 with my initials and my seal date.

20 Q All right, you can open it. Let me make sure I got
21 that correct. I'm want to make sure that I'm clear. The
22 exhibit that I hand is marked for identification as
23 State's Number 77; is that correct?

24 A That's correct.

25 Q Okay, all right. I'm sorry, please continue.

SW - S. CROMER - DIRECT

1 A Container Number G is my items 32 and 33, unfired
2 ammunition.

3 Q All right. And if you will please take the items out
4 of that particular exhibit and tell me if you recognize
5 those items.

6 A First off they're still sealed bags with my initials
7 and seal date.

8 Q Okay.

9 A My item numbers.

10 Q All right.

11 A We have item 32, was ten unfired 9-millimeter Ruger
12 caliber cartridges.

13 Q Ten?

14 A Ten.

15 Q Okay.

16 A And 33 was four unfired Remington brand shot shells.

17 Q Do your notes reflect, and I believe there's been
18 testimony in that regard earlier, but do your notes
19 reflect where those items came from?

20 A I believe they were submitted through the Williamsburg
21 County Sheriff's Office, but they also have a sticker on
22 them that says Anne Arundel County PD.

23 Q So those items came from Maryland?

24 A Yes, ma'am.

25 Q All right.

SW - S. CROMER - DIRECT

1 ASSISTANT SOLICITOR BARR: Judge, we would move
2 State's Exhibit Number 77 into evidence at this time.

3 THE COURT: What says the Defense?

4 MR. BARR: Objection, relevance.

5 THE COURT: They are admitted over objection.

6 (WHEREUPON, State Exhibit No. 77 was admitted into
7 evidence.)

8 BY ASSISTANT SOLICITOR BARR:

9 Q Let me get you to step down for me a moment.
10 Ms. Cromer, did you get this out of this particular
11 exhibit?

12 A Yes, ma'am, I did.

13 Q I want to make sure I put it back. All right.
14 Let's -- I hand you what's been marked for identification
15 purposes as State's 79 and ask you if you recognize that
16 exhibit.

17 A Yes, ma'am. Also this is my sealed container Number C
18 or letter C, and it's still sealed with my initials and my
19 seal date.

20 Q All right. You may open it.

21 A These are my items 9 through 16.

22 Q All right. Let's go through each particular item.
23 What do you have identified as item 9 and 10?

24 A 9 and 10 are two fired 9-millimeter Ruger caliber CCI
25 blazer brass cartridge cases.

SW - S. CROMER - DIRECT

1 Q Okay. What about numbers 11 and 12?

2 A 11 and 12 are two fired shot shells, Remington brand,
3 12-gauge.

4 Q All right. 13?

5 A 13 is one fired 9-millimeter Ruger caliber bullet.

6 Q Okay. And item 14?

7 A 14 -- one second, let me make sure. Is 106 number six
8 birdshot pellets.

9 Q So it's simply more of the items previously noted in
10 the little tube casing?

11 A That's correct.

12 Q What about numbers 15 and 16?

13 A 15 and 16 were both parts of a plastic Remington power
14 piston wad. A wadding is what's usually found inside of a
15 shotgun shell.

16 Q Okay. And do you have any other items in that
17 particular exhibit?

18 A I have 16.1, which is red fibers that I pulled off of
19 the wadding.

20 Q Okay. Red fibers?

21 A Red fibers or maroon.

22 Q All right.

23 ASSISTANT SOLICITOR BARR: Judge, we would
24 move at this time to admit State's Exhibit Number, I
25 believe, 79.

SW - S. CROMER - DIRECT

1 THE COURT: What says Defense?

2 MR. BARR: Objection, relevance.

3 THE COURT: It's admitted over objection.

4 (WHEREUPON, State Exhibit No. 79 was admitted into
5 evidence.)

6 BY ASSISTANT SOLICITOR BARR:

7 Q Let me get you to step down one more time for me.

8 Let's go through each of the individual items. If you
9 will come here. I'm going to show you what you have as
10 item Number 16.1 and tell the jury what that is.

11 A That is a plastic shotgun wadding.

12 Q Where at? Where's that at? Point to it.

13 A Right here.

14 Q All right.

15 A And when I say Remington power piston, it's a trade
16 brand name meaning only Remington can make that design of
17 a plastic shotgun shell wadding.

18 Q Okay, all right. What I'll do is as we talk about the
19 item I'll make sure to put them back in the exhibit
20 folder. All right, tell us about what you've marked as
21 item 14.1.

22 A 14.1 is I believe it's 106 birdshot pellets, same as
23 what we had earlier. Just you can see they've all ---

24 Q Whole bunch of them, okay. You can get the next item
25 for me please.

SW - S. CROMER - DIRECT

1 A 15. Again, item 15 is a plastic Remington pellet
2 piston shotgun shell wad.

3 Q Okay. And that would be here; is that correct?

4 A That's correct.

5 Q All right. The next exhibit please, next item please,
6 ma'am.

7 A You want me to go back to the shotgun shells?

8 Q Yes.

9 A Item 11 and 12 are both 12-gauge Remington brand
10 shotgun shells that are indicated loaded with number six
11 birdshot.

12 Q Okay.

13 A And you can see the pellets.

14 Q Tell you what, I'll show this half to the jury of the
15 exhibit and you show that one. Now this is called a what
16 now?

17 A It is called a shotgun shell. Remington brand
18 12-gauge.

19 Q All right. Do you have any other items that were part
20 of Exhibit 79?

21 A Yes, ma'am. I have items 9 and 10, which were the CCI
22 blazer brass fired 9-millimeter Ruger caliber cartridge
23 cases.

24 Q All right. Any other items?

25 A Item 13, which was a fired 9-millimeter Ruger bullet.

SW - S. CROMER - DIRECT

1 And I took a swab, possible biological materials from the
2 bullet.

3 Q Okay, all right. And do your records reflect where
4 these particular items were seized from?

5 A May I check my notes?

6 Q Absolutely.

7 A I believe items 9 and 10 were labeled from different
8 marker numbers.

9 Q Okay.

10 A Which usually indicates from a scene.

11 Q From a scene of a crime?

12 A Uh-huh.

13 Q All right, thank you, Ma'am. You know I'm not going to
14 let you sit down. Tell us about what's been admitted as
15 State's Number 76.

16 A State's Number 76 was my item 31. It's a 12-gauge
17 semiautomatic shotgun. It was Italian made, imported by
18 Universal Firearms Corp. Like I said, 12-gauge
19 semiautomatic shotgun.

20 Q Is there anything unusual about the markings on that
21 particular firearm or the actions of markings?

22 A The serial number was obliterated meaning that someone
23 purposely destroyed the serial number.

24 Q And I'm going to give you my gloves. I'm gonna get you
25 to put these on for me. And once you put those on, if you

SW - S. CROMER - DIRECT

1 could holdup the firearm for me. Make sure it points
2 toward the ceiling. All right, where would ---

3 A I'm looking to see if it's unloaded.

4 Q That's important. Where would we normally find the
5 marking, the serial number?

6 A The serial number would be right here.

7 Q All right.

8 A You can see that has been removed.

9 Q All right. Now ---

10 A And also when I received this it was loaded with four
11 shotgun shells in the magazine.

12 Q And I'm gonna hand you what's been admitted as State's
13 Exhibit Number 76(a). And are those the shotgun shells
14 that were loaded inside the magazine?

15 A Can I put this down?

16 Q Absolutely.

17 A Yes, ma'am. These are the ones that I physically
18 removed from the tubular magazine of my item number
19 shotgun, and they are 12-gauge Remington shotgun shells.
20 Those are number six birdshot.

21 Q Now is there anything, again, for my benefit, is there
22 anything that is significant about the fact that the
23 shotguns are the manufacturer Remington and the actual
24 shotgun itself is, I guess, the ID on there would be a
25 Revelation?

SW - S. CROMER - DIRECT

1 A Well, this firearm is marked Revelation. That doesn't
2 necessarily mean it was manufactured by Revelation; but
3 no, Remington is just an ammunition manufacturer who also
4 makes firearms.

5 Q Okay.

6 A Like CCI blazer brass, they just make ammunition. You
7 can fire Winchester in this, Winchester ammunition in this
8 firearm. You can fire Remington ammunition. You can fire
9 any type ammunition that's chambered for a 12-gauge
10 firearm.

11 Q I'm curious because you have 76(a) in your hand, and I
12 have shown -- you have previous shown to the jury your
13 items number 11 and 12 which came from State's Exhibits
14 Number 79. Do they appear to be the same shells?

15 A They are consistent in their markings and construction,
16 meaning black plastic, same type of closure at the top,
17 which we called prim. And they're also indicated as being
18 loaded with the same one ounce of number six birdshot.

19 Q All right. And so these are the fired shells that were
20 at the crime scene, and those are the shotgun shells that
21 you removed from the magazine?

22 A Yes, ma'am.

23 Q All right. And can you -- I'll put that back down.
24 Can you tell us where the magazine of the shotgun would be
25 and---

SW - S. CROMER - DIRECT

1 A Sure.

2 Q ---what area of the shotgun would actually be loaded.

3 A This is what's called a tubular magazine. It holds
4 cartridges actually underneath. This is the barrel. This
5 is your magazine, and it's a semiautomatic meaning once I
6 load my magazine and I have one in the chamber, one fire,
7 pull the trigger, it'll shoot, it'll extract that shotgun
8 shell, the fired shotgun shell, and reload a new one into
9 the chamber to be fired. As long as there's, one's in the
10 magazine.

11 Q Okay, all right. You can place that back down. And
12 you can take your seat. All right. Now Ms. Cromer, tell
13 us about your analysis as it relates to the ammunition in
14 the firearm in this case?

15 A Okay. What I do is I look at what I have fired and in
16 this case it was those Remington 12-gauge black loaded
17 with number six birdshot shotgun shells. Make sure that
18 the gun is safe to fire, and then I will test fire
19 ammunition similar to what I have received. So I actually
20 take that down to, we call it a tunnel, it's like an
21 outdoor range, and shoot. Get my shotgun shells that I
22 normally fired from that shotgun, compare them to each
23 other on my comparison microscope. Comparison microscope
24 lets me look at two objects at the same time and compare
25 them. I look at my tests, ones that I have fired

SW - S. CROMER - DIRECT

1 knowingly out of the shotgun and see how they mark. A
2 shotgun shell can be marked in five places, just like a
3 cartridge case can be marked in five places. What I'm
4 looking at is breech face markings, firing pin markings,
5 extractor marking, ejector markings. So what I do is the
6 breech face marking is where I start. The breech face of
7 the gun is the part of the gun that the head of that
8 cartridge case or shot shell rests on when it's being
9 fired.

10 Q All right, let me do this. So that we can kind of
11 understand as you speak, come down one more time.

12 A Sure.

13 Q Let me have you pick up the firearm so you can kind of
14 show the jury what you're talking about.

15 A It's kind of hard to see but if you look down there you
16 can see the breech face of this gun. It has a little hole
17 where the firing pin comes out, down, and that's where the
18 shotgun shells right there -- maybe you can see it. I
19 don't want to point this in a bad position. But that's
20 what we call our breech face of the gun. So the shotgun
21 shell is gonna sit up right up against that. A firing
22 pin, when you pull a trigger will come out through that
23 little hole and strike what's calling the primer in a
24 shotgun shell. The primer causes an initial explosion, if
25 you will, called sparks, to fly. Through very little

SW - S. CROMER - DIRECT

1 flash hole into the shotgun shell itself to ignite the
2 gunpowder. The gunpowder is gonna burn. It's gonna blow
3 the birdshot or wadding and whatever was in that shell
4 down the barrel, but it's also gonna blow that shell back
5 into that breech face. So any imperfections left during
6 the manufacturing process of that breech face can be
7 imprinted on the head of that shotgun shell when it's
8 fired. So that's what I'm looking at. I'm looking at
9 those markings.

10 Also you have what's called an extractor, looks
11 like a little cloth, and it's over there by that firing
12 pin hole on the breech face. What that extractor does,
13 is a little claw that hangs over the rim of the shot
14 shell so when, after it's fired and it's come all the way
15 back 'cause it's under spring tension, that claw is going
16 to hold on to that shotgun shell and move it with the
17 bolt so it's gonna stay with that breech face till it
18 hits an ejector. This is right here. And that ejector
19 is gonna be what hits the shotgun shell and makes it turn
20 and come out this little hole right here which we call
21 the ejection port.

22 Q Okay, all right. Now, and I won't ask you to stand up
23 anymore. You can have a seat.

24 A (Complies.)

25 Q Now the last exhibit that I asked you about before we

SW - S. CROMER - DIRECT

1 got to the shotgun was State's Number 79. And you
2 testified that this was the evidence that was seized from
3 the crime scene; is that correct?

4 A That's my understanding, yes.

5 Q And so you show the jury your items numbers 11 and 12
6 which were the shotgun shells.

7 A Yes, ma'am.

8 Q All right. Now did you perform an analysis as it
9 relates to those two shotgun shells found at the scene and
10 this particular firearm?

11 A Yes, ma'am. What I did is, after I compared my test
12 fires that I knowingly fired from that firearm, I compared
13 my test fires that I normally fired to those shotgun
14 shells and determined that they were most likely fired by
15 that firearm.

16 Q Okay. Did you generate a report as a result of your
17 analysis?

18 A Yes, ma'am, I did.

19 Q Okay. And so your opinion is that the two shotgun
20 shells that were found at the crime scene where Mr. Dorsey
21 was murdered most likely came from that gun?

22 A Yes. My opinion was that they were fired by that
23 firearm.

24 Q Tell us about your analysis of the 9-millimeter
25 projectiles and whether or not they bore any similarity to

SW - S. CROMER - DIRECT

1 the unfired 9-millimeter bullets that were found in
2 Maryland.

3 A I received four unfired 9-millimeter cartridges from
4 Maryland that were CCI blazer brass cartridges. All of my
5 fired cartridges in this case were CCI blazer brass. They
6 were both 9-millimeter Ruger.

7 Q So they were similar in size and model and caliber, the
8 ones that were seized from Maryland --

9 A Yes.

10 Q --as the ones that were seized from the crime seen
11 here in South Carolina?

12 A Yes, ma'am.

13 Q Now you never received a 9-millimeter handgun to
14 analyze and compare to the projectiles from the crime
15 scene, correct?

16 A That is correct.

17 Q All right. So you certainly can't testify, and I'm not
18 asking you to, but you certainly can't testify as to
19 whether or not you can conclusively tie the 9-millimeter
20 to -- the 9-millimeter projectiles to a 9-millimeter
21 handgun 'cause we don't have a 9-millimeter handgun in
22 this case.

23 A That's correct. What I did was look at the general
24 rifle characteristics meaning the hands and grooves, the
25 direction of the twist, and give investigators a list of

SW - S. CROMER - CROSS

1 possible firearms that could have fired those projectiles.

2 Q And as it relates to the 9-millimeter bullets that were
3 found in Maryland, would a Glock handgun, is it possible
4 that that type of handgun could have been used as far as
5 the bullets in Maryland were found?

6 A The unfired ammunition?

7 Q Yes.

8 A Yes, a Glock could have fired them. Any firearm in
9 9-millimeter could have fired them.

10 Q Ms. Cromer, that's all the questions that I have.
11 Please answer any questions Defense may have.

12 **CROSS-EXAMINATION**

13 BY MR. BARR:

14 Q How are you today, Ms. Cromer?

15 A I'm fine. How are you?

16 Q Good, good. You testified I believe on direct
17 examination that when you received this shotgun that there
18 were four shotgun shells in the chamber?

19 A Let me check my notes.

20 Q Or in the magazine?

21 A Yes, ma'am. I mean, sorry, yes, sir.

22 Q Now the shotgun shells and those were -- did you
23 receive four separate shotgun shells packaged and labeled
24 from Anne Arundel County in Maryland?

25 A Yes, sir, I did.

SW - S. CROMER - CROSS

1 Q Okay. So was there any indication as to how the four
2 shotgun shells got into the magazine in this particular
3 shotgun?

4 A No, sir. I'm assuming someone loaded them into the
5 shotgun.

6 Q Okay. So in terms of what you got, you got four in the
7 magazine and four separate shotgun shells that were
8 packaged separately?

9 A Yes, sir.

10 Q Okay. And you said you got four blazer brass
11 9-millimeter bullets that were not spent?

12 A From Maryland, yes, I did.

13 Q From Maryland?

14 A I received four blazer brass fired 9-millimeter Ruger
15 caliber cartridge casings.

16 Q You didn't get ten?

17 A I got six of another brand.

18 Q You got six of another brand?

19 A Yes.

20 Q Total ten?

21 A Yes, sir.

22 Q Okay. But a total of eight shotgun shells?

23 A Yes, sir.

24 Q Okay. Now going back to the shotgun shells, the low
25 number six birdshot, that's generally ammunition for

SW - S. CROMER - CROSS

1 shooting small foul; isn't it?

2 A Yes, sir.

3 Q Okay. If you wanted to bring down a deer or larger
4 animal or to really injure someone you would use something
5 closer to buckshot or two or three or four, or something
6 lighter than, or something heavier than birdshot; wouldn't
7 you?

8 A I would assume so, yes.

9 Q Okay. So wouldn't you think it would be fair to say if
10 someone intended to really seriously injure someone and
11 planned it they wouldn't use birdshot?

12 A I can't testify to anyone's intent.

13 Q Yes, ma'am, I understand. I understand. But I'm just
14 asking in a general case that type of load is not used
15 other than for shooting light foul so as you don't tear up
16 the foul.

17 A That's what its typical use is.

18 Q It's typical. And that's all I'm asking.

19 A Yes.

20 Q Just in a typical case, in a general case. Okay. Now,
21 again to be clear, the ammunition that you got that was
22 related to this particular case is I think you identified
23 that as number 9 and 10 of your series 9 through 6; is
24 that correct?

25 A I don't really understand what you're asking.

SW - S. CROMER - CROSS

1 Q Well, let's approach it this way. What part of the
2 information you received was from this incident, from this
3 particular shooting? Would you identify for us again what
4 you got from the autopsy?

5 A What I got from the autopsy?

6 Q Yes.

7 A Was items -- let me check my notes. Was my item 17
8 through 22.

9 Q Your item 17 through 22?

10 A Which contain the bullets from autopsy and the pellets
11 from autopsy.

12 Q 17 through 22. And that was -- 19 through 22 would
13 have been birdshot?

14 A 19 was the fired CCI blazer brass.

15 Q Okay.

16 A Cartridge case. 20 through 22 were all birdshot
17 pellets.

18 Q Okay. And it's fair to say from your testimony here
19 today is that the -- that the spent 9-millimeter cartridge
20 as well as the 9-millimeter shot has not been related back
21 in any way to this incident?

22 A The 9-millimeter cartridge case that was my item 19 ---

23 Q Right.

24 A ---was fired by the same firearm that fired my items 9
25 and 10.

SW - S. CROMER - CROSS

1 Q Okay. And that item has not been identified.

2 A No, I had -- I did not receive that firearm.

3 Q Okay. So in terms of your testimony here today you're
4 testifying that in your opinion the shotgun that was
5 seized from Maryland was most likely used to fire the two
6 spent cartridges, the two spent birdshot cartridges, from
7 the incident?

8 A It's my professional opinion that that firearm did fire
9 those two shot shells.

10 Q Okay. I'm just -- okay. But that would be the only one
11 item that would -- that you could professionally relate to
12 this incident?

13 A I --

14 Q From the items that were submitted to you?

15 A When I receive items, unless they are labeled from
16 autopsy, it doesn't matter to me where they came from. So
17 I don't really look at that very often. So all I know is
18 I received all of these items of evidence under this case.

19 Q Okay. But again, and this is the last question, when
20 you got this shotgun it had four shotgun shells in the
21 magazine?

22 A Yes, sir.

23 Q Thank you.

24 ASSISTANT SOLICITOR BARR: May I ask her some
25 questions in followup redirect examination?

SW - S. CROMER - REDIRECT

REDIRECT EXAMINATION

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BY ASSISTANT SOLICITOR BARR:

Q I hate to do this to you one more time.

A That's okay.

Q When we talk about the shotgun shells being in the magazine?

A Yes, sir -- yes, ma'am.

Q Can you tell us where they would physically be inside the firearm?

A This is what we call a feeding ramp. This you can just kind of see that little knob right there. This is what we call a tubular magazine. They were inside here in this magazine.

Q Now if I were to pick up that firearm and just look at it, would the four shotgun shells that are in the magazine be readily visible to me.

A No, ma'am. As you see you cannot see inside that tube when you look right there.

Q Okay, all right. And you physically removed those four shotgun shells?

A Yes, ma'am.

Q Now there was testimony that there was another separate shotgun shell recovered from the vehicle, I mean, from the firearm. Is it possible that there would be a separate shotgun shell that would be visible in that firearm?

SW - S. CROMER - RECROSS

1 A The one that was in the chamber would have been
2 visible.

3 Q Let's talk about that. Show us where that would be.

4 A This is the chamber of the firearm right here. And
5 it's -- it could have gotten pushed back in there.

6 Q Okay, all right. Let me look at one more thing. One
7 more thing. I'm gonna hand you State's Number 77 -- well,
8 just give me a moment. What you have as your item
9 number 32, when we talk about the number of 9-millimeter
10 bullets, Mr. Barr asked you about that on
11 cross-examination. You were talking about the bullets
12 that's found there?

13 A Yes, ma'am. I had ten total, four CCI blazer brass and
14 six -- forgive me, they are PRVI partisan. They're, I
15 believe, Serbian made 9-millimeter.

16 Q All right. That's all the questions that I have.
17 Thank you very much.

18 THE COURT: Mr. Barr.

19 **RECROSS-EXAMINATION**

20 BY MR. BARR:

21 Q Ms. Cromer, I believe Ms. Barr asked you about whether
22 or not if you picked up the gun, the shotgun, and there
23 was one shell, actually a shell that would not be in the
24 magazine but would actually be in the barrel, would
25 that -- well, let me ask you this way. That would have

SW - S. CROMER - RECROSS

1 nothing to do with the number of shells that are actually
2 in the magazine, would it?

3 A If there's one in the chamber?

4 Q If there's one in the chamber?

5 A No, no, sir.

6 Q Okay. Standard chain of custody, if this gun was sent
7 to you empty there is no way to get four shells in the
8 magazine unless someone puts it in there, is it?

9 A No, sir, and I noted when it came in it was noted as a
10 said to contain basis that the Williamsburg County
11 Sheriff's Office received it sealed from Maryland. When I
12 opened it they did not mess with the seal. It was still
13 in the brown paper bag container, and the cartridges were
14 in the magazine of the firearm when I received it.

15 Q But if it was sent from Maryland empty as far as the
16 magazine is concerned?

17 A I do not know whether it was sent from Maryland empty
18 or not.

19 Q Well, I'm not asking you that question. I'm just
20 asking now if it was sent empty there was no way to get
21 four cartridges in it unless it comes out the box, is it?

22 A No, sir.

23 Q Okay. Thank you.

24 THE COURT: Thank you. You may step down.

25 ASSISTANT SOLICITOR BARR: Judge, we ask that

1 Ms. Cromer be excused so she can return to Columbia.

2 THE COURT: All right. Ladies and gentlemen,
3 we'll take a short break. It's time to go to the jury
4 room.

5 (WHEREUPON, the jury was removed from the
6 courtroom at 3:16 p.m.)

7 THE COURT: All right, we'll take a recess.

8 (WHEREUPON, a recess was taken from the proceedings
9 and State Exhibits Nos. 80 through 103 were marked
10 for identification only.)

11 THE COURT: Ready for the jury?

12 ASSISTANT SOLICITOR BARR: Yes, sir.

13 THE COURT: All right, bring them out.

14 (WHEREUPON, the jury was returned to the courtroom
15 at approximately 3:32 p.m., and the following
16 proceedings commenced in open court.)

17 THE COURT: All right, next witness.

18 ASSISTANT SOLICITOR BARR: The State calls
19 Doctor Ellen Riemer.

20 WHEREUPON,

21 ELLEN RIEMER,

22 having been duly sworn by the Clerk of Court, testified as
23 follows:

24 DIRECT EXAMINATION

25 ///

SW - E. RIEMER - DIRECT

1 BY ASSISTANT SOLICITOR BARR:

2 Q Doctor Riemer, please state your full name for us.

3 A It's Doctor Ellen Riemer.

4 Q And spell your last name for the benefit of Madam Court
5 Reporter?

6 A It's R-I-E-M, as in Mary, E-R.

7 Q All right. And ma'am, tell us where you're employed.

8 A I'm employed at Medical University of South Carolina as
9 a forensic pathologist.

10 Q All right. Now tell us what a -- is meant by a
11 forensic pathologist, what do you do, and give us a little
12 bit about your educational background, your training and
13 any degrees that you hold.

14 A Okay. A forensic pathologist is a physician, a
15 physician who after I obtained my M.D. degree had sub--
16 had specialized training and residency training in
17 pathology. And after I completed pathology I became Board
18 certified by the American Board of Pathology which is kind
19 of like the good housekeeping sale of approval for
20 pathologists. So Board certified mean any time you go to
21 a doctor you want to make sure that. And then I did -- so
22 I did my after completing medical school. I did my
23 residency training in pathology at the College of
24 Physicians and Surgeons of Columbia University in the
25 State of New York, and that was for four years. And then

SW - E. RIEMER - DIRECT

1 I did subspecialty training in forensic pathology for one
2 year at the office of the chief medical examiner of the
3 State of Maryland and that was in Baltimore that was so I
4 could specialize in forensic pathology. And I also have
5 an additional interest in pulmonary and cardiovascular
6 pathology, which is pathology of the heart and lungs. And
7 so I did another subspecialty fellowship training in
8 cardiovascular and pulmonary pathology at John Hopkins
9 Hospital at John Hopkins University of School of Medicine
10 and then I became Board certified in forensic pathology.

11 Q Now kind of tell us what is meant by pathology and then
12 go on to explain to us what is meant by the field of
13 forensic pathology.

14 A Okay. Pathologists diagnose disease by evaluating
15 tissue samples or performing autopsies on individuals so
16 pathologists don't just do autopsies to come to their
17 diagnoses, but for instance, if a woman ever has a breast
18 biopsy or if a man has a prostate biopsy because they're
19 concerned about a cancer and that tissue is sent to a
20 pathologist who evaluates the tissue under the microscope
21 and can see if there's cancer or not cancer. So
22 pathologists wear a wide variety of hats. But I
23 specialize in forensic pathology and forensic pathology
24 focuses on evaluating injuries on your body, so not just
25 diseased processes which I'm also capable of doing as a

SW - E. RIEMER - DIRECT

1 general pathologist, but by virtue of my subspecialty
2 training and certification in forensic pathology I do
3 evaluation and I'm experienced at evaluating injuries from
4 nonnatural events.

5 Q All right. Now in connection with your position at the
6 Medical University of South Carolina as a forensic
7 pathologist have you had occasion to testify in the
8 circuit courts of this State as an expert witness?

9 A Only once before because I moved to South Carolina
10 one-and-a-half years ago. Before I came to work at
11 Medical University of South Carolina I was a forensic
12 pathologist physician at Wake Forest University School of
13 Medicine and Hospital where I was there for six years and
14 then I decided to move to beautiful Charleston?

15 Q All right. And you indicate that you have been
16 qualified as an expert witness in the field of forensic
17 pathology?

18 A Yes.

19 ASSISTANT SOLICITOR BARR: Judge, we would at
20 this time tender Doctor Riemer as an expert in the field
21 of forensic pathology.

22 MR. BARR: Without objection.

23 THE COURT: She's so admitted.

24 BY ASSISTANT SOLICITOR BARR:

25 Q Doctor Riemer, tell us what an autopsy is.

SW - E. RIEMER - DIRECT

1 A Okay. An autopsy is kind of a specialized surgical
2 procedure whereby the pathologist physician, the forensic
3 pathologist, does a complete external examination of the
4 decedent's body.

5 Q When you say the decedent that's not a word we kind of
6 commonly use every day so tell me what you mean by that.

7 A Of the dead individual.

8 Q Okay.

9 A Of the dead individual's body. I mean, I may have
10 caught story -- this happened, they don't know why the
11 person died, but I have to use my independent professional
12 mind to evaluate and come to my own conclusion and not
13 necessarily jump to any -- believe things that other
14 people told me.

15 Q Okay.

16 A And first, I would start with the autopsy doesn't just
17 start with cutting the body or cutting open the body to
18 look at internal examinations, but really the outside of
19 the body is just as important part of the inside. And in
20 fact, that can give me very important clues as to what may
21 be the cause and manner of death. And the purpose of
22 performing this autopsy is not just like to satisfy some
23 curiosity or need to learn, but for me to be able to
24 determine the cause and manner of death.

25 Q Okay, all right. Now Doctor Riemer, back on April the

SW - E. RIEMER - DIRECT

1 5th of 2009, did you receive the body of Kenyon Dorsey?

2 A Yes, I did.

3 Q All right. And you were requested by the Williamsburg
4 County coroner to conduct an autopsy on Kenyon's body?

5 A Yes, I was.

6 Q All right. Tell us the condition that the body came in
7 and what you did.

8 A If it's all right with you, may I pull out my -- since
9 it was in April or so 2009 and that was a while ago I just
10 would like to refer to my report.

11 Q Sure, absolutely.

12 A Thank you. Okay, I performed the autopsy on April 6th
13 of 2009, and the body was of a young, a young man who
14 appeared consistent with the age of 17 years old which is
15 what I was told he was and he looked very young.

16 Q All right. Now did you indicate on your report the
17 date of his death and the approximate time?

18 A Yes, I -- but that's not information that I obtained
19 through my own investigation. That's information that was
20 provided to me by the coroner.

21 Q By the coroner?

22 A Yes.

23 Q Okay, all right.

24 A And I do have that indicated. At the top of the report
25 that the date of death was April 5th, 2009, at 2:20 a.m.

SW - E. RIEMER - DIRECT

1 Q All right. Now tell us the condition of the body of
2 Mr. Dorsey.

3 A The condition of the body when I first viewed him was
4 that of a young man with abundant blood about his body and
5 numerous defects in the skin, and the defects appeared to
6 be from gunshot wounds as well as a shotgun wound.

7 Q Now let's kind of go through your external examination
8 of the body of Kenyon and tell the jury about each
9 individual evidence or item of injury that was noted to
10 Kenyon.

11 A Okay. So after the evaluation of this bod-- the
12 external evaluation of the body and exploring the body
13 through this specialized surgical procedure which is part
14 of the autopsy so I can see wound pads as they go through
15 the body and what may have been injured and why this
16 individual may be dead or why this individual died. After
17 that complete examination I determined that there were
18 three gunshot wounds to the body and one shotgun wound to
19 the body, and then we'll go through these individually as
20 you request it.

21 Q Let's do that. Let's talk about the gunshot wounds to
22 the body.

23 A Okay. There were two gunshot wounds to the head, and
24 I'll start with one of them. One of the gunshot wounds to
25 the head went through the kind of the top of the far head

SW - E. RIEMER - DIRECT

1 area, okay, and went through the brain and a bullet
2 terminates -- so went through the brain and the sinuses of
3 the face so that's all like the air pockets behind your
4 nose and like sort of through which areas filtered before
5 it goes into your lungs. And the bullet terminated so it
6 ended, it didn't exit the body, but it was recovered in
7 the right facial sinuses of the right cheek. So it went
8 into the forehead and went toward the right cheek and so
9 that was one gunshot wound.

10 Q Yes, ma'am. Let's talk about the second one.

11 A And the second gunshot wound---

12 Q Wait a minute, Doctor Riemer, before you go on to the
13 second one, we all hear about what is called the
14 trajectory or the path of the bullet. As it relates to
15 that first gunshot wound can you kind of talk about and
16 illustrate to us the trajectory of that, the trajectory of
17 that tubular bullet.

18 A Actually it terminated in the left cheek, not the right
19 cheek so that was just my -- I misspoke, okay.

20 Q Let me do this. First of all, let me hand you what's
21 been marked for identification purposes as State's
22 Number 80 and ask you do you recognize what's depicted in
23 that particular exhibit.

24 A Yes. That is the left side of Mr. Kenyon, Mr. Dorsey's
25 face.

SW - E. RIEMER - DIRECT

1 Q All right. And when you talked about the bullet
2 resting on the left side of his cheek would that
3 particular exhibit help to show the jury the evidence of
4 that particular injury on his cheek?

5 A Well, no, because there is no exit wound in there. It
6 actually rests underneath the skin.

7 Q Okay. Does this particular exhibit show that there
8 appears to be markings or abrasions to the left side of
9 his face?

10 A Yes.

11 Q Can you tell us how that injury would have resulted, if
12 you know.

13 A Yes. That would most likely have resulted from the
14 bullet coming up against underneath the skin and like kind
15 of bruising from underneath the skin would actually coming
16 through.

17 ASSISTANT SOLICITOR BARR: Judge, we would move
18 State's Exhibit Number 80 in at this time.

19 THE COURT: What says the Defense?

20 MR. BARR: That would be without objection,
21 Your Honor.

22 THE COURT: Without objection?

23 MR. BARR: Yes.

24 THE COURT: It's in without objection.

25 (WHEREUPON, State Exhibit No. 80 was admitted into

SW - E. RIEMER - DIRECT

1 evidence.)

2 BY ASSISTANT SOLICITOR BARR:

3 Q All right. Doctor Riemer, I'm going to publish what's
4 been admitted as State's Exhibit Number 80, and this is
5 the particular photo that I showed you earlier. This is
6 the body of Mr. Dorsey?

7 A (There was no response.)

8 Q Ma'am, is this the body of Mr. Dorsey?

9 A Yes, it is.

10 Q All right. Now you indicated that you talked about
11 evidence of injury to the left side of his cheek. Is that
12 here with the -- reflective on State's Number 80, the
13 injury above the, on the eye lid as well as on the left
14 cheek?

15 A No.

16 Q Okay, kind of -- can you come down and show us.

17 A Okay.

18 Q And I'll let you be the teacher, let you hold the...

19 A Okay. This is from another, another -- this is from a
20 different -- this is from a shotgun wound. So these were
21 not caused by that one, that bullet, that wound that I
22 just described and these are abrasions on his cheek. And
23 the bullet may cause these abrasions by terminating, by
24 ending right under the skin, but I can't be sure of that
25 because it's possible these are just abrasions that he

SW - E. RIEMER - DIRECT

1 sustained that he got from like falling or something.

2 Q Okay.

3 A Okay. So you know, it's not clear definitely that, you
4 know, the bullet is causing those. I know the bullet
5 terminated below the cheek but it appears to have stopped
6 in the sinus and may not have actually caused that, okay.
7 It's not possible for me to tell with certainty.

8 Q I understand. All right. I'm going to hand you -- and
9 make sure you turn away from, keep the photographs away
10 from the jury. But I'm going to hand you what's been
11 marked for identification purposes as State's Exhibits
12 Number 82 and 83; and when we talk about that first
13 gunshot wound tell me, is that reflected in those
14 particular exhibits?

15 A Yes. That is the entrance gunshot wound to -- this
16 first picture, this exhibit, shows the entrance gunshot
17 wound to the frontal scalp that was the gunshot wound that
18 I first described.

19 Q Okay.

20 A And so these are a faraway shot and a closeup shot.

21 Q Okay. And would those be after you've cleaned his body
22 so to speak?

23 A Yes. It's very difficult to evaluate the skin when
24 there's a lot of hair, and this young man had abundant
25 hair with cornrows. And in order to evaluate the injury I

SW - E. RIEMER - DIRECT

1 needed to save just that area around the gunshot wound so
2 I could really see what happened.

3 Q All right. Now I'm gonna hand you what's been marked
4 for identification purposes as State's Number 96. Would
5 this depict the injury to the top of Mr. Dorsey's forehead
6 before you shaved?

7 A Yes, this is accurate. This is a photograph before I
8 shaved.

9 Q Okay. And so that would be reflective of how the
10 victim appeared at the time of autopsy before you did
11 anything to the body?

12 A Well, I might if I was to have washed him off a little
13 bit.

14 Q Sure, I understand. I understand.

15 A But yes, this is before I shaved the hair off.

16 Q Would that particular exhibit show the entrance of the
17 wound to ---

18 A This is the entrance wound to the head, one of the two
19 entrance wounds to the head.

20 Q Yes, ma'am.

21 ASSISTANT SOLICITOR BARR: Judge, we would
22 move State's Exhibit s 82, 83 and 96 into evidence at this
23 time.

24 THE COURT: What says Defense?

25 MR. BARR: Your Honor, may I look at those at

1 this time. We would object, Your Honor, to 82 and 96 as
2 being cumulative and also being more prejudicial than
3 probative. 82 demonstrate the testimony.

4 THE COURT: 83.

5 MR. BARR: Yes, sir.

6 THE COURT: No objection as to 83?

7 MR. BARR: No, sir.

8 THE COURT: Exhibit Number 83 is admitted.

9 Objection sustained as to the other two.

10 ASSISTANT SOLICITOR BARR: Your Honor, may I be
11 heard?

12 THE COURT: Outside the presence of the jury.

13 ASSISTANT SOLICITOR BARR: Yes, sir. Judge,
14 are we gonna have the jury go out, or do you want me to do
15 that at a later time?

16 THE COURT: Ladies and gentlemen of the jury,
17 we'll have you go to the jury room. Please do not discuss
18 the case.

19 (WHEREUPON, the jury was removed from the
20 courtroom at 3:54 p.m., and the following proceedings
21 commenced in open court.)

22 THE COURT: Yes.

23 ASSISTANT SOLICITOR BARR: Please the Court
24 judge, Your Honor, we would submit in this case that the
25 exhibits that are offered by State and I'm not quite sure

SW - E. RIEMER - DIRECT

1 90, State's 97, 98 and 99.

2 THE COURT: Let me see those photographs. Is
3 that right, Mr. Barr?

4 MR. BARR: Yes, sir.

5 THE COURT: All right, they're admitted without
6 objection.

7 (WHEREUPON, State Exhibits Nos. 83, 84, 87, 88, 89,
8 90, 95, 97, 98, 99 were admitted into evidence.)

9 THE COURT: Bring the jury back.

10 (WHEREUPON, the jury was returned to the courtroom
11 at approximately 4:08 p.m., and the following
12 proceedings commenced in open court.)

13 BY ASSISTANT SOLICITOR BARR:

14 Q Doctor Riemer, I'm gonna hand you what's been admitted
15 without objection State's 83. You talked about the
16 entrance wound to the top of Kenyon's head. Is that
17 reflected in that particular exhibit?

18 A That's a photograph of the entrance wound to the top of
19 the head; that's correct.

20 Q And this would have been after you shaved the top of
21 his head?

22 A That's correct.

23 Q All right. This would be a picture of the body in its
24 clean state, if you will?

25 A Yes.

SW - E. RIEMER - DIRECT

1 Q Okay. Highlight for the jury the hairline and forehead
2 of the victim and the entrance wound to the top of his
3 head.

4 A This is the hairline and on there -- this is the
5 forehead. You can see -- you can actually see the left
6 eyebrow over here.

7 Q Okay. Eyebrow there?

8 A Yes.

9 Q Okay.

10 A That's what it looks like there. Yeah, this --
11 I'm standing a little close to this, but yes, that's
12 another landmark. And this is the entrance wound of the
13 bullet as it's entering the skin and it's kind of -- you
14 can see it's going this direction from, it starts in the
15 center and it's going downward ---

16 Q Yes, ma'am.

17 A ---and to the left, okay, toward his cheek and not just
18 goes through skin but it's actually gonna go through the
19 skull on its way in and pass through the brain before
20 going into like the cheek and bony areas of the cheek.

21 Q All right. Now tell us, if you will, about the second
22 gunshot wound to the head.

23 A Okay. Now I call it a second gunshot wound to the
24 head, but I don't know in fact what order these were ---

25 Q Sure, I understand.

SW - E. RIEMER - DIRECT

1 A --fired, but I just wanted to clarify that to the
2 jury.

3 Q Absolutely.

4 A It was another gunshot wound to the head, the second
5 one, that injured the right side of the head so this
6 wasn't exact like right over here but it was more over
7 here, okay?

8 Q Okay.

9 A And after this bullet went through the scalp and then
10 the skull and went into the brain again, so this bullet
11 also went through the brain and went through a lot of
12 important structures of the brain. It went through the
13 right parietal lobe, the deep white matter, the cerebellum
14 of the brain, and then exited from the head. It went like
15 behind the mouth area like in the tissues sort of in that
16 back of the palate area and exited on the left side of the
17 jaw, okay. So that bullet, after it exited the left side
18 of the jaw it didn't just like drop on to the floor; it
19 kept going. It kept going. This was a like it pierced
20 through the body again. So after it exited the left side
21 of the jaw it went into the front of the left shoulder.
22 So you can imagine it's kind of coming from here, it's
23 exiting here, and then the victim's shoulder is right
24 there and it goes -- it still has enough velocity, it
25 still has enough speed and strength to go through the skin

SW - E. RIEMER - DIRECT

1 again. And after it goes into the shoulder it goes into
2 the upper part of the left lung so it caused disruption
3 and damage to the lung, and then the bullet, you know, had
4 already lost a lot of some of its velocity so it's not
5 going to go on forever and it stopped in the left chest
6 cavity.

7 Q All right. And I'm going to show you what's been
8 admitted as State's Number 84, and I need you to explain
9 that particular exhibit for the benefit of the jurors.

10 A Just to remind the jury, this is the gunshot wound that
11 we just looked at, okay.

12 Q Yes, ma'am.

13 A It's the one that I already described. And this is the
14 relative position of this second gunshot wound to the head
15 so this is also an entrance wound over here and the right
16 parietal area, it's kind of above the ear. And this one
17 is going into the head and goes through the brain and
18 behind the mouth and exits the jaw. So whereas this one
19 actually stopped in the cheek, this one kept going and
20 exited at the base of the jaw.

21 Q All right. And so those are what we call the clean
22 photographs of the victim's head?

23 A That's right. After I was able to see where the holes,
24 I shaved those little areas so I can evaluate them and see
25 if they were entrances or exits and...

SW - E. RIEMER - DIRECT

1 Q I'm gonna show you what's been admitted as State's 97.

2 Would this reflect that wound that we talked about prior
3 to your shaving the head of the victim?

4 A Yes. This is a area of the wound, and you can see it's
5 more difficult to see.

6 Q Because of the hair?

7 A Because of the hair, right. And only after I got rid
8 of some of the hair I was able to see exactly what it
9 looked like, but I could see that that was a gunshot wound
10 right there.

11 Q All right. And that is the victim's ear there?

12 A Yes.

13 Q Okay. Now what is the significance of that number here
14 and that I call it prod. What is the significance of
15 that?

16 A Yes. Well, first of all, every photograph that I take
17 in the autopsy room, unfortunately there's a lot of
18 individuals that come into my morgue and I have to be able
19 to look at pictures and know who they are from.

20 Q Okay.

21 A And every person has an autopsy, gets a number assigned
22 to them even though I know they're an individual with all
23 the qualities of an individual. I have to assign a number
24 because a lot of times people have the same names and this
25 way I can easily look them up like look up a report

SW - E. RIEMER - DIRECT

1 because it's in a good filing system. And so his number
2 was FA09 -- that was in 2009. The hundred and 85th
3 autopsy that was performed that year.

4 Q I see. All right. So FA2009, 09 represents the year
5 in which --

6 A That's correct.

7 Q --you did the autopsy. And this is the 185 is --

8 A Is his unique number. So 09185 and FA means forensic
9 autopsy.

10 Q Tell me, are you holding those prods or what are those
11 called there?

12 A Well, we call them probes --

13 Q Probes, okay.

14 A --like. And it's sometimes helpful although it's some
15 can be very difficult too. Sometimes you can actually put
16 a probe all the way through from one entrance and all the
17 way through an exit, but when there's a lot of disruption
18 of bone it's very difficult to do that because it's hard
19 to like re-approximate the wound, like through the wound
20 exactly. But it shows up there. It's just -- it's a
21 little bit helpful. Here's a defect and there's a defect.

22 Q Now when you say a defect you're talking about evidence
23 of an injury?

24 A Yes.

25 Q Okay, all right.

SW - E. RIEMER - DIRECT

1 A I mean, I don't always use probes but I did took a
2 picture with the probes.

3 Q I understand. Now I'm curious, you talked about the
4 injury to Kenyon's clavicle, and I believe you indicated
5 it was on the left side?

6 A Yes.

7 Q Okay. I'm going to hand you or actually publish what's
8 been admitted without objection as State's Number 95 and
9 kind of explain to the jury what that particular picture
10 depicts?

11 A So after the bullet exited at the left side of the jaw
12 it re-entered. This is that re-entrance wound. It's very
13 close here, but you can see it's kind of continuing like
14 this and there's always abrasion around it, an abrasion,
15 because after the bullet exited the jaw it starts -- it
16 spins a little bit more. It's not like -- that's why this
17 looks a little different than just the bullets that from
18 like that would just shot out of the gun because those
19 usually go in straight. But after they go through tissue
20 and bone they start bobbling a little bit so it causes a
21 more irregular entrance wound on the body.

22 Q So for clarity for this jury, this area here would be
23 the victim's neck?

24 A Yeah. Yes. This is very close so but it looks like
25 this is the clavicle and this would be just to the right

SW - E. RIEMER - DIRECT

1 of the clavicle, I mean, to the left of the clavicle.

2 Q Let me do this, it is a close shot so let me have you
3 look at it to make sure what you just testified to is
4 correct. Maybe that will help.

5 A Yes, okay.

6 Q Let me publish it now.

7 A Now I can see. It's a little clearer to actually look
8 at the photograph because I'm -- when you stand so close
9 it's sometimes...

10 Q Let's do it that way.

11 A Now I have the whole thing in there. I want to see the
12 bottom part of that. no, you have it in the wrong
13 direction. Come back please.

14 Q All right.

15 A Yes, okay, that's better. So it's going like this and
16 then this is the sort of the crease of his arm, okay. So
17 you can see his arm and so now you can really see it's
18 kind of going into the chest like below this wasn't
19 actually. But the reason this is reflecting differently
20 is because this is his left arm.

21 Q Okay.

22 A Okay? So that's the direction it's going and this is
23 that crease like if he's unclothed, the crease between the
24 arm and the chest, okay. So it's going in and then it
25 goes into the chest and goes through the left lung it

SW - E. RIEMER - DIRECT

1 stops in the chest.

2 Q All right. Now when you talk about the victim having
3 evidence of three gunshot wounds would that be the third
4 one that you referenced, the one —

5 A No. I counted that as part of the the same gunshot
6 wound that entered the right side of head because it's a
7 single bullet.

8 Q All right. Let's talk about the third gunshot wound.
9 Do you have your report there with you?

10 A Yes.

11 Q Okay. Go ahead and tell us about any other signs of
12 injury to the body of Kenyon.

13 A There was a gunshot wound to the left hand.

14 Q Okay.

15 A Okay? And this went -- entered the -- close to the
16 third finger of the left hand laterally and on the side
17 and exited the palm of the left hand.

18 Q All right.

19 A Okay? So that just went through the palm and went
20 through the, like the hand, and that was what that bullet
21 injured.

22 Q All right. Let me do this, Doctor Riemer, if I may,
23 I'm gonna show you an exhibit that has been previously
24 admitted and ask you whether or not it reflects the injury
25 to the hand that we talked about. I'm gonna hand you or

SW - E. RIEMER - DIRECT

- 1 publish what's been previously admitted as State's
2 Number 22.
3 A Okay.
4 Q And let me actually -- it's probably better for you to
5 see it first and then I'll put it on the screen.
6 A Okay.
7 Q Do you see any part of that photograph that depicts the
8 injury to the hand as you've testified to?
9 A Yes, that is the entrance wound to the hand.
10 Q Okay.
11 A On the third finger just over the knuckle.
12 Q All right.
13 A (Indicating.)
14 Q So in that particular photograph that appears to be the
15 victim's jeans here?
16 A I didn't -- hard for me to see but it looks like his
17 jeans, that's correct.
18 Q Appears to be his shirt?
19 A That's correct.
20 Q And is that the gunshot wound there to his hand ---
21 A Yes.
22 Q ---right below the knuckle? All right, any other signs
23 of wounds to the victim's body?
24 A Yes, there was.
25 Q All right, let's talk about it.

SW - E. RIEMER - DIRECT

1 A There was a shotgun wound and that's not a hand -- from
2 a handgun. This is more like the weapons that fire
3 pellets.

4 Q Okay.

5 A Okay?

6 Q Where, what part of Mr. Dorsey's body did you find
7 shotgun wounds to?

8 A Okay. There was a shotgun wound on the -- started over
9 the left eye, okay. So the first picture, we saw a
10 picture where he had those scrapes, looked like scrapes
11 from here, but in fact, those were shot like shot -- like
12 little shot pellets, okay. Went through the eye and then
13 injured the cheek on the left side, which is what we saw
14 on those photographs. Those big scrapes, those were
15 actually pellets that were sort of scraping him on the
16 face.

17 Q Yes, ma'am.

18 A Okay. And then these pellets went across the body,
19 okay, so they were going in a downward direction. And it
20 went across the right side of the abdomen like the stomach
21 area and to the right, like of hip, so it was coming from
22 left to right downward across the body. And these did not
23 injure any vital organs internally, okay, but it did, you
24 know, damage to the skin and subcutaneous tissue.

25 Q I'm gonna hand you what's been admitted as Defense --

SW - E. RIEMER - DIRECT

1 I'm sorry, State's Exhibits 98 and 99 and ask you do you
2 recognize what's depicted in those photographs?

3 A Yes.

4 Q Tell us about those.

5 A So these -- this is the path. This depicts the path of
6 the pellets after they hit the -- after they went across
7 the left eye and the left cheek and then they came down.
8 There's sort of a gap area here. And went on to the right
9 side of the abdomen and then even after it, like, some of
10 them went exited off the abdominal surface, the stomach
11 surface, they hit the right arm 'cause his arm was there.

12 Q Okay.

13 A And so we have these two photographs and the ones on
14 the face are shown elsewhere, but if you put them together
15 you can see they're starting out on the left side of the
16 face going toward the right abdomen and then hitting the
17 right arm.

18 Q Okay, all right. Let me publish those please, ma'am.
19 I'm gonna publish State's Number 98. Well, first let me
20 do 99. All right, when you talk about the shotgun pellets
21 that go across the victim's body from left to right, is
22 that what's depicted here?

23 A Yes, it is.

24 Q All right. Those are the injuries from the shotgun?

25 A Yes, shotgun pellets and you can see they're all, you

SW - E. RIEMER - DIRECT

1 know, it's not a single bullet that leaves that shotgun
2 but it's -- it's like a wadding that contains any number
3 of pellets.

4 Q All right. And just to be clear this is the victim
5 Kenyon Dorsey, this is his chest area here leading down to
6 his abdomen where his naval is?

7 A Yes, that's correct.

8 Q All right. Now tell us about State's Number 90.

9 A Okay. That's ---

10 Q Tell us what that is.

11 A That's a photograph of his right forearm, okay. The
12 forearm is the area between the elbow and the wrist. And
13 you can see here is his wrist and his elbow is over here,
14 and so after the pellets like sk-- you know, left the
15 surface of the skin and exited there, they hit the right
16 arm and that's the injuries of those from the same shotgun
17 wound.

18 Q And that is a closeup picture. Let me have you review
19 it to make sure we're clear about where the wrist is and
20 the elbow.

21 A Yes. The wrist is on this photograph. This is to the
22 right. And that's right, that's the right forearm. So
23 that's the elbow and that's the wrist.

24 Q All right, let me publish that again so we'll be clear
25 about that.

SW - E. RIEMER - DIRECT

1 A Okay. Oh, there it is, okay. Right, okay. So it is,
2 it's easier to look at the actual photo. So this is the
3 bend of the elbow.

4 Q Yes, ma'am.

5 A And like, this would be the upper part of the, like
6 the, arm between the elbow and the shoulder. And then
7 this is the right forearm so it would be, you know a
8 couple of inches further south than to the elbow area, and
9 this is toward the wrist where we have all those little
10 creases.

11 Q All right. Did you remove any clothing from the
12 victim?

13 A Let me -- let's go back. Yes. When the body came in
14 he was wearing clothes.

15 Q Okay.

16 A And he was wearing blue jeans with athletic shorts,
17 white socks, black sandals, black belt with a gray metal
18 buckle, white boxer style underwear, a white short sleeve
19 T-shirt, and a bead necklace and. And then he had post
20 earring in the left ear lobe where that was piercing
21 there, and he was also wearing a cap on the hair.

22 Q All right. Let me show you --

23 A And -- yeah.

24 Q Doctor Riemer, let me show you what's been marked for
25 identification purposes as State's Exhibits 102, 92, 94,

SW - E. RIEMER - DIRECT

1 91 and ask you if you recognize what's depicted in those
2 photographs.

3 A Yes. This is a photograph of the cap that he was
4 wearing when he arrived at the autopsy.

5 Q Okay.

6 A And this looks like a closeup of that cap with a defect
7 that corresponds to at least one of the exit -- one of the
8 entrance wounds.

9 Q So there is a photograph that contains a hole in the
10 cap that corresponds to the one of the entrance wounds to
11 the victim's head?

12 A That's correct. And then this photograph which is very
13 nice, these two---

14 Q Which two? Look on the back and ---

15 A The numbers?

16 Q Yeah, identify them?

17 A 91 and 94.

18 Q Are those the ones that you said are very nice?

19 A Yes, because they most accurately depict the holes in
20 the cap where the holes in the head are. So before it
21 went through the head it went through the cap. Cap
22 doesn't stop a bullet.

23 Q And when you talk about cap -- let me see those.

24 A It wasn't, didn't appear be a baseball style hat. It
25 was like a skull cap or.

SW - E. RIEMER - DIRECT

1 Q Skull cap or sometimes we call them durag. You're a
2 northern so.

3 ASSISTANT SOLICITOR BARR: Judge, we would
4 move to admit at this time State's Exhibits 102, 92, 94,
5 91.

6 THE COURT: What says Defense?

7 MR. BARR: Your Honor, we would object.

8 THE COURT: Numbers 92 and 102 are admitted.
9 Numbers 91 and 94 are not.

10 (WHEREUPON, State Exhibit Nos. 92 and 102 were
11 admitted into evidence.)

12 BY ASSISTANT SOLICITOR BARR:

13 Q Let me let you see them before I put them on the screen
14 so we'll know what we're talking about here. I hand you
15 what's been admitted as State's Exhibit Number 92. Is
16 that the skull cap that you referenced earlier that the
17 victim was wearing at the time his body came into MUSC?

18 A That's correct, yes.

19 Q And showing you State's Number 92, is that a closer up
20 picture of that particular?

21 A Yes, that's one of the holes in that cap.

22 Q It's difficult to see up on ---

23 A Yeah, I can ---

24 Q ---on the screen.

25 A It's hard to see it. But there -- I think it's over

SW - E. RIEMER - DIRECT

1 here. It's hard to see exactly where it is from here.

2 Q Okay. Let me ask you this, if you look at it up close
3 can you see the bullet wound or the hole from the gun?

4 A Yes, I can see the hole that corresponds to one of the
5 gunshot wounds.

6 Q All right. Two more exhibits I need to talk with you
7 about. Actually, four more exhibits. I'm gonna hand you
8 what's been admitted without objection as State's Exhibits
9 87, 88, 89 and the 90 and ask you do you recognize what's
10 depicted in those photographs.

11 A Yes. These are photographs of the two bullets that I
12 recovered in the body, one in the left chest cavity.
13 That's the one that went through the head and exited over
14 here and entered -- re-entered and then terminated in the
15 left chest cavity. And then that would be number, the one
16 that's labeled one. And then the one that's labeled two
17 is the one that stopped in the right cheek -- I'm sorry,
18 the left cheek.

19 Q All right. Let me publish those. Let me publish
20 Number 87. This is the bullet number 1 as you've
21 identified it?

22 A That's correct.

23 Q And how do you know that -- how do you have
24 verification that that particular bullet was taken out of
25 the body of Kenyon Dorsey?

SW - E. RIEMER - DIRECT

1 A FA09-185.

2 Q The autopsy number?

3 A That's correct.

4 Q And that -- let's put that one back on and for the
5 benefit of the court reporter refer to it as 87. That
6 appears to be a bullet on its side laying down on its
7 side?

8 A Yes.

9 Q Okay, all right. And let me show you what's been
10 admitted as State's 88. Is that just a different view of
11 that same bullet --

12 A Yes.

13 Q --with it standing up so to speak?

14 A It appears to be, yes.

15 Q And it is identified by the same autopsy number?

16 A Yes, FA09185.

17 Q All right. I'm gonna publish Number 89. Is that the
18 second bullet that you talked about?

19 A Yes, that's the second bullet and you can see it looks
20 somewhat different but it's number two. Sometimes they
21 look exactly alike. In this case they looked a little bit
22 different.

23 Q And you recognize it by the autopsy number?

24 A That's correct. And that's the one that was recovered
25 in the chest.

SW - E. RIEMER - DIRECT

1 Q And that appears to be a shot of the bullet when it's
2 standing up so to speak?

3 A It looks that way, yes.

4 Q All right. What about State's Number 90?

5 A Yes. And that is to the side, pointed to the side, so
6 the previous picture we had was looking at the underside
7 of the bullet.

8 Q Okay, all right. I think I have -- I'll have you sit
9 back in the witness chair to give your feet a break. All
10 right. Now Doctor Riemer, have you ever met this
11 gentleman here, Lieutenant Jeffrey Scott?

12 A He looks familiar to me. We're not friends or
13 anything.

14 Q Okay. When you say he looks familiar, that would be to
15 the extent that he would have come and taken autopsy
16 photos in connection with---

17 A Yes.

18 Q ---the murder cases here?

19 A That's correct. Whenever there's a suspicious death
20 from Williamsburg County I frequently see that gentleman
21 come and wait for evidence or take photographs of injuries
22 that are present on the body for their investigation.

23 Q All right. And just to be clear, your autopsy report
24 noted that there were three bullet wounds to the victim,
25 correct?

SW - E. RIEMER - DIRECT

- 1 A Yes.
- 2 Q But you only recovered two bullets; is that correct?
- 3 A That's correct because, remember, the one into the left
- 4 hand ---
- 5 Q Yes, ma'am.
- 6 A ---was through and through.
- 7 Q Went straight through his hand?
- 8 A Went straight through. And I mean, it wasn't in his
- 9 body so I didn't have a chance to recover it.
- 10 Q Okay. Now the other two bullets that you were able to
- 11 recover you turned them over to Lieutenant Scott or to the
- 12 Williamsburg County Sheriff's Office?
- 13 A I do believe I did that, but I will check to make sure
- 14 that I do.
- 15 Q All right.
- 16 A Yes, I transferred to Lieutenant Jeffrey S. Scott those
- 17 bullets and pellets when they were recovered.
- 18 Q Now a couple of more questions and I think I'll be
- 19 done. Can you tell us what is meant by the manner of
- 20 death classification as outlined?
- 21 A Yes. There are a few manners of death, okay, and I'll
- 22 tell you all of them. These are my choices. It would be
- 23 a natural death that means a person died as a result of
- 24 natural disease processes in the normal course of things
- 25 as you all don't want to do very soon but we all hope to

SW - E. RIEMER - DIRECT

1 die in that way. If you have cancer or heart disease,
2 hopefully later than soon.

3 Q Yes. And those are called natural deaths?

4 A Natural deaths. And then there's a suicide death which
5 means somebody died by violence to themselves, which
6 unfortunately happens sometimes. And another choice is
7 homicide where an individual dies at the hands of another
8 individual. That doesn't mean it has to be like
9 somebody's hands on them but by the other person, was an
10 agent, the other person or persons or was an agent of this
11 individual's death. And that was the determination that I
12 came to on Mr. Dorsey, that he died from as a result of a
13 homicide. That was his manner. That he died as a result
14 of actions of some other individual or individuals.

15 Q All right. Tell me what specifically caused the death
16 of Kenyon Dorsey back on April 5th, 2009.

17 A I determined that he died of a shotgun wound and
18 multiple three gunshot wounds.

19 Q Now did any other process, any other illness or
20 ailment, cause the death of Kenyon Dorsey?

21 A Absolutely not. He was a healthy young man.

22 Q Murdered?

23 A It's called a homicide. Murder is a legal definition.

24 Q I understand. I understand. Now Doctor Riemer, have
25 you understood all of my questions?

SW - E. RIEMER - CROSS

1 A Yes, I have.

2 Q And have your responses been to a reasonable degree of
3 medical certainty?

4 A Yes.

5 Q Thank you, Doctor Riemer. If you will please answer
6 any questions that Defense counsel may have.

7 **CROSS-EXAMINATION**

8 BY MR. BARR:

9 Q How are you doing, Doctor Riemer?

10 A I'm fine.

11 Q I won't keep you long. I'll let you go back to
12 beautiful Charleston. Was there anything else that you
13 considered remarkable about this autopsy, anything at all
14 that might have been notable?

15 A No.

16 Q Thank you so much. No further questions.

17 THE COURT: Anything further?

18 ASSISTANT SOLICITOR BARR: No. Judge, we'd ask
19 that Doctor Riemer be excused so she can return to
20 Charleston.

21 THE COURT: Doctor, you may step down.

22 All witnesses are automatically excused once
23 they are through testifying.

24 Your next witness.

25 ASSISTANT SOLICITOR BARR: Heyward Bradshaw.

SW - H. BRADSHAW, JR. - DIRECT

1 WHEREUPON,

2 **HEYWARD BRADSHAW, JR.,**

3 having been duly sworn by the Clerk of Court, testified as
4 follows:

5 **DIRECT EXAMINATION**

6 BY ASSISTANT SOLICITOR BARR:

7 Q Mr. Bradshaw, state your name for me.

8 A Heyward Bradshaw, Jr.

9 Q All right. And Mr. Bradshaw, what is your relationship
10 to Annette Bradshaw?

11 A She's my wife.

12 Q She's your wife?

13 A Yes.

14 Q Now is Kenyon your -- was he your son or stepson?

15 A Stepson.

16 Q How long have you been married to Annette Bradshaw?

17 A Oh, first -- well, seven years the first time.

18 Q First time? Y'all did it again, huh?

19 A Yes.

20 Q So you all divorced and then got remarried?

21 A Yes.

22 Q Okay. Now back on April the 4th, the day before Kenyon
23 was murdered, were you at the home of Kenyon and his
24 mother, your wife Annette Bradshaw?

25 A Yes.

SW - H. BRADSHAW, JR. - DIRECT

- 1 Q What type of vehicle did your wife drive during that
2 time?
- 3 A A 1997 Toyota Forerunner.
- 4 Q Okay. Are you familiar with the home, the layout and
5 the yard of that home?
- 6 A Yes.
- 7 Q Okay. Now you were actually inside the residence
8 before Kenyon was murdered the day before?
- 9 A Yes.
- 10 Q Okay. Now you weren't there at the time he was shot,
11 were you?
- 12 A No, ma'am.
- 13 Q Okay. Did you note anything unusual in the house in
14 terms of that day prior to Mr. Dorsey being killed in
15 terms of shotguns, shells, birdshot pellets, 9-millimeter
16 bullets, anything in the house of that sort?
- 17 A No, ma'am.
- 18 Q All right. Do you think that if you were walking in
19 the house and you saw — there were bullets on the floor
20 in the kitchen, you think you would have seen that?
- 21 A Yes, ma'am.
- 22 Q The house was in good order?
- 23 A Yes.
- 24 Q Proper order the last time you were there?
- 25 A Yes.

SW - H. BRADSHAW, JR. - DIRECT

1 Q How did you learn that your stepson had been killed?

2 A Oh, Annette called me around, it was about 2:40 when
3 she called me.

4 Q In the morning?

5 A Yes, in the morning.

6 Q What kind of state of mind was she in? What was her
7 mood like when she called you?

8 A Hysterical.

9 Q She was hysterical?

10 A Yes, ma'am.

11 Q What did she say?

12 A Someone break in the house and kill Keyon.

13 Q Did you believe her?

14 A No.

15 Q Did you go to see her on that night?

16 A Yes.

17 Q Now you weren't allowed in the house once you came back
18 while the police were there, were you?

19 A I went straight in the house.

20 Q You did? Were the police there?

21 A Yes.

22 Q Okay. Did you mess with anything in the house in terms
23 of the crime scene?

24 A No.

25 Q Did you see Kenyon in the house?

SW - H. BRADSHAW, JR. - DIRECT

- 1 A Yes.
- 2 Q Where was he when you saw him?
- 3 A Slouched over in the chair in front of the TV.
- 4 Q All right. I am going to hand you what's been
- 5 previously admitted as State's Exhibit Number 46. Do you
- 6 recognize what's depicted in that?
- 7 A Yes, ma'am.
- 8 Q How do you recognize it?
- 9 A It was in the house before I left.
- 10 Q Before you left. What is it?
- 11 A It's like a thermal sweater.
- 12 Q Who does it belong to?
- 13 A Annette.
- 14 Q I want to publish State's Exhibit Number 46. That pink
- 15 thermal sweater belonged to Annette?
- 16 A Yes, ma'am.
- 17 Q All right. Do you know how it is that it got in the
- 18 yard?
- 19 A I have no idea.
- 20 Q Okay.
- 21 A It was at the head of the road.
- 22 Q I'm sorry, sir?
- 23 A It was at the head of the road.
- 24 Q At the head of the road?
- 25 A Yes.

SW - H. BRADSHAW - CROSS

1 Q Where the vehicles are?

2 A No, like coming to off McCtory Road. When you make a
3 left turn at Jaybird.

4 Q Yes, sir.

5 A It was lying on the road right there.

6 Q All right, sir, that's all the questions I have.

7 Please answer any questions Defense may have for you.

8 **CROSS-EXAMINATION**

9 BY MR. BARR:

10 Q Mr. Bradshaw, how are you today?

11 A Fine, and you?

12 Q Good. Do you know Tawanda Allen?

13 A No, sir.

14 Q Never met her in your life?

15 A No, sir.

16 Q Okay. How close were you and your stepson?

17 A We were real close.

18 Q You were real close?

19 A Yes, sir.

20 Q Okay. Can you know of any reason why anyone would want
21 to harm him?

22 A No, sir.

23 Q Okay. Were you here when your wife testified earlier?

24 A Yes, sir.

25 Q Okay. Did she relay to you that she was not going to

SW - H. BRADSHAW - CROSS

1 work that night?

2 A No, sir.

3 Q Did y'all talk that day?

4 A Yes, sir.

5 Q And she didn't tell you that she was not going to work
6 that night?

7 A No, sir.

8 Q Do you live at the Jaybird Lane address?

9 A At that time?

10 Q Yes, sir.

11 A No, sir.

12 Q You didn't live there then?

13 A No, sir.

14 Q Okay. Do you have any personal knowledge of this
15 incident?

16 A No, sir.

17 Q Okay. Was the TV on at the house when you arrived at
18 2:40 or 3:40?

19 A Yes, sir.

20 Q It was on at that time?

21 A Yes, sir.

22 Q Okay, all right. Thank you. No further questions.

23 THE COURT: Anything further of this witness?

24 ASSISTANT SOLICITOR BARR: No, sir, Judge.

25 THE COURT: You may step down.

1 ASSISTANT SOLICITOR BARR: Your Honor, may we
2 approach the Bench.

3 THE COURT: Yes, sir.

4 (WHEREUPON, counsel approached the Bench for an
5 off-the-record discussion.)

6 THE COURT: Ladies and gentlemen, we're going
7 to quit for the day and start back at ten tomorrow
8 morning. Please do not discuss the case. Have a good
9 evening.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 4:50 p.m., and the following proceedings
12 commenced in open court.)

13 THE COURT: Anything further on this case?

14 ASSISTANT SOLICITOR BARR: Nothing from the
15 State, Your Honor.

16 MR. BARR: Nothing from the Defense, Your
17 Honor.

18 (Court resumed September 1, 2010 at 10:00 a.m.)

19 (WHEREUPON, State Exhibits Nos. 104, 105, and 106
20 were marked for identification only.)

21 ASSISTANT SOLICITOR BARR: Just a quick matter
22 with the exhibits, Judge. The State has marked for
23 identification purposes Exhibits 105 and 106. Defendant
24 has no objection to those particular exhibits.

25 THE COURT: Is that right, Mr. Barr?

SW- K. LADUE - DIRECT

1 MR. BARR: Yes, Your Honor, that's correct.

2 THE COURT: All right, they're admitted.

3 (WHEREUPON, State Exhibits No. 105 and 106 were
4 admitted into evidence.)

5 THE COURT: Bring the jury.

6 (WHEREUPON, the jury was returned to the courtroom
7 at approximately 10:15 a.m., and the following
8 proceedings commenced in open court.)

9 THE COURT: Good morning. Day number three,
10 next witness.

11 ASSISTANT SOLICITOR BARR: Your Honor, briefly
12 may counsel and I approach the Bench?

13 THE COURT: Yes.

14 ASSISTANT SOLICITOR BARR: Very briefly.
15 (WHEREUPON, counsel approached the Bench for an
16 off-the-record discussion.)

17 ASSISTANT SOLICITOR BARR: Judge, we would
18 re-call Ms. Katie Ladue at this time.

19 THE COURT: You're still under oath. You may
20 come back.

21 THE WITNESS: Yes, sir.

22 **DIRECT EXAMINATION**

23 BY ASSISTANT SOLICITOR BARR:

24 Q Ms. Ladue, you are still under oath. I need to ask you
25 just some brief questions regarding the firearm which has

SW- K. LADUE - DIRECT

1 been marked and admitted as State's Number 76. Now we had
2 the agent from our law enforcement division known as SLED
3 testify that there that she removed four shotgun shells
4 from the magazine of that shotgun. Were you here when she
5 testified to that?

6 A Yes, ma'am.

7 Q Now did you remove any shotgun shells from the magazine
8 of the firearm, or did you remove shotgun shells from the
9 chamber of the shotgun?

10 A We removed one magazine shotgun shell from the chamber
11 which came out of the ejection port when you clear the
12 weapon. Inside the weapon is -- there's basically a claw
13 type of device that will go up into the magazine and grab
14 the next shell and bring it down. If that doesn't happen
15 in this particular weapon there's no way to visibly see
16 any shells that are inside that magazine, which was that
17 tube next to the barrel that the expert showed you
18 yesterday. So without that, they weren't visible so the
19 shotgun was shipped to this county with four shell casings
20 in the magazine.

21 Q Okay. Now there were photographs that were admitted on
22 yesterday regarding shotgun shells. I think we have a
23 photograph of three at one time and one at one time that
24 were placed on the bed. The photograph that deals with
25 the, just the one shotgun shell that was placed on the

SW - K. LADUE - CROSS

1 mattress of the box spring, would that have been the one
2 that you removed?

3 A Yes, ma'am, that's the one that ejected from the port.
4 We quite often photograph that a lot of times for officer
5 safety. Reason we do search warrants to indicate that the
6 weapon was loaded and ready to be fired when we enter a
7 residence. There is also additional photograph with three
8 shotgun shell casings that were located in the drawer by
9 Detective Harding during the search warrant.

10 Q So a total of four that you actually physically saw in
11 the residence were shipped, shipped -- well, given to
12 Williamsburg County by you?

13 A That's correct. Four were visibly seen and four were
14 inside the weapon that could not be seen.

15 Q Thank you, ma'am. That's all the questions I have.

16 CROSS - EXAMINATION

17 BY MR. BARR:

18 Q Ms. Ladue, how are you this morning?

19 A Well, thank you, sir. Yourself?

20 Q Good. Now I believe you testified, the first time you
21 testified, that when this shotgun was shipped that it
22 was -- had been checked and it was empty.

23 A It was made safe is what I testified to, sir. If the
24 weapon malfunctions and doesn't grab the next shell casing
25 there's no visible way for us to see it because we did not

SW - K. LADUE - CROSS

1 do the forensic processing in our department. Our
2 forensic expert or ballistics expert did not look at it,
3 therefore, could not remove the magazine which you have to
4 do manually in order to unload those shotgun shells.

5 Q Being familiar with shotguns, you don't actually have
6 to look inside the magazine to see that, those shotgun
7 shells. All you have to do is pump it and they jump out.

8 A It wasn't a pump action shotgun, sir.

9 Q Well, even if you don't pump it if you -- you can
10 actually get the shotguns, you can actually get the shells
11 out by pressing the -- there's a little button on the
12 side.

13 A Well, we racked it back to make it safe. We -- one
14 shotgun shell ejected from the port. We locked down the
15 barrel to make sure the weapon is clear. That's how we
16 cleared the weapon.

17 Q Ms. Ladue, are you actually changing your testimony
18 based on the testimony of Susan Cromer yesterday after
19 having heard her testimony?

20 A No, sir, I'm not.

21 Q Okay. Did you and two other officers from Anne Arundel
22 County as well as the evidence custodian from Williamsburg
23 County testify that that gun was cleared of cartridges in
24 order for it to be safe?

25 A We testified -- I testified. I don't know what your

SW - K. LADUE - CROSS

1 County's testimony was, but I testified that the weapon
2 was made safe to the best of our abilities and to my
3 knowledge that it was. When I picked up the weapon to
4 secure it and package it I looked down the barrel. The
5 barrel was clear; the ejection port was clear.

6 Q And you're familiar with shotguns?

7 A Not extensively, no.

8 Q Okay. And what you're saying today is that the
9 magazine of the gun of the shotgun was not checked at all?

10 A It cannot be checked visibly. It has to be physically
11 removed; and no, that was not done because forensic
12 processing was not done. Therefore, it did not go to our
13 expert who is familiar with shotguns.

14 Q Okay. So, and you know, we could play back the
15 testimony, but are you testifying today that you said to
16 the best of your ability or is it actually the case y'all
17 testified that the gun was empty?

18 A No, I testified that we made the weapon safe.

19 Q Okay. And in terms of the report you sent, the report
20 did not say that you sent a shotgun that the magazine had
21 not been checked in. But it said that you sent four
22 cartridges, is that right, four shell cartridges,
23 birdshot, one that you said you got out of the chamber or
24 the barrel of the shotgun and three that came out of the
25 drawer?

SW - K. LADUE - CROSS

1 ASSISTANT SOLICITOR BARR: Judge, I would
2 object to the compound nature of that question. There are
3 like three questions within that question.

4 THE COURT: Yes.

5 MR. BARR: I'll rephrase the question if that's
6 okay.

7 BY MR. BARR:

8 Q Is it your testimony from the first time that you took
9 one shell out of the gun?

10 A It was the testimony that one shell was ejected from it
11 when it was made safe. I did not physically do that
12 myself.

13 Q Okay. And it is your understanding that you can only
14 eject the one shell that's in the barrel?

15 A It was my understanding that the weapon was made safe,
16 correct.

17 Q Okay. Now it was your testimony that you put that one
18 shell along with three other shells in a package separate;
19 is that right?

20 A That's correct.

21 Q And you had your bar code number on it?

22 A That's correct.

23 Q And that was in the box but it was separate from what
24 you believe to be any other gun shells and was just the
25 gun in the box?

SW - K. LADUE - REDIRECT

1 A No, that's not correct. It was actually shipped in
2 a -- or transferred over to the county in a separate
3 envelope and the weapon was in a separate container as
4 well.

5 Q Okay, all right. Okay, I have no further questions.

REDIRECT EXAMINATION

6
7 BY ASSISTANT SOLICITOR BARR:

8 Q Just a couple of questions in redirect, Judge, if I
9 may. Mr. Barr asked you about a report that you sent.
10 You actually did not prepare a report, did you?

11 A Yes, ma'am, I did.

12 Q You prepared a report or an inventory?

13 A Both.

14 Q Okay, all right. And the report would have been a
15 result or outline of what you did, not necessarily in
16 terms of the forensic report?

17 A That's correct. It basically outlined the execution of
18 the search and seizure warrant and what was collected.

19 Q Sort of like an incident report?

20 A Yes, ma'am, we call it a supplement report.

21 Q I understand. Now you indicated that no analysis was
22 done by your agency on the weapon or on the ammunition
23 'cause it was not an Anne Arundel County murder?

24 A That's correct. When we noticed that the serial number
25 was altered or obliterated we did ask if any processing

SW - P. LAIL - DIRECT

1 needs to be done on the weapon. We were told no 'cause it
2 was out of our jurisdiction, and we were going to send the
3 weapon directly to Williamsburg County.

4 Q That's right. Thank you, Ma'am.

5 A You're welcome.

6 **RECROSS-EXAMINATION**

7 BY MR. BARR:

8 Q Officer Ladue, if you sent an empty shotgun to South
9 Carolina and it went to South Carolina to our evidence
10 custodian and he sent it directly to SLED, our law
11 enforcement investigation service, and they sent it back
12 or they received it and has shells in it, somewhere along
13 the line something had to happen, right?

14 A No, that's incorrect.

15 Q Okay. Thank you.

16 THE COURT: Thank you. You may step down.

17 ASSISTANT SOLICITOR BARR: Judge, we would call
18 Investigator Pamela Jean Lail.

19 WHEREUPON,

20 **PAMELA JEAN LAIL,**

21 having been duly sworn by the Clerk of Court, testified as
22 follows:

23 **DIRECT EXAMINATION**

24 BY ASSISTANT SOLICITOR BARR:

25 Q Ma'am, let me get you to state your full name for the.

SW - P. LAIL - DIRECT

1 record.

2 A Pamela Jean Lail.

3 Q Okay. Tell us where you are employed.

4 A Williamsburg County Sheriff's Office.

5 Q All right. And give me a little bit of your background
6 in law enforcement.

7 A Okay. I started with Berkeley County Sheriff's Office.
8 I've been in law enforcement in the area of law
9 enforcement approximately 16, 17 years.

10 Q All right. And how long have you been with
11 Williamsburg County?

12 A Going on four years, three-and-a-half, four years.

13 Q And you have been assigned to the investigations
14 department?

15 A That's correct.

16 Q During that four year period?

17 A That's correct.

18 Q Kind of tell us what you do.

19 A We work any type of crime whether it be larceny, petit
20 larceny, grand larceny, burglary, homicides, child abuse,
21 anything of a criminal nature ---

22 Q All right.

23 A ---that requires an investigation.

24 Q All right. Let me make sure that you speak up nice and
25 clear so that we can hear you over here. Investigator

SW - P. LAIL - DIRECT

1 Lail, you were one of many officers who responded to the
2 home of Kenyon Dorsey and Annette Bradshaw back on
3 April 15th of 2009?

4 A That's correct.

5 Q And you actually were physically present at the
6 residence?

7 A Yes, ma'am.

8 Q Kind of tell us how you became notified about the
9 murder and tell me what your role was and what all you
10 did.

11 A Once the incident has occurred, such as a death,
12 investigators are notified usually to our department. All
13 of the investigators come out to assist initially.

14 Q Yes, ma'am.

15 A And then it's assigned to one investigator in
16 particular.

17 Q All right. So in this particular case this murder was
18 assigned to you?

19 A That's correct.

20 Q Make sure you speak up nice and clear. I'm having a
21 little bit of a problem hearing you. And maybe we can
22 adjust the microphone such that your voice carries, okay.

23 Tell us what you did when you arrived at the scene.

24 A Initially I was notified that South Carolina Law
25 Enforcement Division had been called which that's normal

SW - P. LAIL - DIRECT

1 procedure with a homicide to assist in the crime scene.

2 Q Okay.

3 A And at that point we began to interview different
4 individuals as far as people in the immediate area and
5 also to obtain a search warrant.

6 Q All right. And you also, you were able to obtain a
7 search warrant that allowed you to search and seize
8 evidence from the residence of Kenyon Dorsey.

9 A It includes the residence, any vehicles and curtilage
10 which is the property around the immediate resident.

11 Q Okay. Now in terms of people you interviewed that
12 night, tell me, okay, don't necessarily tell me what they
13 said, did you tell me about who all you interviewed that
14 night?

15 A Well, to begin with any investigation such as this,
16 where it's a death scene investigation, we would want to
17 immediately interview the people who were closest to the
18 victim. In other words, were the last individuals in
19 contact with him.

20 Q Okay. And I'm sure that one of the folks that you
21 spoke with, of course, would have been his mother?

22 A Yes, ma'am.

23 Q All right. Did you interview a fellow by the name of
24 Jason Grant?

25 A This was a juvenile that -- that lives behind the

SW - P. LAIL - DIRECT

1 residence in the same general area, but they were together
2 earlier that night.

3 Q All right. Now we've heard of what we call GSR or
4 gunshot residue. Did your agency take any GSR kits off of
5 anybody in connection with this murder investigation?

6 A Yes, yes, ma'am. To my knowledge there were four that
7 were connected.

8 Q Tell me about those.

9 A One of which was on the victim which is an automatic
10 protocol.

11 Q Now does that mean the victim fired a weapon or what
12 does that mean?

13 A That's to determine whether he did, in fact, fire a
14 weapon.

15 Q Okay.

16 A There was a GSR conducted on him. There was a GSR
17 conducted on his mother because she was the only known
18 person that was inside of the residence at the time of the
19 victim's death.

20 Q Okay. Now tell us about that. I'm curious. You
21 all -- did you have any reason to believe that the mother
22 had harmed her son?

23 A Oh, absolutely not. It was just that she was the only
24 individual in the residence with him at the time of the
25 incident.

SW - P. LAIL - DIRECT

1 Q Would that be a matter of your police protocol to do
2 that?

3 A That's correct.

4 Q Any evidence found on her GSR kit?

5 A No, ma'am.

6 Q What about Jason Grant, the fellow that you talk about?

7 A We were given information that he and the Grant
8 individual had along with a couple of other young men had
9 gone to the beach earlier that day, and upon their arrival
10 back home the victim went to Mr. Grant's residence so he
11 was the last individual other than the mother. Once he
12 got home he was the last individual that had direct
13 contact with the individual.

14 Q All right. Now as far as the victim is concerned you
15 of course have had this case since April of 2009. Has
16 anything been disclosed or discovered in the course of
17 your investigation to indicate that the victim fired a
18 weapon at the time immediately before he was killed?

19 A No, ma'am.

20 Q The photographs that we saw of Kenyon sitting in the
21 red chair, is that how his body appeared when you arrived
22 at the scene?

23 A Yes, ma'am.

24 Q And it's -- it was interesting that this one of the
25 photographs, it appears that his right hand is in his

SW - P. LAIL - DIRECT

1 pocket. Is that also how he would have been when you
2 arrived at the scene?

3 A That is correct.

4 Q Now you requested that a GSR kit to be taken on Ronald
5 Mack; did you not?

6 A I did.

7 Q Why Ronald Mack?

8 A We were -- and again, as part of the investigation we
9 would want to find out who the closest individuals were to
10 this victim. In other words, any friends that he might
11 have had a conflict with, anything. And as a result of
12 talking with family members, anyone in the area actually,
13 we were given the name of Ronald Mack, that the victim
14 Kenyon Dorsey had a prior problem with Mr. Ronald Mack.

15 Q Okay. Now but, his GSR results came back negative; did
16 they not?

17 A That's correct.

18 Q Do you know why?

19 A I did not at that time, no, ma'am.

20 Q How is it that you know now?

21 A Well, there are two indications that it would have come
22 back negative. There's a time limit as far as when you
23 can conduct a GSR that you get the most positive results.
24 And the other is throughout the investigation we were
25 advised by a friend who had immediate contact with

SW - P. LAIL - DIRECT

1 Mr. Ronald Mack that his hands were cleaned with bleach,
2 which to my knowledge would have destroyed evidence from
3 gunshot residue.

4 Q Okay, all right. You indicated that you had the search
5 warrant that allowed you to search the residence and the
6 perimeter surrounding the residence. Were you in court
7 when Mrs. Bradshaw and her husband Heyward Bradshaw
8 testified about the pink shirt being found?

9 A A pink sweater, yes, ma'am.

10 Q Pink sweater, okay.

11 A Uh-huh.

12 Q All right now, and I'm going to hand you -- final
13 Number 46. Let me do it this way. I'm gonna hand you
14 what's been admitted as State's Exhibit Number 105 and
15 State's Exhibit Number 106 and ask if you recognize what's
16 depicted in those photographs?

17 A Yes, ma'am.

18 Q What is depicted in those photographs?

19 A This one, which is the more clearer of the two, one is
20 a little hazy just for clarification.

21 Q I tell you what, let's get in front of the jury so they
22 can see. I think we've got our projector gone, but let's
23 work with this. Come right here. And you are testifying
24 regarding Number 105.

25 A Okay. This is McCtory Road right here which is --

SW - P. LAIL - DIRECT

1 this is Jaybird Road which is where the residence was
2 located on, Jaybird Road. So if you turn 261 here for
3 anyone who is familiar with 261, turn on to McCtory,
4 Jaybird, and come down here and the residence was over
5 here.

6 Q Okay. Now there is a orange cone that's reflected in
7 that photograph; is it not?

8 A That's correct.

9 Q And there appears to be a pink item next to that cone?

10 A That was determined to be a sweater which, of course,
11 we would ask who it belonged to, where it come from, and
12 we were advised by Ms. Bradshaw that that was actually, in
13 fact, her sweater. So our next question would be how did
14 it get out of the house to there, and she advised that she
15 had done laundry earlier that day and there were clothes
16 on the couch which can verify the clothes on the couch as
17 you come in the front door.

18 Q All right. Now were you also present in court when
19 Mrs. Bradshaw testified that she ran from her house to her
20 mother's house?

21 A Yes, ma'am, but that's exactly opposite if you come off
22 of McCtory her residence would be here.

23 Q Okay.

24 A Her mother is over there.

25 Q Okay.

SW - P. LAIL - DIRECT

1 A So when she come out the back door she would have taken
2 a left and going to her mother. This was to the right
3 back toward McCttory.

4 Q So if you assume that what she testified to is true in
5 terms of her leaving her residence and going directly to
6 her mother's residence ---

7 A Yes, ma'am.

8 Q ---is it possible that the pink shirt that she
9 identified as belonging to her would have been dropped by
10 her during that route?

11 A No, ma'am, that's exactly the opposite side of the
12 house ---

13 Q Okay, all right.

14 A ---completely.

15 Q Now were you also present in court when Mrs. Bradshaw
16 talked about seeing a dark colored SUV?

17 A Yes, ma'am.

18 Q And I'm gonna have you talk about, if you will, State's
19 Number 106, ask you if you recognize that.

20 A Okay. Again, this is headed back towards McCttory.

21 Q Okay.

22 A And that's the one we just looked at.

23 Q Okay. Let me call your attention to State's Number 2,
24 see if you recognize that.

25 A Now this is 261. You turn off of 261 on to McCttory

SW - P. LAIL - DIRECT

1 and then off to Jaybird.

2 Q Now in this picture where would -- if this is 261 where
3 would McCttory Road be?

4 A If this were 261, this is McCttory, 261 is up here.
5 That shows the junction to 261 so Jay-- Jaybird Avenue
6 would be right here.

7 Q Jaybird Avenue would be where?

8 A Right about -- if I'm standing about here I'd be
9 standing on Jaybird right now, and the house would be over
10 there.

11 Q Okay, you can have a seat. In terms of the location
12 where that pink shirt was recovered, was it anywhere near
13 in McCttory or Jaybird and Highway 261?

14 A Not 261, no, ma'am. It was on Jaybird. It was -- I
15 would say from here to the street from the residence and
16 coming out of the front door and around ---

17 Q Yes, ma'am.

18 A ---it would have been towards McCttory. 261 is the
19 main highway coming here.

20 Q Okay. Would the shirt have been found in a location
21 near where the victim recalled seeing the dark colored
22 SUV?

23 A It -- no. No. If I recall correctly she said that
24 when she was running to her mother's ---

25 Q Yes.

SW - P. LAIL - DIRECT

1 A ---that she saw a vehicle pull up to the stop sign at
2 261 and speed off back towards King Street ---

3 Q Okay.

4 A ---which the house is a sporadic in that particular
5 area.

6 Q Yes, ma'am.

7 A It's not dense with trees or anything like that so at
8 night everything kind of lights up anyway.

9 Q Okay.

10 A And she could have seen -- or early morning hours. She
11 could have seen a vehicle directly to that area towards
12 261.

13 Q Okay, all right. Now you were here when Mr. Quadir
14 Wilson testified?

15 A That's correct.

16 Q He gave you a statement; is that correct?

17 A That's correct.

18 Q All right. And you also interviewed a person by the
19 name of Antonio McClary; is that correct?

20 A That's correct.

21 Q Now the last time you interviewed Antonio McClary was,
22 what, May 14th of 2009?

23 A That sounds correct, yes, ma'am.

24 Q Now based on the conversation or the interview that you
25 had with Antonio McClary -- and let me ask you first, was

SW - P. LAIL - DIRECT

1 he advised of his Miranda rights?

2 A He was.

3 Q He gave you a statement?

4 A That's correct.

5 Q All right. Based on the statement that he gave you,
6 who were you looking for in connection with the murder?

7 A He advised us Ronald Mack.

8 Q Okay. Don't tell me what he said, just tell me who you
9 were looking for.

10 A Ronald Mack.

11 Q Okay.

12 A His mother, Ronald Mack's mother, and what was believed
13 to be the stepfather to Ronald which was Ronald Mack's
14 boyfriend.

15 Q All right. Now did you have the name of Tawanda
16 Allen's boyfriend, his full legal name at that time?

17 A No, ma'am, we had what we call a street name.

18 Q A street name or a nickname?

19 A That's correct.

20 Q So what nickname were you looking for?

21 A Callie.

22 Q Callie. Now did you have any kind of indication as to
23 what his first name was, his real first name?

24 A Not at that time.

25 Q Last name.

SW - P. LAIL - DIRECT

1 A No, ma'am.

2 Q And address?

3 A No, ma'am.

4 Q Do you know where he is from?

5 A No, ma'am.

6 Q At that time?

7 A At that time, no, ma'am.

8 Q Now did you interview a fellow by the name of Ronald
9 McGee?

10 A We did.

11 Q And who is Ronald McGee?

12 A That's the father to Ronald Mack, the biological
13 father.

14 Q Ronald Mack's father?

15 A That's correct.

16 Q Did he provide you any information as to the name of
17 Ronald Mack's mother?

18 A He did.

19 Q He told you her name was Tawanda Allen?

20 A Tawanda Mack Allen.

21 Q Okay. Have any idea where the nickname Callie came
22 from?

23 A Through the investigation we had determined that it was
24 because of Mr. Bowen living in California or from
25 California; I'm not sure if they were born there. But he

SW - P. LAIL - DIRECT

1 assumed the nickname of Callie for California.

2 Q Okay. Based on your interview with Antonio McClary
3 were you looking for any type of vehicle?

4 A He described a Kia Sportage.

5 Q Now tell me, following that interrogation who did you
6 sign warrants on?

7 A At that time?

8 Q Yes.

9 A Ronald Mack and Tawanda Mack Allen.

10 Q All right. Why not Callie at that time?

11 A We did not have his full name. We still only had a
12 street name.

13 Q Are you permitted to sign a warrant just based on a
14 nickname?

15 A No, ma'am.

16 Q Do you know where Ronald Mack's father lives, Ronald
17 McGee? Does he live in Williamsburg County?

18 A He did. He does.

19 Q Now you signed warrants on Tawanda Allen and Ronald
20 Mack at that time. What about Antonio McClary, was he
21 charged in the case?

22 A He was.

23 Q And after the warrants were issued against Mr. Mack and
24 Ms. Allen, how did you go about having the warrants
25 executed?

SW - P. LAIL - DIRECT

1 A I determined that Mr. Mack, Ronald Mack was no longer a
2 student out at Kingstree Senior High.

3 Q Yes, ma'am.

4 A And as a result I requested information as to where he
5 was transferred.

6 Q Yes, ma'am.

7 A I was advised that he was transferred to, I think it's
8 Old Fort Mill School which is in Maryland.

9 Q Okay. Did you contact the county law enforcement
10 agency in Maryland where the defendant Mr. Mack would have
11 been residing?

12 A I did. My first phone call was to the school resource
13 officer at Old Fort Mill High School.

14 Q Yes, ma'am.

15 A If I'm not mistaken Corporal Davis.

16 Q All right. And from that information did you receive
17 an address for Ronald Mack?

18 A No, I did not receive an address. If I can look at
19 my...

20 Q Sure.

21 A I was given confirmation that he was actually a student
22 there.

23 Q Okay.

24 A And then at that time I did fax over two active
25 warrants that we had with indication that there was a

SW - P. LAIL - DIRECT

1 third individual that we had reason to believe was
2 involved by the name of Callie and that he was the
3 boyfriend to Ms. Tawanda Mack Allen.

4 Q Now during this time where was Antonio McClary? Was he
5 over at the Sheriff's Department still?

6 A In the ---

7 Q In terms of when you're getting the information to and
8 from Maryland?

9 A Yes, ma'am, I mean, he had not been arrested at that
10 time, no, ma'am.

11 Q He was still sitting in the office?

12 A Yes, ma'am.

13 Q Okay. Did you then give the Anne Arundel County Police
14 Department a copy of the two active warrants?

15 A I faxed them, that's correct.

16 Q And is that normal protocol between agencies in
17 separate states?

18 A Yes, ma'am.

19 Q Is that permissible to do that?

20 A Yes, ma'am, once it's been in placed NCIC.

21 Q Yes.

22 A There is a national crime information center. That's
23 protocol with our dispatch center, and it goes nationwide
24 and then it's faxed to the individual agency and they'll
25 confirm it through NCIC.

SW - P. LAIL - DIRECT

1 Q And of course you heard the testimony from Detective
2 Luersen that he got a search warrant for the residence in
3 Maryland?

4 A That's correct.

5 Q Now were you made aware when Ronald Mack and Kelvin
6 Bowen were both stopped by law enforcement in Maryland?

7 A I was.

8 Q What action did you request that they take after those
9 two individuals were detained?

10 A I asked them to identify the individuals in the
11 vehicle.

12 Q Yes, ma'am.

13 A One of which was Ronald Mack. The other, even though
14 they identified him as Mr. Kelvin Bowen, Jr., I asked them
15 to. If they could forward a photograph to me.

16 Q Okay, all right. Now where were you when -- and let me
17 ask you this, did they do that? Did they forward a
18 photograph of Mr. Bowen to you?

19 A It was emailed to me.

20 Q Emailed to you. Okay, and where were you physically at
21 when you received the email?

22 A I was sitting at my desk in the investigations unit.

23 Q You had your computer on, all right.

24 A Yes, ma'am, I did.

25 Q Where was Mr. McClary?

SW - P. LAIL - DIRECT

1 A Well, at that time when I was on the phone with
2 Maryland he was not there.

3 Q Okay, all right. Tell me what happened as you received
4 the email transmission of the photograph of Kelvin Bowen.

5 A When I -- it was confirmed that it was being emailed I
6 brought it up on the computer, and as I was doing this
7 Investigator Whack walked in with Mr. McClary and he saw,
8 which my back is to the entrance door of the
9 investigations, and when he walked in the photograph was
10 there and he immediately asked how we got a picture of
11 Callie.

12 Q He asked you how did you get a picture of Callie?

13 A That's correct.

14 Q Okay, all right. At some point later that day or
15 immediately thereafter, were arrest warrants then issued
16 also against Kelvin Bowen?

17 A That's correct.

18 Q And I'm curious, so at this point you got four -- you
19 got warrants against four individuals?

20 A That's correct.

21 Q Ronald Mack, Tawanda Allen, Kelvin Bowen, and Antonio
22 McClary.

23 A That's correct.

24 Q Now we are today trying the case against Tawanda Allen.
25 What happened to the other three cases?

SW - P. LAIL - DIRECT

- 1 A Mr. Ronald Mack has pled guilty ---
- 2 Q Okay.
- 3 A ---to the charges. The case involving Mr. Kelvin Bowen
- 4 is pending, you know, and Mr. Antonio McClary is also
- 5 pending.
- 6 Q Okay. Couldn't try them all at the same time?
- 7 A No, ma'am.
- 8 Q You'd still -- of course, you will prosecute those
- 9 cases and try those cases?
- 10 A Yes, ma'am.
- 11 Q All right. How did Kelvin Bowen, Ronald Mack, and
- 12 Tawanda McClary -- I'm sorry, Tawanda Allen, get back to
- 13 South Carolina?
- 14 A I'm sorry?
- 15 Q How did they get from Maryland to South Carolina on --
- 16 after the arrest warrants were issued?
- 17 A Okay, they were extradited back.
- 18 Q Okay. You all sent someone from your Sheriff's
- 19 Department to go pick them up and drive them back?
- 20 A Myself along with three male investigators or officers
- 21 went and extradited him back.
- 22 Q Okay. Now when they came back or when they came to
- 23 South Carolina, what day did they arrive in South
- 24 Carolina?
- 25 A On or about May 28th.

SW - P. LAIL - DIRECT

- 1 Q May 28th, 2009?
- 2 A That's correct.
- 3 Q All right. Did Ronald Mack agree to give you a
- 4 statement?
- 5 A He did.
- 6 Q Did you advise him of his Miranda warnings?
- 7 A I did.
- 8 Q Did Tawanda Allen agree to give you a statement?
- 9 A She did.
- 10 Q Did you advise her of her Miranda warnings?
- 11 A Yes, I did.
- 12 Q Who gave the statement to you first? Was it Mr. Ronald
- 13 Mack or was it Ms. Tawanda Allen?
- 14 A Mr. Tawanda Allen.
- 15 Q She gave the statement to you first?
- 16 A That's correct.
- 17 Q What date and what time did she give the statement to
- 18 you?
- 19 A I would have to look at my Miranda sheets.
- 20 Q Okay. I'm gonna hand you what's been marked State's
- 21 Exhibit Number 104.
- 22 A Yes, ma'am. This is dated 5/28/09, Williamsburg County
- 23 Sheriff's Department, time 10:38 a.m., Tawanda Mack Allen.
- 24 Q Okay, all right. And just hold on to that. I'm going
- 25 to hand you a document that I have not marked, will not

SW - P. LAIL - DIRECT

1 mark. Can you tell me what that is.

2 A It's -- it's a statement. It identifies that it's a
3 statement from Ronald Mack. This is a transcribed
4 statement from Ronald Mack that was conducted on May 28th
5 at 2:09 p.m.

6 Q At 2:09 p.m., all right. Now let's talk about the
7 statement of Tawanda. Prior to questioning a suspect
8 regarding a criminal investigation, does the law require
9 you to advise them of their rights?

10 A That's correct.

11 Q All right. Tell us about that. Tell us about which
12 rights you are required to by law to advise them of?

13 A We're advised by the constitution to require a person
14 any time we're questioning them of their Miranda rights.

15 Q Okay. Now we hear that term Miranda rights but kind of
16 explain to us individually what you would have told
17 Ms. Allen.

18 A We have a standard -- again, I'm going to refer to the
19 same exhibit. Under Miranda warning there's five parts to
20 the Miranda. And what we will do is to read this as it is
21 printed on the Miranda warning sheet. And then
22 number six, it says, do you understand each of these
23 rights I have explained to you. And the individual is
24 asked to answer yes or no to answer the question. And we
25 do ask that they say it verbally. A lot of times the

SW - P. LAIL - DIRECT

1 people will shake their head yes or write the answer
2 whereas we can't record that so it has to be verbally and
3 then to initial their answer on number six.

4 Q Okay.

5 A And then under number seven, having these rights in
6 mind do you wish to talk to us now in the form of a
7 question. And again, they have to answer or they should
8 answer yes or no, one or the other, and then initial their
9 answer.

10 Q Okay.

11 A And then under waiver of rights the ---

12 Q Slow down for just a minute. Hold off on the last part
13 waiver of rights.

14 A Okay.

15 Q Now you went through the first rights rather quickly.
16 I need to go through them individually. Tell me the first
17 thing you would have told Ms. Allen as relates to her
18 rights.

19 A Okay. I can read exactly what's on the Miranda
20 warning, and this is exactly what would have been read to
21 her.

22 Q Okay.

23 A The constitution requires I inform you that: You have
24 the right to remain silent. Anything you say can and will
25 be used against you in a court of law. You have the right

SW - P. LAIL - DIRECT

1 to talk to a lawyer and have him present with you while
2 you're being questioned. If you cannot afford to hire a
3 lawyer one will be appointed to represent you before any
4 questioning if you wish. You can decide at any time to
5 exercise these rights and not answer any questions or make
6 any statements. Do you understand each of these rights
7 that I have explained to you. Having these rights in mind
8 do you wish to talk to us now?

9 Q All right. So when you asked her do you understand
10 each of these rights as I have explained to you, what was
11 her response?

12 A Yes.

13 Q When you asked her having these rights in mind do you
14 wish to talk to us, what was her response?

15 A Yes.

16 Q Okay. Now did she say yes or did she write yes?

17 A Both.

18 Q She did both, okay. Now tell us about the last part.
19 I think you called it the waiver of rights part.

20 A That's correct. And basically this is a summary of the
21 five parts of the Miranda, but I'll read it. Under waiver
22 of rights: I have read the above statement of my rights
23 and I understand each of those rights and what they are.
24 I waive those rights and I'm willing to make a statement
25 and answer questions. I do not want a lawyer at this

SW - P. LAIL - DIRECT

1 time. I understand and know what I am doing. No threats
2 or promises have been made to me and no pressure or
3 coercion of any kind has been used against me by anyone.
4 And that signature line is provided where the individual
5 will actually sign.

6 Q All right. Now the waiver of rights, that last part
7 that you read, did you actually read that that day or did
8 she read that part that day?

9 A I can go back to the actual statement.

10 Q Okay. And just for reference, Page 3, line 3.

11 A Yes, ma'am.

12 Q Under the last paragraph under waiver of rights would
13 you read that out loud please, ma'am.

14 A That was my response to Ms. Tawanda Mack Allen and she
15 proceeded to read the paragraph in its entirety.

16 Q Okay. So you were satisfied that she could read?

17 A Yes, ma'am.

18 Q All right. Did she appear to have the ability to
19 understand what you were asking her?

20 A Yes, ma'am.

21 Q Did she give a appropriate responses?

22 A Yes, ma'am.

23 Q Did she appear to have been under the influence of
24 alcohol or drugs?

25 A No, ma'am.

SW - P. LAIL - DIRECT

1 Q All right. Did she appear to have been suffering from
2 any illnesses or ailments such as that she didn't know
3 what she was doing?

4 A No, ma'am.

5 Q Was there any physical torture applied to her at all?

6 A No, ma'am.

7 ASSISTANT SOLICITOR BARR: Judge, we would
8 move State's Exhibit 105 at this time.

9 MR. BARR: Your Honor, we would object.

10 THE COURT: It is admitted over objection.
11 It's State's Exhibit 104?

12 ASSISTANT SOLICITOR BARR: 104, I apologize
13 Judge.

14 (WHEREUPON, State Exhibit No. 104 was admitted into
15 evidence.)

16 THE COURT: Ladies and gentlemen of the jury, I
17 will give you a more detailed instruction at the end of
18 the case concerning your consideration of any alleged
19 statement by the defendant in the case. And while I am
20 admitting the statement into evidence, you will make
21 individual determination as to whether the State as
22 presented sufficient evidence to convince you beyond a
23 reasonable doubt that the statement was in fact made and
24 that the statement was, in fact, a free and voluntary
25 statement. If you determine that the statement was not a

SW - P. LAIL - DIRECT

1 free and voluntary statement then you should disregard the
2 statement in its entirety. If you decide that the
3 statement was freely and voluntarily given and State has
4 established that fact beyond a reasonable doubt, then you
5 can give the statement whatever weight you determine that
6 it should be given.

7 You may proceed.

8 ASSISTANT SOLICITOR BARR: Thank you, Judge.

9 BY ASSISTANT SOLICITOR BARR:

10 Q Investigator Lail, I'm gonna hand you now what's been
11 marked for identification purposes as State's Exhibit
12 Number 49 (sic) and ask you if you recognize that.

13 A Yes, ma'am.

14 Q How is it that you recognize that?

15 A Well, two things. Number one, this is a cassette tape
16 we use in all of our investigations, and I have it clearly
17 marked Allen, comma, Tawanda Mack, dated 5/28/09 with my
18 last name Lail.

19 Q All right. And prior to your testimony have you
20 reviewed this audio tape? Did you listen to it prior to
21 your testimony?

22 A No, ma'am.

23 Q You've never listened to it before? Did you ---

24 A After it was recorded?

25 Q Yes, ma'am.

1 A No, ma'am, it was turned over to the transcriptionist.

2 Q After you got it back from the transcriptionist were
3 you able to determine that this is an accurate reflection
4 of the conversation that you had with Tawanda Allen back
5 on May 28th of 2009?

6 A Yes, ma'am.

7 MR. BARR: Your Honor, if I may, on behalf of
8 the defendant I ask the Court to consider requiring the
9 State to publish the statement in its entirety.

10 ASSISTANT SOLICITOR BARR: Judge, I don't think
11 we're required to do that. Well, first of all, I hadn't
12 moved it in evidence. Once I move it in evidence this
13 evidence need to be used, all of it, some of it, none of
14 it as we wish and it can also be excused by defense
15 counsel as he chooses.

16 THE COURT: All right.

17 ASSISTANT SOLICITOR BARR: But I don't think he
18 should be able to force us to try our case the way he
19 wants us to try our case.

20 THE COURT: All right. Mr. Barr, you have an
21 objection to something or you just made a statement or,
22 what do you want?

23 MR. BARR: Your Honor, I would not want the --
24 well, first of all, we had an earlier motion ---

25 THE COURT: No, let me do this, ladies and

1 gentlemen, I'll have you go to jury room for a few
2 minutes. Please do not discuss the case. Time for you to
3 have a little stretch. It won't be long.

4 (WHEREUPON, the jury was removed from the
5 courtroom at 11:05 a.m., and the following proceedings
6 commenced in open court.)

7 THE COURT: Mr. Barr, let me hear you.

8 MR. BARR: Thank you, Your Honor. If it please
9 the Court, Your Honor, I would not want the jury to get
10 the wrong impression about selected portions of the
11 statement taken out of context. Since the beginning of
12 this trial the State has been making rolling generalities
13 about what my client said and what that amounts to and
14 that sort of thing in terms of saying that these were
15 admissions and that sort of thing. And thus far in this
16 trial the State has made no effort to prove that my client
17 collaborated with anybody or was a part of any combination
18 or anything to in any way commit a crime or to be a part
19 of a conspiracy. And I think to allow them to select
20 certain paragraphs or certain lines from the statement and
21 say that this is what we believe it says. I think that my
22 client is entitled to have the jury hear the entire
23 statement, put whatever connotation they want to put on it
24 as opposed to the State's spin on what they feel as if
25 what she may or may not have said amounts to.

1 THE COURT: All right. What you say about
2 that, Ms. Barr?

3 ASSISTANT SOLICITOR BARR: Judge, I think at
4 the end of the case we're presenting our closing arguments
5 to the jury, both State and Defense will put their spin,
6 if you will, on what we think the evidence will show.

7 Judge, there are several photographs that were marked and
8 admitted into evidence that I didn't publish during the
9 course of the trial and the examination of the witnesses
10 that I may use during closing argument. But I didn't hear
11 Mr. Barr jump up and down and saying, well she didn't
12 publish this particular photograph and she moved to have
13 it admitted into evidence. Judge, if he needs to make
14 clarification regarding a point and item of evidence as
15 that's what cross-examination is for. I don't think that
16 he can sit here and force me to try my case the way he
17 wants me to try my case. If he wants to put his own spin
18 on it then he can do that on cross-examination. If he
19 wants the jury to sit there and listen to the entire tape
20 he can do that on cross-examination. It's an item of
21 evidence and it can be used by any party in any way in any
22 means they see fit. Judge, we're here -- this is an
23 adversarial system and I'm here to advocate my position
24 and he's here to advocate his position. But I certainly
25 -- and what I think, Judge, it will boil down to is, there

1 is a series that's probably about 30 minutes long.
2 Ms. Allen just kind of goes on and just talking about all
3 kind of stuff. And Judge, it's not my desire to sit there
4 and kind of bore the jury with facts that I think are
5 irrelevant, and I certainly would not want to do that. If
6 he wants the jury to hear that I would submit that he
7 needs to play that for them during his cross-examination.

8 And Judge, I will say further in support of my
9 argument that there are portions of the tape at the very
10 beginning when I talk about this 30 minute conversation
11 that she has, a lot of those statements by her are
12 self-serving. She basically, I wasn't there, I just found
13 out Kenyon got shot and somebody called me and said he got
14 shot, I didn't know anything about it. And Judge, we
15 would submit that that portion of it is not relevant and
16 it's self-serving hearsay. I would submit the portion I
17 intend to play is relevant and both admissible as a
18 statement against penal interest and an admission and
19 statements made by a conspirator in furtherance of the
20 conspiracy.

21 THE COURT: All right. Well, this issue is
22 addressed under Rule 106, Rules of Evidence, that says
23 that when a writing or recorded statement or part thereof
24 is introduced by a party, an adverse party may require the
25 introduction at that time of any other part or any other

1 writing or recorded state of mind which ought in fairness
2 to be considered contemporaneously with it. And then that
3 was the big bone of contention in the case of State versus
4 Ray Cabrera-Pena where the court grappling with that same
5 issue. So on the one hand you have the Defendant's rights
6 under the doctrine of completeness or I think that's what
7 it's called, doctrine of completeness. And then on the
8 other hand, the State's rights to present its case in a
9 manner which the State sees fit. I'm gonna take a few
10 minutes and study this issue a little deeper and give
11 y'all a chance to ponder it as well pursuant to Rule 106
12 and Cabrera-Pena case. Then we will come back and finish
13 talking about it.

14 ASSISTANT SOLICITOR BARR: Yes, sir.

15 THE COURT: All right.

16 (WHEREUPON, a recess was taken from the
17 proceedings.)

18 THE COURT: Anything further on this issue?

19 ASSISTANT SOLICITOR BARR: Judge, we would
20 move to redact what is in effect pages one through -- in
21 the transcribed statement what is in effect Pages 1
22 through 24 line -- on Page 24, lines 1 through 4, we would
23 move to redact and exclude those pages and portions of the
24 audiotape encompassed in these pages based on the fact
25 that the statements are inadmissible self-serving hearsay.

1 Judge, the -- anything and everything the defendant says,
2 just because it comes out of the defendant's mouth doesn't
3 necessarily make it admissible. There are certain rules
4 that specifically govern what is an admissible
5 out-of-court hearsay statement. And Judge, one of the
6 exceptions to the hearsay rule is the statement made by a
7 coconspirator in furtherance of the conspiracy
8 self-serving declarations we would submit are
9 inadmissible. Admissions and statements against a
10 defendant's penal interest are admissible. Judge, the
11 portion of the transcript that covers Pages 1 through 24
12 is basically all self-serving. The defendant says she
13 wasn't in South Carolina when the murder was committed,
14 she doesn't know how he died, just heard that he had
15 gotten killed, and she doesn't know what they're talking
16 about. It is not until Page 24 when she really starts to
17 come clean and tell the police about her involvement with
18 the planning and carrying out of the crime. And so Judge,
19 we would submit that those portions are inadmissible
20 hearsay. In the alternative, Judge, we would ask that the
21 Court not grant the defendant's motion to require us to
22 play the entire tape and allow them, if they choose to,
23 play with the entire tape.

24 THE COURT: All right. You're -- so your
25 request is for me to rule on Pages 1 through 24 and grant

1 a motion to redact cite and seen based on your summary of
2 what's in those pages?

3 ASSISTANT SOLICITOR BARR: Judge, I thought we
4 had the statement marked as a Court exhibit last week. I
5 think when we did the motion to suppress I thought we
6 might have had it, I'm sorry. You do not?

7 THE COURT: I do not have a copy of the
8 statement.

9 ASSISTANT SOLICITOR BARR: Judge, I'll have our
10 office make another copy of the statement. And I
11 apologize, Judge, I thought it's part of the record. But
12 Judge ---

13 THE COURT: It's amazing how the assumption is
14 for courts to rule on exhibits and photographs and many
15 other things without seeing them. Mr. Barr, what do you
16 say?

17 MR. BARR: Your Honor, it'd be the Defense
18 position that just making the statement itself is against
19 her penal interest, and we argued, you know, this part
20 last week. But I think that, you know, the State's notion
21 that you just go in and surgically at some point remove
22 whatever they feel as if, you know, is not important, you
23 know, it's just, you know, strange. I think, you know,
24 the doctrine of completeness, and I haven't finished
25 reading the case yet, but I think it turns on the notion

1 of completeness and I think if they're going to offer it
2 it needs to be offered in context. And I've read the
3 statement four or five times; and just in terms of the
4 solicitor's editorial, yes, Ms. Allen says in part that
5 she's not in South Carolina during the period of this time
6 and she changes her mind but that's after they threatened
7 her. And that's my characterization of, you know, what
8 happened, and you know, again, you know, I have the same
9 problem with the second part that she has with the first
10 part in terms of how best it serves, you know, our various
11 position. But I'd ask that if the statements or any
12 portion of the statement is gonna go to the jury, and it
13 may be a little time consuming, but that the entire
14 statement be -- and it's, I mean, a audiotape so it
15 wouldn't take that long to go through it.

16 THE COURT: Ms. Barr, go ahead.

17 ASSISTANT SOLICITOR BARR: The only other thing
18 that I would add that the Court cited the State versus
19 Cabrera-Pena case. It appears from my review, cursory
20 review of this case, the defendant was not permitted to
21 cross-examine the officer concerning the entire statement.
22 The Court did not allow him to do that. And Judge,
23 that's not what I'm seeking to do and I don't even think
24 that's what Defense is saying I'm seeking to do. You
25 know, my first motion would be that would be excluded as

1 self-serving hearsay. If that's denied, of course, then
2 we would submit that the defendant has an opportunity to
3 cross-examine the officer about all of the statement or
4 none of the statement, whatever he chooses.

5 THE COURT: All right.

6 MR. BARR: I mean, we can ---

7 THE COURT: I've cited the case as addressing
8 the subject matter. It's not entirely on all fours with
9 this issue in this case because, but I see it gave
10 Ms. Barr the thought of not only admitting the statement,
11 coming back and seeking to redact a portion of what's
12 already been admitted, the State offered the entire
13 statement into evidence and we conducted a suppression
14 hearing last week in which the statement -- the Court
15 ruled that her statement was given with free and
16 voluntary. The State didn't seek to offer a portion of
17 the statement, but the State offered the entire statement.
18 The State did the same this morning, offered the entire
19 statement into evidence, and the statement is in evidence.
20 Then Mr. Barr sought to dictate the manner in which the
21 State uses the statement. The State then decides to
22 backtrack and say, well, we want to redact the portion of
23 it of what's now in evidence. And the -- first I find
24 that the rule of completeness does not require the State
25 to play the entire tape beginning to end because it's in

1 evidence and the, can be used -- items in evidence can be
2 used by the State to prosecute its case in the manner
3 which the State sees fit. The doctrine of completeness
4 comes in to preclude matters or items being taken out of
5 context or complaints by the defendant that if the entire
6 statement is not in that the -- that the matter would
7 be -- the jury would not have the full context of it. And
8 so in this instance, whereas, if the State did not offer
9 the entire statement into evidence, then perhaps the
10 hearsay portions might have been excluded but I find in
11 this instance that the entire statement is in evidence.
12 It cannot be redacted based on the portion of it being
13 self-serving by the defendant though it could be -- it may
14 well be self-serving. It is in evidence at this point.

15 And then secondly, that I'm not requiring the
16 State to allowing the defendant to dictate to the State
17 how the statement must be used and not redacting it under
18 the doctrine of completeness. The Defendant also has
19 access to use evidence as it sees fit. The matters that
20 are now in evidence. So that's the ruling of the Court.

21 ASSISTANT SOLICITOR BARR: Yes, sir.

22 THE COURT: So let's bring the jury.

23 (WHEREUPON, State Exhibit No. 45 was admitted into
24 evidence.)

25 (WHEREUPON, the jury was returned to the courtroom

1 at approximately 11:35 a.m., and the following
2 proceedings commenced in open court.)

3 THE COURT: Objection is overruled. You may
4 proceed.

5 BY ASSISTANT SOLICITOR BARR:

6 Q All right. Investigator Lail, I'm going to hand you
7 again what's now been admitted as State's Exhibit
8 Number 45 and that is still the audiotape recording of the
9 conversation that you had with the defendant on May 28th,
10 2009?

11 A That's correct.

12 Q All right. Have there been any changes to this
13 recording or any deletions therefrom?

14 A No, ma'am.

15 ASSISTANT SOLICITOR BARR: Your Honor, we
16 would move to publish the relevant portions at this time.

17 THE COURT: All right.

18 BY ASSISTANT SOLICITOR BARR:

19 Q First of all, before I play it, tell me who all was
20 there during the course of the interrogation.

21 A Present during the interview would have been myself,
22 Investigator Whack, Lieutenant Collins, and Mr. Tawanda
23 Mack Allen.

24 Q All right. When we talk about Lieutenant Collins
25 you're talking about the lady sitting here at the

W - P. LAIL - DIRECT

1 prosecution table?

2 A That's correct.

3 Q Anyone else there?

4 A No, ma'am.

5 Q Did at any point in time during the course of the
6 statement did the defendant ever ask that you stop the
7 reporting or stop the interrogation?

8 A No, ma'am.

9 Q At any point in time during the statement did she say,
10 I don't want to talk anymore?

11 A No, no, ma'am.

12 Q Did she ever at any point say, I want my lawyer?

13 A No, ma'am.

14 (Portions of State's Exhibit 45 was played for the jury.)

15 BY ASSISTANT SOLICITOR BARR:

16 Q All right. Investigator Lail, when the tape runs out
17 you have to turn it over?

18 A That's correct, side B.

19 Q Before I continue playing it, was there anything else
20 said by or between you all and the defendant at that time?

21 A The interview continued, yes, ma'am.

22 Q All right. Other than that gap when the tape ran out
23 and you just turned it over, was there ---

24 A No, ma'am.

25 Q ---anything else said?

W - P. LAIL - DIRECT

1 A No, ma'am.

2 Q And for clarity, the person who is providing the
3 responses to you to these questions about the facts of the
4 crime, that person is who?

5 A That's the defendant.

6 Q Ms. Tawanda Allen?

7 A That's correct.

8 Q All right. We hear a female voice predominantly asking
9 a question. Whose voice is that?

10 A Lieutenant Collins.

11 Q Ms. Debra Collins?

12 A That's correct.

13 Q We hear a male's voice in the background of the
14 recording. Who is that?

15 A That's Investigator Whack.

16 Q And there's another female voice in there, was that
17 your voice?

18 A That would be me.

19 (Playing of State's Exhibit 45 continued.)

20 BY ASSISTANT SOLICITOR BARR:

21 Q All right. Investigator Lail, let's kind of go over
22 that a little bit. I've listened to the tape recording
23 and kind of explain to me what Ms. Allen's mood was like.
24 She seems sort of matter-of-fact almost.

25 A Yes, ma'am, there was no emotion. It was no emotional

W - P. LAIL - DIRECT

1 interview.

2 Q Say again now?

3 A I said it was not an emotional interview at all. It
4 was just a matter-of-fact of conversation.

5 Q Did I hear portions of there where portions of the
6 interview where she appeared to be laughing? Did I hear
7 that correct?

8 A Yes, ma'am.

9 Q For clarity, the entire tape is in evidence.

10 A That's correct.

11 Q That's correct. For clarity, there is probably 20 or
12 30 minutes of additional statements on the tape?

13 A That is correct.

14 Q And does that fall at the beginning of the interview or
15 at the end of the interview?

16 A At the very beginning.

17 Q During that first 20 to 30 minutes exchange that I
18 didn't play for the jury, does the defendant tell you
19 about her involvement in this crime?

20 A No, ma'am.

21 Q During that first 20 to 30 minutes of the tape what
22 specifically does she say?

23 A She didn't say a whole lot of anything. Specifically
24 she rambled about her son having problems with Kenyon
25 involving a girl, and then it jumped from one thing to

W - P. LAIL - DIRECT

1 another but nothing involving a situation in South
2 Carolina.

3 Q Did she, in fact, during that first 20 or 30 minutes
4 deny being in South Carolina the weekend that Kenyon was
5 murdered?

6 A Yes, ma'am.

7 Q She did?

8 A She did.

9 Q Now there was a point during the interview that you all
10 told her that you all had already spoke to Antonio
11 McClary; is that correct?

12 A That's correct.

13 Q And you sort of and Investigator Collins sort of
14 challenged her with the information that you all had
15 received from Antonio McClary.

16 A That's correct.

17 Q And is that the portion of interview where she came
18 clean so to speak?

19 A Yes, ma'am. And that was about midway through the
20 interview because some of the information that she was
21 discussing was just at random; it was just rambling. And
22 at that point she was confronted with the fact that we had
23 interviewed other individuals and she was seen going to
24 the residence, or it was disclosed that she had gone to
25 the residence, Dontrey's Barr's residence, to pick Antonio

W - P. LAIL - DIRECT

1 and Ronald Mack up.

2 Q Now after you all confronted her and told her you had
3 already spoken to Antonio, Antonio McClary, did she
4 provide evidence that you could corroborate in terms of
5 her involvement from driving from Maryland, picking up
6 Antonio and Ronald, going to the victim's house, being
7 lookout so to speak, and then leaving?

8 A Yes, ma'am.

9 Q You were able to corroborate all of that portion of her
10 statement about her involvement?

11 A Well, everything from the point that what we've heard
12 today is where she was challenged and where the actual
13 factual matter come after the interview.

14 Q Did that -- well, let me ask you first this question.
15 I imagine that you've interviewed a lot of suspects ---

16 A Yes, ma'am.

17 Q ---during the course of your career?

18 A Yes, ma'am.

19 Q Did it surprise you that she initially denied being in
20 South Carolina the weekend that Kenyon was murdered and
21 then later admitted her involvement?

22 A It surprised me, yes, ma'am.

23 Q Okay. Do you typically have suspects when you're
24 interviewing them just walk through the door and basically
25 say, I did it, here's what I did?

W - P. LAIL - DIRECT

1 MR. BARR: Your Honor, I'm going to object.
2 THE COURT: And the basis for the objection.
3 MR. BARR: Relevance.
4 THE COURT: Ms. Barr.
5 ASSISTANT SOLICITOR BARR: Judge, I think she's
6 allowed to explain her professional dealings with suspects
7 and try to explain why there are two versions of this
8 story that Ms. Allen has advanced.
9 THE COURT: All right. Re-state the question.
10 BY ASSISTANT SOLICITOR BARR:
11 Q Have you -- had -- you indicate you've had occasion to
12 interview suspects in connection with the case, criminal
13 case?
14 A That's correct.
15 Q All right. And of course you've testified that
16 initially Ms. Allen denied any involvement and then she
17 later stated that she was involved and how she was
18 involved?
19 A That's correct.
20 Q Now during your experience in interrogating suspects is
21 it uncommon for them to first deny their involvement and
22 then later admit their involvement?
23 A Yes, ma'am.
24 Q That's common?
25 A That is common.

W - P. LAIL - DIRECT

1 Q Oftentimes they want to know what you know first.

2 A That's correct.

3 Q And want to see what you have on them.

4 A That's correct. And once they find out that their
5 prior statements that are taken or evidence collected,
6 whatever the case might be, and then the individual may
7 realize at that point that, for lack of better terms we've
8 kind of done our investigation or our homework, at that
9 point the truth will actually come out.

10 Q And sometimes even after you confront them with
11 evidence they still don't confess?

12 A That's true.

13 Q We talk about evidence, there was a part of the
14 statement in which you all asked her to hold on. Did you
15 all bring the shotgun in the room?

16 A We did.

17 Q She identified this shotgun?

18 A That's correct.

19 Q The same one that was taken out their apartment in
20 Maryland?

21 A That's correct, and the same one that was transported
22 back from Maryland and Anne Arundel County to Williamsburg
23 County.

24 Q And this was the shotgun that was taken, put in her
25 vehicle on the night of the murder?

W - P. LAIL - DIRECT

1 A That's correct.

2 Q A vehicle that was driven by her to South Carolina?

3 A That is correct.

4 Q Did she identify this as the same shotgun that Callie
5 used to shoot Kenyon Dorsey?

6 A Yes, ma'am, and the same gun that was in her residence
7 in Maryland and it was brought here in the Kia Sportage
8 with her that night.

9 Q Now Susanne Cromer from SLED on yesterday testified
10 that she had not received a 9-millimeter firearm to
11 conduct an analysis on. Did Mrs. Allen provide any
12 insight as to the location of a 9-millimeter handgun?

13 A No. According to her statement he had gotten the gun
14 and the handgun from two separate individuals; and the
15 handgun when they took it back to Maryland she's assuming
16 or, in fact, Callie did give the 9-millimeter to some
17 unknown person.

18 Q All right. So we don't have a 9-millimeter?

19 A No, we do not.

20 Q Never had it?

21 A No.

22 Q There was several questions asked about the night that
23 the murder happened, and it appears on the taped statement
24 that the defendant talks about being Friday night. Now
25 based upon your records did the victim -- and we say night

W - P. LAIL - DIRECT

1 sometimes and I think we're assuming that because it's
2 dark it's night. But when it leaps over into the next day
3 there's -- is there any question that the victim died
4 early Sunday morning, what some people might consider
5 Saturday night?

6 A Yes, ma'am. I can tell you that the initial call --
7 the initial call come into 9-1-1 central dispatch at
8 2:30 a.m. on April 5th, 2009.

9 Q All right. Talk about some other items of evidence and
10 then we'll move on. It appeared to be a point in the
11 interrogation where Mrs. Allen kind of chuckled and talks
12 about Tony wrapping himself up. You recall that portion
13 of the interrogation?

14 A I do.

15 Q When she's talking about Tony who is she referring to?

16 A Antonio McClary.

17 Q When she's talking about Callie who is she referring
18 to?

19 A Kelvin Bowen, Jr.

20 Q Now when she talks about him and Tony wrapping himself
21 up, you all ask her with what clothing or what item; is
22 that correct?

23 A That's correct.

24 Q And you all talk about what particular clothing are you
25 talking about belonging to who?

W - P. LAIL - DIRECT

1 A There were clothes that were on the couch.

2 Q Okay.

3 A And when in her statement she had said that when they
4 entered or while they were in the house that McClary had
5 wrapped hisself up like a mummy and that was consistent
6 with the sweater that was found on the road right past the
7 house.

8 Q The sweater that belonged to Ms. Bradshaw?

9 A That's correct.

10 Q Let's be clear, Investigator Lail, I don't know that it
11 was all that clear on the tape. But when you all asked
12 her, did you know prior to going to that victim's house
13 what Callie and Ronald intended to do, what was her
14 response?

15 A She stated that she did know.

16 Q That she did know?

17 A That's correct.

18 Q And what did she tell you she understood there the
19 reason for going to Kenyon's house?

20 A I can -- in reference to Page 44 ---

21 Q Yes, ma'am.

22 A The question was, when you went and parked on the road
23 going to Kenyon's house and they told you to turn the
24 vehicle around and park and wait for them come back, when
25 they got out of the car with the gun what did you think at

W - P. LAIL - DIRECT

1 that time they were going to do with the gun. And the
2 answer, that they were going to kill Kenyon.

3 Q The answer was that they were going to kill Kenyon.

4 A That's correct.

5 Q Now Investigator Collins asked her, as a mother how
6 could you do this. What was her response?

7 A I know that without reading it directly. She ---

8 Q Let me tell you this.

9 A Okay.

10 Q Go to Page 44 of that statement and look at line 6.

11 When Investigator Collins asked her, you didn't feel the
12 need to call law enforcement and tell them happened, what
13 was her response?

14 A She stated at the time, no ma'am, I am thinking that's
15 my son, I should be there for my son, but I didn't know it
16 was going to end up where he would kill somebody and this
17 and that.

18 Q And later in that statement is when Investigator
19 Collins asked her, if you didn't think it was going to end
20 up in killing what did you think they were going to do.
21 And what did she say?

22 A That's correct. When Lieutenant Collins said park down
23 the road and turn the lights off and got out with the gun
24 what did you think they were going to do with the guns and
25 that's when she stated that they were going to kill

W - P. LAIL - DIRECT

1 Kenyon. Lieutenant Collins then asked her if she did
2 anything to try to stop them, and her answer was no,
3 ma'am.

4 Q All right. What did Ms. Allen say that she said after
5 she heard the shots being fired and all three of those
6 individuals got back in her car? What did she say in
7 terms of the exchange between herself and Ronald?

8 A It was somewhat amazing to me because they immediately
9 started talking about the spring break or when they were
10 -- something about school but it was -- it was nothing
11 emotionally said or from what she related to us. And from
12 one of the other individuals that was also relayed that
13 they were discussing school or however things going
14 between them.

15 Q Turn to Page 39 of your statement please, ma'am. You
16 have it?

17 A I do.

18 Q Tell me specifically what she said about the exchange
19 between herself and Ronald after the shooting when they
20 get back inside the vehicle, starting with line 2.

21 A Starting with line 2 she said they didn't say nothing.
22 Ronald said, how are you doing mom, and I said I'm fine.
23 I said, how is school and he said school is lovely,
24 lovely, just talking normal. School is lovely, lovely. I
25 went and dropped them back off.

W - P. LAIL - DIRECT

1 Q She indicated all of them were wearing dark clothing?

2 A That's correct.

3 Q Now she talked also about what was told to her in terms
4 of what actually happened inside the residence; is that
5 correct?

6 A That's correct.

7 Q What did she tell you about why Callie ---

8 MR. BARR: Your Honor, I'm going to object to
9 this line of questioning.

10 THE COURT: And the basis for the objection?

11 MR. BARR: Your Honor, relevance. My client
12 has ---

13 THE COURT: It's not a speaking objection; it's
14 a legal basis only.

15 MR. BARR: Relevance.

16 THE COURT: All right. Ms. Barr.

17 ASSISTANT SOLICITOR BARR: Judge, the item is
18 in evidence and clearly what happened in terms of the
19 murder of this child is relevant to the murder case.

20 THE COURT: May counsel approach.

21 (WHEREUPON, counsel approached the Bench for an
22 off-the-record discussion.)

23 THE COURT: All right. State the question
24 please.

25 BY ASSISTANT SOLICITOR BARR:

W - P. LAIL - DIRECT

1 Q In the statement why does Mrs. Allen say, or what
2 reason was given by Mrs. Allen, as to why Kelvin Bowen
3 shot the victim if Ronald Mack had a 9-millimeter?

4 A Well, according to -- and I refer to Page 41.

5 Q Yes, ma'am.

6 A I'll start with line 12. Ronald came in and stood in
7 front of Kenyon and shot him once. He said no, he knew
8 that he's probably not dead so that's when he took the 10
9 gauge and he shot him. Question was, did you say whether
10 Kenyon was asleep. Answer, he said his eyes were closed
11 and he had headphones on his ears. He said but when
12 Ronald shot Kenyon there was some sound that he made and
13 he said, no, he's not dead, and he said that's when he
14 shot him with a 10 gauge.

15 Q All right. Now if I can, I refer you to Page 47 of
16 your statement, line 19. In terms of as to the extent
17 that you can try to explain why this happened, did
18 Ms. Allen tell you that this Jason fellow was actually
19 pushing Ronald up saying things, pushing him up to have
20 animosity toward Kenyon?

21 A That's correct.

22 Q So it was something that came from Jason as far as how
23 Ronald viewed this rather than from Kenyon himself
24 according to Mrs. Allen?

25 A That's correct.

SW - P. LAIL - CROSS

1 Q Now you made -- you actually drove up along with some
2 of the other investigators to Maryland to bring these
3 individuals back to Williamsburg County. How long did it
4 take you to get up there?

5 A It took eight hours.

6 Q Eight hours?

7 A Approximately, maybe a little longer.

8 MR. BARR: Objection. Object again, Your
9 Honor.

10 THE COURT: Objection is overruled.

11 BY ASSISTANT SOLICITOR BARR:

12 Q Have you -- aside from talking with Ms. Bradshaw, do
13 you see Kenyon's father in the courtroom?

14 A I do.

15 Q Was he here on yesterday and day before?

16 A He was.

17 Q And of course Mrs. Allen told you that she has four
18 sons of her own?

19 A That's correct. I think three.

20 Q That's all the questions I have. Please answer any
21 questions Defense counsel may have for you.

22 THE COURT: Mr. Barr.

23 CROSS - EXAMINATION

24 BY MR. BARR:

25 Q How are you today, Officer Lail?

SW - P. LAIL - CROSS

1 A Fine.

2 Q Good. Now Officer Lail, I believe you testified that
3 you are the chief investigator in this case; is that
4 correct?

5 A That's correct.

6 Q And this case is assigned to you?

7 A That's correct.

8 Q Okay. Now you took statements from how many people in
9 this case?

10 A I would -- I cannot think of the exact number, but it
11 was more than eight.

12 Q So you took a statement from Quadir or Quadir Wilson.

13 A Quadir Wilson.

14 Q Wilson, Dontrey Barr?

15 A That's correct.

16 Q Melissa Barr --

17 A That's correct.

18 Q --along with Dontrey Barr? Antonio McClary?

19 A That's correct.

20 Q Ronald Mack?

21 A That's correct.

22 Q Two statements. And Tawanda Allen; is that right?

23 A That's correct.

24 Q Okay. Now you took two statements for at least three
25 people in this case; didn't you?

SW - P. LAIL - CROSS

- 1 A Yes, sir.
- 2 Q Okay. Now in terms of your investigation are there any
- 3 eyewitnesses that you're aware of as result of your
- 4 investigation other than potentially Antonio McClary?
- 5 A Other than the defendants themselves?
- 6 Q Yes, ma'am.
- 7 A No, sir. There were no one there but the defendants,
- 8 the four and the victims.
- 9 Q Do you have a statement from Kevin Bowen?
- 10 A No, I do not.
- 11 Q Okay. Your statement from Antonio McClary, do you have
- 12 a statement from Antonio McClary?
- 13 A I do.
- 14 Q And based on the testimony given earlier, it's possible
- 15 that Antonio McClary was actually there; is that correct?
- 16 A That's correct.
- 17 Q It's possible that Antonio McClary rode from Dove
- 18 Street in Kingstree to Jaybird Street where this incident
- 19 occurred; is that correct?
- 20 A That's correct.
- 21 Q Okay. Now the statements you took from
- 22 Antonio McClary, did you ask him whether or not there was
- 23 a plan to kill Mr. Dorsey?
- 24 A I would have to look at the statement to know exactly.
- 25 Q Your statement, Antonio McClary.

SW - P. LAIL - CROSS

1 ASSISTANT SOLICITOR BARR: Your Honor, let me
2 just say for the record I certainly don't have any
3 question of him providing a copy of that statement to the
4 extent that counsel wishes to question the officer about
5 his statement. He's not on trial. We would assert that
6 it's inadmissible on hearsay.

7 MR. BARR: Your Honor, I believe the State had
8 already asked questions about Antonio McClary's statement.

9 ASSISTANT SOLICITOR BARR: Judge, I didn't ask
10 the specifications of that statement. I asked the officer
11 what she did as a result of the statement.

12 THE COURT: The objection is overruled.
13 (Two documents were tendered to the witness by Mr. Barr).

14 BY MR. BARR:

15 Q I'm gonna ask you if you would, Officer Lail, to refer
16 to Mr. Antonio McClary's statement, May 13th, 2009,
17 7:24 p.m., page 22 line 14.

18 A And the question was, did you know that they were going
19 to shoot Kenyon? Answer, no, they said robbery.

20 Q Okay. Would you read on.

21 A Continue on? Did you say continue on?

22 ASSISTANT SOLICITOR BARR: Judge, I ---

23 THE COURT: Just a moment. We've got an
24 objection.

25 ASSISTANT SOLICITOR BARR: Yes, there is an

SW - P. LAIL - CROSS

1 objection.

2 THE COURT: Objection sustained.

3 BY MR. BARR:

4 Q Did Antonio McClary clearly indicate to you that he was
5 with Kevin Bowen and Ronald Mack?

6 A He said that he was with Callie, Ronald Mack, and
7 Ronald Mack's mother.

8 Q Okay. And that he didn't know they were going to kill
9 Kenyon?

10 A That's what he said, yes, that's correct.

11 Q Now in terms of this investigation he is the only
12 person who's actually there?

13 A I don't understand what you're saying. At that point
14 in the investigation?

15 Q In terms of your investigation is there anyone else who
16 is privy to the ride from Kingstree to 261 by Kevin Bowen,
17 Ronald Mack, and Tawanda Allen, other than
18 Antonio McClary?

19 A Yes, sir, Ronald Mack and Tawanda Mack Allen.

20 Q Okay. Other than them, is there anyone that you
21 developed as a part of this investigation who would know
22 about that?

23 A Those were the only four that were involved.

24 Q And based on the scenario you cited earlier in your
25 earlier testimony Kevin Bowen and Tawanda Allen arrived

SW - P. LAIL - CROSS

1 here approximately 1:00 in the morning Saturday --

2 actually, Sunday, April 4.

3 A I have not testified to that. I don't know what time
4 they got here. I said that the original dispatch call-out
5 was at 2, approximately 2 a.m.

6 Q In terms of the eight people or nine people you
7 interviewed or in terms of all of the people that you've
8 interviewed in this investigation, did any of them tell
9 you that they saw Tawanda Mack in South Carolina?

10 A Other than Ronald Mack and Antonio McClary?

11 Q No -- yes, ma'am.

12 A That's the ---

13 Q That's the question.

14 A That's correct. That's the only two that I have
15 statements from.

16 Q Okay. Did anyone else tell you that they saw her?

17 A Saw her as in physical seen her?

18 Q Physically saw her?

19 A No, sir.

20 Q Did anyone else tell you they talked with her?

21 A No, sir.

22 Q Did anyone else tell you they were part of a
23 conversation that she had either with Mr. Mack or
24 Mr. Bowen?

25 A Direct conversation ---

SW - P. LAIL - CROSS

1 Q Direct conversation.

2 A The only thing we had is that individual text between
3 Ronald Mack and Callie on their -- on their route from
4 Maryland.

5 Q And did you seek Mr. Bowen's text telephone in
6 connection with retrieving those text messages?

7 A Yes, sir.

8 Q And did you, in fact, have that telephone?

9 A Do I have the phone?

10 Q No. Did law enforcement actually have that -- had that
11 telephone at one point?

12 A We had a phone that was taken off of him at the point
13 of arrest in Maryland.

14 Q And y'all gave him the phone back; didn't you?

15 A No, sir.

16 Q Are you testifying under oath today that that phone was
17 not given back to Mr. Bowen?

18 A That phone was turned in with his property over at the
19 Williamsburg County Detention Center, it was later given
20 to his attorney.

21 Q It was given to his attorney?

22 A That's correct.

23 Q Okay, but -- and then y'all asked for it back; didn't
24 you?

25 A I did not, no, sir.

SW - P. LAIL - CROSS

1 Q Okay. Is there any other verification that you can
2 offer in court today for this jury to verify any kind of
3 text message between Ronald Mack and Kevin Bowen?

4 A There's nothing that we can receive in a physical piece
5 of paper from the phone company, no, sir.

6 Q Okay. So in terms of the actual planning of whatever
7 happened here, what do you have to offer that suggests
8 that Ms. Allen planned the murder of Kenyon Dorsey?

9 A Her statement.

10 Q Okay. Now is there any part of that statement that
11 you've just played whereby she admits that she sat down
12 with anyone and planned the murder of Mr. Dorsey?

13 A That's not a requirement for you to sit and make plans.
14 You can conspire over the telephone or verbally between.
15 In the statement ---

16 Q Do you have a telephone call? Do you have a record of
17 a telephone call?

18 A No, sir.

19 Q Okay.

20 A I'm using that as an example that it's not necessary to
21 sit and the two of us talk face to face to plan something.

22 Q Other than your notion of an example, do you have
23 anything that's evidentiary that shows that Ms. Allen sat
24 down with two or more people, or even one person, and
25 planned the murder of Ms. Dorsey?

SW - P. LAIL - CROSS

1 A Her statement and actions and the results were the
2 murder.

3 Q Okay. Does Mr. McClary's statement indicate that he
4 ever saw or talked with Mrs. Allen prior to early that
5 Saturday morning?

6 A No, sir.

7 Q Okay. Does he indicate that there was any discussion
8 in the vehicle on the way to Jaybird Lane about harming
9 anyone?

10 A I don't recall that.

11 Q So you have no recollection of that?

12 A No, he talked about what each person was doing in the
13 vehicle, which he said that Callie and Ronald were in the
14 back with the two guns and he was up front with Ronald's
15 mother which is Tawanda Mack Allen.

16 Q Yes, ma'am. In terms of the other people that you
17 interviewed in this investigation, did any of them
18 indicate that they had ever seen or had been a part of a
19 conversation with Kevin Bowen?

20 A No, sir.

21 Q Okay. Let's go back to the interview that you had with
22 Ms. Allen. Now the Solicitor's Office played I think, or
23 started playing the tape recorded statement I believe, at
24 Page 24. Court's indulgence, Your Honor. Would you refer
25 to Page 24, line 13, of the Allen statement.

SW - P. LAIL - CROSS

1 A Okay. You want me to read that, counsel?

2 Q Yes.

3 A Line 13: The question, right now you're not charged
4 with murder. We're giving you the benefit of the doubt.
5 I'm sitting here listening to you and I've know you for a
6 long time but you're not telling us the whole story. You
7 were there and Antonio McClary is in jail. We transferred
8 him yesterday to Georgetown. And he's charged with this
9 murder because he got in your vehicle, you and Ronald and
10 Callie from Trey's house.

11 Q Okay. Now, is it true that at the time you were
12 conducting this interview with Ms. Allen she'd not been
13 charged with murder, she'd not been charged with
14 conspiracy, and she'd not been charged with burglary?

15 A She was charged with accessory before and after.

16 Q Yes. And Officer Collins who you pointed out earlier
17 ---

18 A Lieutenant Collins.

19 Q Lieutenant Collins then specifically said these things
20 to her.

21 A Yes, sir, that's part of the interview.

22 Q Okay. Now this is the second time in this interview
23 that Officer Collins says that to Ms. Allen; is that
24 correct?

25 A No, sir. This was the only time that was mentioned

SW - P. LAIL - CROSS

1 because that was the -- that's when the defendant more or
2 less was challenged with the fact that we knew that what
3 she was telling us was untrue and then the factual part of
4 the interview came out beginning at that point.

5 MR. BARR: Court's indulgence, Your Honor.

6 BY MR. BARR:

7 Q We'll move on. Do you consider that to be a threat?

8 A No, sir.

9 Q Do you consider that to be an indication to, or
10 possibly an investigation to Ms. Allen, that you're gonna
11 now charge her with murder as opposed to having charged
12 her with accessory unless she gives this information?

13 A I didn't see it as a threat and neither did Tawanda
14 Allen, no, sir.

15 Q Do you -- you don't know how Tawanda Allen thought?

16 A Well, obviously she didn't stop the interview.

17 Q Okay.

18 A And that was part of her rights that she was advised
19 of.

20 Q I understand that.

21 A Yes, sir.

22 Q But the question is, at that point after this potential
23 threat did you tell her that she could go on without --
24 that she had a right at that point to have an attorney
25 present or to not give you the statement?

SW - P. LAIL - CROSS

1 A That's not necessary, sir. Once she has been advised
2 of her Miranda rights at the beginning of her statement
3 there's no -- you do not have to stop the interview. It's
4 not required to stop the interview and re-advise them of
5 their rights.

6 Q Okay. So what you're saying is procedurally you feel
7 as if once you, once you give her the initial Miranda you
8 can threaten her or do anything to get her to talk?

9 A No, I didn't say that. There were no threats involved.

10 Q Okay. Now let's go back to-- let's look at, if you
11 would, Page 26 of the Allen statement, line 9. If you
12 would share that.

13 A The answer -- well, the question was, how did he know
14 you were coming home, that's what I'm asking. And the
15 answer was, he talked to my boyfriend and Callie said that
16 Ronald called and talked to him. I said, about what? And
17 he was in -- that he was in a situation and he needed
18 Callie to come home. I said, okay, why are we going home?

19 Q Okay. So it's clear from your interview with Ms. Allen
20 that Ronald is communicating with Callie or Kevin Bowen
21 and not with her?

22 A That's correct.

23 Q Okay. So now other than a generalized opinion that the
24 department seems to hold that Ms. Allen had a
25 responsibility to report what might have been happening,

SW - P. LAIL - CROSS

1 what direct action or planning do you feel that she on her
2 own motion did or in concert with another individual due
3 to cause the death of Mr. Darby (sic)?

4 A She contributed greatly.

5 Q I'm not asking whether or not you feel she contributed.
6 I'm asking you can you define a place, a portion, or a
7 time that she participated in a plan.

8 A Yes, sir. From the point that she allowed guns to be
9 put in her vehicle and she transported them here along
10 with her boyfriend and then they went to the residence and
11 actions took place.

12 Q Do you have ---

13 A Yes, sir.

14 Q ---any information even as relates to the boyfriend, I
15 mean, you see the line of questions that she's asking the
16 boyfriend, why are we going to South Carolina, what is the
17 talk. Now in the statement doesn't it clearly say that
18 her son told her that Mr. Darby was trying to kill him and
19 it was going to be a matter of who got killed first?

20 ASSISTANT SOLICITOR BARR: Objection, Judge,
21 question calls for facts that are not in evidence.

22 MR. BARR: That's in the statement.

23 THE COURT: The question is argumentative.
24 Just re-state the question in a more -- less argumentative
25 theme.

SW - P. LAIL - CROSS

1 BY MR. BARR:

2 Q Does it appear to you from the statement given by Ms.
3 Allen that she's attempting to find out what's going on
4 with her son?

5 A Somewhat, yes, sir.

6 Q Can you point to any specific line of the statement
7 that she gave you, other than your generalized opinion of
8 it, where she said to anyone, let's do this or I agree
9 with you to do this?

10 A No, sir, she never actually stated that. No, sir.

11 Q Even when Mr. Bowen says that we need to go to South
12 Carolina because I promised Ronald that if he ever needed
13 help I'd be there for him. Didn't she say, can't you talk
14 him out of that?

15 A Yes, sir, she did.

16 Q Okay. Then at what point did she say, let's go break
17 in to the Bradshaw residence?

18 A There was no point where she actually stated that, no,
19 sir.

20 Q At what point did she participated with planning with
21 anybody, let's go into the Bradshaw residence?

22 A You're asking me if she ever verbally made a plan with
23 someone, an individual, any individual, and that's never
24 been part of the testimony that when they sat down and
25 actually drew up a plan. No, sir, she did not.

SW - P. LAIL - REDIRECT

1 Q Well, your testimony is she never went in, did she?

2 A No, sir.

3 Q She never had a gun, did she?

4 A No, sir.

5 Q And your theory is the hand of one is the hand of all,
6 right?

7 A That is correct.

8 Q And you're trying to join her hand to this by virtue of
9 her conspiring to have a gun?

10 A That's correct.

11 Q Point to the conspiracy.

12 A You're asking me to testify to a verbal agreement
13 between you and I and that was not done. I don't know ---

14 Q Thank you.

15 A ---how else to answer the question.

16 Q Thank you.

17 MR. BARR: No further questions of this
18 witness.

19 **REDIRECT EXAMINATION**

20 BY ASSISTANT SOLICITOR BARR:

21 Q Officer Lail, you testified that there was no statement
22 from Kelvin Bowen, Callie?

23 A That's correct.

24 Q Did you try to get a statement from him?

25 A We did.

SW - P. LAIL - REDIRECT

1 Q He refused to talk to you?

2 A That's correct.

3 Q Now you were asked on cross-examination about the
4 statement of Antonio McClary and I believe you testified
5 that he told you that they were going there to do a
6 robbery; is that correct?

7 A That's correct.

8 Q Now at the time these arrest warrants were issued
9 against Ms. Allen and Mr. Mack, that was based on
10 information available at the time and partly from
11 Antonio McClary?

12 A Partly, that's correct.

13 Q So when the warrants, arrest warrants, initially signed
14 against Tawanda Allen it was for what charges?

15 A Accessory before and after murder, accessory.

16 Q So that's two?

17 A That's correct.

18 Q Okay.

19 A Accessory and after burglary first.

20 Q Okay, that's four?

21 A And accessory before and after armed robbery.

22 Q That's six. So there were six warrants signed on her
23 and served on her while in Maryland or when she came back
24 here?

25 A That's correct.

SW - P. LAIL - REDIRECT

1 Q Now she has three charges pending against her?

2 A To my knowledge, but that's handled once our case file
3 is turned over to the Solicitor's Office.

4 Q Tell me about that process.

5 A Once we initially charge an individual such as in this
6 case, accessory before and after the major crime or the
7 principal crime, after the case file is sent to the
8 Solicitor they will review the package and if they choose
9 to charge under a, such as non accessory before and after
10 but the actual principal of murder, then that's left
11 solely up to the Solicitor's Office. We do not have
12 control of that.

13 Q That happens all the time?

14 A Yes, ma'am.

15 Q Okay, all right. Now in terms of the defendant they
16 not being charged with anything connected to an armed
17 robbery, what evidence do you have that there was never a
18 plan for a armed robbery, just a murder?

19 A Well, we have the statement from Ronald Mack that ---

20 Q Yeah, let's talk about that.

21 A Okay.

22 MR. BARR: Your Honor, I'm gonna object. I
23 think this is outside the scope of cross.

24 ASSISTANT SOLICITOR BARR: Judge, he
25 specifically brought up on cross-examination that this

SW - P. LAIL - REDIRECT

1 wasn't a murder, that she didn't know anything about a
2 murder, that she thought it was a robbery, and I think
3 it's appropriate for redirect.

4 MR. BARR: I didn't say anything.

5 THE COURT: The objection is sustained as to
6 the introduction of extrinsic evidence.

7 BY ASSISTANT SOLICITOR BARR:

8 Q Did you take a statement from Mr. Ronald Mack after
9 Tawanda Allen gave her statement?

10 A Yes.

11 Q Did he mention anything about a robbery?

12 A No, ma'am.

13 Q What was the plan all along?

14 A To kill Kenyon.

15 Q She said that; didn't she?

16 A That's correct.

17 Q Did she say anything about a robbery?

18 A No, ma'am.

19 Q When we talk about the notion of conspiracy do you all
20 have to show that two people sat down and had a long
21 conversation ---

22 A No, ma'am.

23 Q ---to do something illegal?

24 A No, ma'am.

25 Q Do you have to show that somebody signed their name on

SW - P. LAIL - REDIRECT

1 to an agreement to do something illegal?

2 A No, ma'am.

3 Q All right. Now at the point in time where Mrs. Allen
4 admits to having knowledge of what the plan was, did she
5 continue to do things to further that plan?

6 A Yes, ma'am.

7 Q Tell me what she did specifically that she admitted to
8 to further that plan.

9 A Well, given the information that Mr. Barr brought out
10 that in the midst of the travel ---

11 Q Yes, ma'am.

12 A ---to Maryland alone, not to mention that the guns were
13 actually put in the car in Maryland prior to the trip.

14 And even in route once she -- she says she was told that,
15 you know, they're going to kill Kenyon, whatever the case.

16 At that point she had the option of stopping it. She
17 could have turned around. You know, she did not have to
18 continue for this crime to be committed.

19 Q All right.

20 A So she did have the -- she had the greatest ability to
21 stop that.

22 Q And we saw evidence that Bowen didn't have a driver's
23 license at the time, right?

24 A If he did he was not driving. I mean, it was her
25 testimony.

SW - P. LAIL - REDIRECT

1 Q It was suspended.

2 A Her testimony says that she was the driver.

3 Q The vehicle was registered to her.

4 A That's correct.

5 Q So in terms of furthering the conspiracy and the plan,
6 her driving would -- to continue to drive here, would that
7 be an act?

8 A That's correct. And even in her statement her son was
9 calling her, mom, where are you.

10 Q When are you gonna be here?

11 A When are you gonna get here, that type thing. You
12 know, she continued, I feel, that you she continued to
13 carry through with the plan by simply continuing to travel
14 continuing to pick up the child to go shoot another child.

15 Q So we talk about, one, her actions and continuing to
16 driver was in furtherance of the conspiracy?

17 A Yes, ma'am.

18 Q What about when she went to the house of Dontrey Barr
19 and picked up Antonio McClary and Ronald Mack, is that
20 another act?

21 A Yes, ma'am.

22 MR. BARR: Your Honor, I object again.

23 THE COURT: Basis for the objection?

24 MR. BARR: This is outside the scope of
25 cross-examination.

SW - P. LAIL - REDIRECT

1 THE COURT: The objection is sustained as to
2 leading the witness.

3 BY ASSISTANT SOLICITOR BARR:

4 Q What action, if any, did she take after arriving at
5 Dontrey Barr's house that would leave you to believe she
6 was continuing the conspiracy?

7 A She continued to drive on to the residence of Kenyon.
8 She drove down the dirt road, saw that the vehicle, the
9 mother's vehicle was not there.

10 Q Stop for me. Did she acknowledge on her statement as
11 to hearing conversations between Ronald and Callie after
12 she had picked up Antonio and Ronald?

13 A She said that Callie had asked her to turn the radio up
14 because he didn't trust Tony or Antonio, and she couldn't
15 hear a lot of what was said in the back. They were doing
16 something with guns, but she could not hear a lot of what
17 they were saying.

18 Q Did she talk about seeing the guns inside the vehicle
19 once Ronald and Antonio were picked up from Dontrey's
20 house?

21 A Yes, ma'am. She talked about when they pulled up to
22 Dontrey's house and Ronald come out of the house with
23 Antonio, being that Callie was not familiar with Antonio
24 and did not know him, he pulled the gun out from under the
25 defendant's seat and put it in his hand because he didn't

SW - P. LAIL - REDIRECT

1 know who Antonio was so she in her statement said the gun
2 was — the handgun was already out because of him taking
3 it out at when they pulled up to Dontrey's house.

4 Q As a matter of fact, didn't she say that Callie was
5 kind of paranoid because he didn't know who Antonio was?

6 A That's correct.

7 Q Now what about the notion of driving to the victim's
8 house with these individuals with guns inside her vehicle,
9 did that play into the criminal conspiracy at all?

10 A Absolutely, because and again, at any point in time any
11 player involved could have stopped and that's what
12 conspiring is, is when two or more individuals agree
13 whether it be verbally or however they would like to agree
14 upon it, to do a particular thing and this case to
15 actually go to this residence and take a life.

16 Q Okay. What about turning off her car lights?

17 A And again, you know, when she made the decision whether
18 it be Callie advising her to, or the ultimate decision was
19 that the defendant would pull the car, wait for them to
20 come back, turn the lights off, sit there in wait until
21 the action was done and then they would run back and get
22 into the vehicle. And again, at any point in time, you
23 know, obviously the defendant had a cell phone. She could
24 have called 9-1-1. She could have pulled off or she could
25 have never gone to that location.

SW - P. LAIL - RECROSS

1 Q Now in terms of the charges of accessory before the
2 fact of murder and murder, the principal offense of
3 murder.

4 A That's correct.

5 Q You talked about it is a solicitor's decision after you
6 all make arrest warrants which to present to the jury?

7 A Yes, ma'am.

8 Q There's not a difference in the penalty between a
9 accessory before the fact of murder and murder is there?

10 A No, ma'am.

11 Q And the reality is she went from six charges to three?

12 A That's correct.

13 Q That's all I have.

14 THE COURT: Mr. Barr.

15 **RECROSS - EXAMINATION**

16 BY MR. BARR:

17 Q Officer Lail, you wouldn't expect a layperson to know
18 the statutory penalties for crimes, would you?

19 A No, sir.

20 Q Okay. So whether or not this is lesser or greater in
21 terms of punishment, the officers actually told her that
22 unless you come straight with us we're gonna charge you
23 with murder.

24 A That's not ---

25 Q Is that right?

SW - P. LAIL - RECROSS

1 A That's not exactly what they said, no, sir.

2 Q Well, we already went over exactly what was said but we
3 won't go back into that but that's the essence of what
4 happened. Now regarding your understanding of conspiracy
5 I think you just testified that it involves an agreement.
6 In other words, a meeting of the minds as to what is going
7 to happen. Now it's clear in this case that the only
8 eyewitness, the only participant who was there, was
9 Antonio McClary.

10 ASSISTANT SOLICITOR BARR: Judge, we'd object
11 to the question as being compound and to the extent
12 counsel is testifying. That's not an appropriate question
13 posed to the witness.

14 THE COURT: What's the question, Mr. Barr?

15 BY MR. BARR:

16 Q Again, was Antonio McClary the only witness, the only
17 eyewitness?

18 A And I've answered that there were four eyewitnesses and
19 that's the four individuals that were there that night.

20 Q Okay. Did Ms. Allen based on your information get out
21 of the car?

22 A No.

23 Q Okay. So she doesn't run down the road, did she?

24 A She sat in the vehicle and waited for the three of them
25 to come back.

SW - P. LAIL - RECROSS

1 Q We understand that. But now she didn't go into the
2 house?

3 A No.

4 Q She didn't shoot?

5 A No.

6 Q Okay. Did Mr. McClary clearly tell you that he was
7 there and he didn't know what was gonna happen until it
8 happened?

9 A He said -- originally he said that he thought they were
10 going to rob him. Actually, originally he said that
11 Ronald wanted to go do a lick and that was the words that
12 he used. Now what that actually means I don't know but...

13 Q And as a detective is that a common reference to a
14 robbery?

15 A Either/or.

16 Q Okay. So in terms of what he's saying to you at that
17 point he thought it was a robbery?

18 ASSISTANT SOLICITOR BARR: Objection. This
19 line of questioning falls outside the scope of
20 recross-examination.

21 THE COURT: Objection sustained.

22 BY MR. BARR:

23 Q Okay. In terms again of your understanding of this
24 conspiracy notion, what did Ms. Allen say to anyone
25 involving the burglary of the Bradshaw house?

SW - P. LAIL - RECROSS

1 A The burglary term was never used between anyone, no,
2 sir.

3 Q But she's charged with burglary?

4 A That's correct, because that's elements of the crime.
5 You're asking me if she verbally sat down and decided do
6 we want to go burglarize this house. No, sir, she did not
7 do that.

8 Q So there's no nighttime entry by Ms. Allen into the
9 Bradshaw house?

10 A It was approximately 2 a.m.

11 Q Okay. There is no commission of a crime inside the
12 Bradshaw house by Ms. Allen?

13 A Now I don't agree with that because according to her
14 statement they were entering the house with the intentions
15 of...

16 Q Did -- Ms. Allen wasn't entering the house, did she?

17 A She doesn't have to.

18 ASSISTANT SOLICITOR BARR: Objection, Judge.

19 Again, this question's been asked and answered, falls
20 outside the scope of recross-examination.

21 THE COURT: Objection is overruled.

22 BY MR. BARR:

23 Q Okay. Ms. Allen did not take a gun in or out of the
24 Bradshaw residence?

25 A No, she did not.

SW - P. LAIL - RECROSS

1 Q Okay. What element of the burglary statute in this
2 state are you saying that Ms. Allen committed?

3 A I charged her with accessory before and after the fact
4 of burglary first.

5 Q Okay. Do you collaborate with, talk with, sit at the
6 table with, and discuss cases with the Solicitor's Office?

7 ASSISTANT SOLICITOR BARR: Judge, same
8 objection, outside the scope of recross.

9 MR. BARR: Your Honor.

10 THE COURT: Objection is overruled.

11 MR. BARR: Thank you, sir.

12 THE WITNESS: Not directly, no. We do not
13 discuss -- we do not call the solicitor every time we have
14 an individual we need to charge. We have a statute book
15 with the individual charges; and based on the elements
16 that they would meet, that would be the right requirements
17 for the charge.

18 BY MR. BARR:

19 Q Officer Lail, would you try having us believe that the
20 Solicitor's Office and the Sheriff's Office don't jointly
21 prepare cases for trial and for preparing cases ---

22 A I didn't say that. I said before an individual is
23 actually charged, if this lady committed a crime I
24 wouldn't just immediately get on the phone and with the
25 solicitor and ask, well, she stole a pack of gum, what

SW - P. LAIL - RECROSS

1 should I charge her. No, sir. Ultimately, after an
2 individual is charged do we call for advice or what would
3 be the best charge in a line of cases, yes, sir, we do, we
4 do joint work jointly.

5 Q Okay, all right. So your response then is, that that's
6 the solicitor's affair?

7 A The ---

8 Q The charging in ---

9 A The charges in this particular case?

10 Q Yeah.

11 A That's correct.

12 Q You -- well, I don't want go into that. Thank you,
13 ma'am.

14 THE COURT: All right, thank you. You may step
15 down.

16 ASSISTANT SOLICITOR BARR: Your Honor, at this
17 time the State would rest.

18 THE COURT: All right. Ladies and gentlemen,
19 the State has rested. It means you've heard the State's
20 case. We'll take a break till -- have you all take a
21 break till 2:30. Now, ladies and gentlemen, before you
22 leave we'll discuss this in some degree when we return but
23 I've got an indication someone wants to pay a light bill
24 and various things of that nature. And you have an hour
25 and 20 minutes. I'll bring you back at 2:30.

DW - R. MACK - DIRECT

1 at approximately 2:40 p.m., and the following proceedings
2 commenced in open court.)

3 THE COURT: The jury is back. You may proceed,
4 Mr. Barr.

5 MR. BARR: Your Honor, at this time the Defense
6 calls Mr. Ronald Mack.

7 THE COURT: Mr. Mack, if you will come around
8 and stand in front of me.

9 CLERK OF COURT: Place your left hand on the
10 Bible, raise your right hand.

11 WHEREUPON,

12 **RONALD HAKEEM MACK,**
13 having been duly sworn by the Clerk of Court, testified as
14 follows:

15 CLERK OF COURT: Be seated up there.

16 **DIRECT EXAMINATION**

17 BY MR. BARR:

18 Q Mr. Mack, how are you today, sir?

19 A I'm good.

20 Q Good. I'm gonna ask that you speak up a little bit.

21 You may need to re-position your microphone just a little
22 bit. The bailiff will help you with that if you need to.

23 You are Mr. Ronald Mack; is that correct?

24 A Yes, sir.

25 Q Now Ms. Tawanda Allen is your mother?

DW - R. MACK - DIRECT

- 1 A Yes, sir.
- 2 Q Okay. And how old are you, sir?
- 3 A Nineteen.
- 4 Q Okay. And you've just taken an oath. You know what it
5 means to tell the truth; is that correct?
- 6 A Yes, sir.
- 7 Q Okay. Now Keshawn --Kenyon ---
- 8 A Yes.
- 9 Q ---Dorsey ---
- 10 A Yes.
- 11 Q ---the decedent, what was your relationship to him?
- 12 A We were friends at one point.
- 13 Q You were friends at one point?
- 14 A Yes, sir.
- 15 Q Okay. Tell us a little about that friendship.
- 16 A We were hanging out like every day when I first came
17 back from Maryland. You know, I met him. We had class
18 together. You know, we became cool and we came every day,
19 come to Kingstree. And well, this was when we was still
20 at Kingstree we became friends, you know. We would kick
21 it after school, attend school, joke around. And we went
22 to Hemingway and he would still come out here. He'd come
23 get me every day, and we'd kick it out of Hemingway and
24 Georgetown and Conway.
- 25 Q Okay, I'm going to again ask you speak up, okay.

DW - R. MACK - DIRECT

1 A We were friends, you know. We went to school together.
2 After school we would hang together and everything. We
3 be down at Georgetown, Hemingway, Conway, and those areas.
4 Generally we was messing with girls together and all that.

5 Q Okay. Did y'all share a gang affiliation?

6 A Yes, sir.

7 Q And what gang were you members of?

8 A The prior rule, it's the Bloods.

9 Q Okay. And how long had you been affiliated with that?

10 A You mean myself?

11 Q Yes.

12 A Since I was about like 15, 14.

13 Q Okay. Since you were 14 or 15?

14 A Yes, sir.

15 Q And that started where?

16 A In Maryland.

17 Q Okay, all right. Now do you have any knowledge of when
18 his affiliation with the Bloods started?

19 A Yes, sir, like '08.

20 Q Okay. Now you mentioned that y'all were friends for a
21 long time. Did that friendship change?

22 A Yes, sir.

23 Q What led to the change in your friendship?

24 A I felt like -- I felt like he betrayed me 'cause we was
25 selling drugs together, me and Mr. Dorsey, you know. And

DW - R. MACK - DIRECT

1 he came short on the money, you know. He started acting
2 funny toward me, you know. And at one point in time we
3 got into -- we got into a couple of scuffles, you know.
4 We got into a few scuffles which, you know. At first it
5 was just minor stuff, you know, then we started -- my
6 money started being short, you know. These dudes who I
7 was getting my drugs and stuff from in Maryland, you know,
8 they was looking at me 'cause I was sort of like the
9 middle man between me and him, you know. And we were
10 selling drugs together; but when it was time to go meet up
11 he didn't have his half and I had mine, you know, and I
12 have to take up for his slack, you know, as far as like,
13 you know, he wasn't -- he wasn't being loyal on his part.

14 Q Okay. So you were being pressured by your Maryland
15 drug connection to produce the money from the drug sales
16 that ---

17 ASSISTANT SOLICITOR BARR: Objection, leading.

18 BY MR. BARR:

19 Q Why were -- why was his share of the money coming up
20 short?

21 A I don't know. I guess he was messing up his money
22 doing other stupid stuff with it, you know.

23 Q Okay, and y'all had discussion about that?

24 A Yes, sir. You know, we talked about it. Somehow he
25 saying, you know ---

DW - R. MACK - DIRECT

1 ASSISTANT SOLICITOR BARR: Objection, hearsay
2 as to what the victim said.

3 BY MR. BARR:

4 Q Only testify as to what you know, not what he said.

5 A Well, you know, I guess things were going a little slow
6 for him, you know, I guess on his part.

7 Q Did you try to help him?

8 A I tried to help him sometimes, you know, but sometimes
9 he was low on things. He didn't really want help like
10 that.

11 Q Okay. And you mentioned that you had an altercation of
12 some sort.

13 A Yes, sir.

14 Q Tell us about that.

15 A We got into a fight like two -- back like two weeks
16 before the incident happened. We got into a fistfight.
17 You know, but it was some -- it was really over something
18 minor at the time. It was over money. It just -- with a
19 gang, the gang affiliation, you know, if we have problems
20 with another brother we, you know, we address the problem.
21 So we addressed the problem, you know. We fought about it
22 and we left it at that. And I guess that wasn't help
23 'cause a couple of days later he still wanted to fight
24 again. I told him no way, it wasn't worth my time to
25 fight no more. You know, I guess he felt offended by

DW - R. MACK - DIRECT

1 that. And when I was in Collins Park out of Conway one
2 night, when we was going back at night, it was about 6,
3 6:30, around 7, you know, it was almost being dark. He
4 -- I seen a gold Honda pull up and shots, shots were fired
5 out there. And you know, a couple of shots were fired
6 towards me, and you know, and I recognize the car. It was
7 his car that his cousin, his cousin Kendrick, you know,
8 drives. You know, it was him I guess trying to get at me
9 or something.

10 Q So from the Collins Park incident you believed at that
11 time that Kenyon was responsible for shooting at you?

12 A Yes.

13 Q Okay. Did you talk with someone about that?

14 A No, sir. Well, I -- early that day I had talked to
15 Gizmo (ph), a friend between me and Kenyon, and he had --
16 he had called me asking me earlier they ---

17 ASSISTANT SOLICITOR BARR: Objection to what
18 somebody said, Judge, 'cause it's hearsay.

19 THE WITNESS: Well...

20 THE COURT: Just a minute.

21 BY MR. BARR:

22 Q Asking whether or not you talked with someone about ---

23 A Yes.

24 Q ---the Collins Park incident?

25 A Yes, sir.

DW - R. MACK - DIRECT

1 Q Okay. Was there ever a point that you related the
2 change in your relationship with Kenyon to your mother?

3 A No, sir.

4 Q Okay. Did you talk with Kelvin Bowen about it?

5 A Yes, sir.

6 Q Okay. And how did that conversation take place?

7 A You know, I texted him one day, you know, to explain
8 the situation between how it, you know, me and Kenyon had
9 fell out, and you know. I told him I wanted to do
10 something about the matter. And you know, he -- he came
11 and, you know, he just was like, well, you know, we'll go
12 about it the right way, you know. And he came down, he
13 gave me his assistance. And he told me how we was going
14 to go about doing everything.

15 Q Was your mother ever a party to that conversation?

16 A No, sir.

17 Q Okay. Did you ever sit down in the same room or the
18 same vehicle and talk to your mother at the same time you
19 were talking to Kelvin Bowen about the problem that had
20 developed between you and Kenyon?

21 A No, sir.

22 Q Did you ever talk with your mother, just the two of
23 you, about your having a problem with Kenyon or your
24 intending to do anything involving Kenyon?

25 A No, sir.

DW - R. MACK - DIRECT

1 Q Okay. Did you talk with Antonio McClary about having a
2 problem with Kenyon?

3 A Yes, sir.

4 Q Okay. Did you and Antonio McClary agree on or unite or
5 in any way jointly plan to do anything to Kenyon?

6 A No, sir, just Antonio McClary agreed to come along.

7 Q Okay. On Saturday the 4th of April of 2009, did you
8 tell Antonio McClary that you were gonna go hit a lick?

9 A No, sir.

10 Q Sir?

11 A No, sir.

12 Q Okay, all right. Now did Kelvin Bowen travel from
13 Maryland to South Carolina on Saturday -- well, on Sunday,
14 April 5th?

15 A Yes, sir.

16 Q Okay. Now when he arrived in South Carolina who was
17 with him?

18 A My mother.

19 Q Okay. And where did you first see them?

20 A In Green Acres.

21 Q Sir?

22 A In Green Acres.

23 Q Sorry?

24 A In Green Acres.

25 Q Was that at Dontrey Barr's house?

DW - R. MACK - DIRECT

1 A Yes, sir.

2 Q Okay. Did your mother or Mr. Bowen get out of the car?

3 A No, sir.

4 Q Okay. Did you and Antonio McClary join them in the
5 car?

6 A Yes, sir.

7 Q Okay. Had Antonio McClary ever seen your mother prior
8 to that time?

9 A Probably like once or twice before.

10 Q Okay. Was there a recent conversation to your
11 knowledge between Antonio and Kelvin Bowen?

12 A No, sir.

13 Q Was there any recent conversation between Antonio and
14 your mother to your knowledge?

15 A No, sir.

16 Q After Antonio -- you and Antonio got in the car?

17 A Yes, sir.

18 Q Where did he sit?

19 A In the front seat.

20 Q Okay. And where did you sit?

21 A In the back.

22 Q Okay. And you left Dove Street in Kingstree; is that
23 correct?

24 A Yes, sir.

25 Q Going down 261 to the address -- I'm trying to think

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1 exactly what -- is that Bluejay? Jaybird Street; is that
2 correct?

3 A Yes, sir.

4 Q Now on the way to Jaybird Street from Kingtree, was
5 there any discussion in the car about what was gonna
6 happen after y'all got there?

7 A Yes, sir, between me and Kelvin Bowen.

8 Q Between you and Kelvin Bowen.

9 A Yes, sir.

10 Q Okay. Now after you got to Jaybird Street what
11 happened?

12 A Got out the car, and Kelvin Bowen hand me a handgun and
13 we -- he brought a shotgun and we walked around. And
14 that's when I realized the truck was gone so I figured,
15 you know, the mother or whoever wasn't there. It was
16 somebody -- the mother, whatever, wasn't there, probably
17 just him in the house. So we went to the front door and
18 when we got there Kelvin was like, you know, he was like,
19 check the door, 'cause I was like, I was like, kick the
20 door. And he's like, check to see if it's open. So I
21 checked it and the door was open, and we walked in. I
22 walked in. Antonio followed behind me and Kelvin came in
23 behind us. And he checked the rooms and then didn't see
24 anybody in there. Kelvin checked the master bedroom which
25 was the mother's room, and I checked the other room at the

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1 far right coming in. I didn't see nobody in there. And
2 at first, the way Mr. Dorsey was in the chair I couldn't
3 see his legs. So the TV was on. I was like, the TV
4 always stays on, you know. I didn't see nobody in the
5 chair. Antonio McClary walked over there, seen him
6 sitting in the chair, and that's when he tapped him on the
7 shoulders. He was like doing this, doing this. He is
8 waving me over. And I went over there and I fired off
9 three shots at the victim, and Mr. Kelvin Bowen let off
10 his shotgun.

11 Q Okay. Now subsequent to the shooting y'all went back
12 to the car?

13 A Yes, sir.

14 Q Okay. And did your mother drop you off?

15 A Yes, sir.

16 Q And where did she drop you off at?

17 A Back at Dontrey's house.

18 Q Back at Dontrey's house. And they left and went back
19 to Maryland?

20 A Yes, sir.

21 Q Okay. Now this is April 5th; is that correct?

22 A Yes, sir.

23 Q When were you arrested?

24 A May 18th.

25 Q May 18th, okay. You were arrested and extradited back

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1 to South Carolina; is that correct?

2 A Yes, sir.

3 Q Okay. Now did you give the investigators a statement?

4 A Yes, sir.

5 Q And was that statement given on May 28th, 2009?

6 A 27th, 28th, something like that.

7 Q Okay. And basically you told the investigators the
8 same things that you're testifying here to today; is that
9 correct?

10 A Yes, sir.

11 Q Okay. At any point in that statement did you ever say
12 that you and Antonio McClary planned to do anything to
13 Kenyon, to Kenyon Dorsey?

14 A No, sir.

15 Q Did you ever say that you and your mother planned to do
16 anything to Kenyon Dorsey?

17 A No, sir.

18 Q Did you make it clear that you texted back and forth
19 with ---

20 A Kelvin Bowen.

21 Q ---Kelvin Bowen?

22 A Yes, sir.

23 Q ---about this situation?

24 A Yes, sir.

25 Q And he agreed to come to South Carolina and help you?

DW - R. MACK - DIRECT

1 A Yes, sir.

2 Q Okay. Now why did you decide that you had to do
3 something about this?

4 A 'Cause I felt violated being at the time with the gang
5 issue, that it was sort of rules and regulations being in
6 the organization that we was in and I couldn't let it go.

7 Q Okay. Did you feel threatened by Kenyon Dorsey after
8 the Collins Park incident?

9 A Yes, sir.

10 ASSISTANT SOLICITOR BARR: Objection, leading,
11 Your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Yes, sir.

14 BY MR. BARR:

15 Q Did you feel as if at some point they might shoot you?

16 A Yes, sir.

17 Q Okay. Now you pled guilty to murder in this case;
18 haven't you?

19 A Yes, sir.

20 Q And you've been sentenced?

21 A Yes, sir.

22 Q Okay. And all the information that you've given here
23 today to the best of your knowledge is true?

24 A Yes, sir.

25 Q Okay. And I'll ask you one more time, was there ever a

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1 point that you discussed with your mother in anybody's
2 presence burglarizing Kenyon Dorsey's house?

3 A No, sir.

4 Q You know his mother, is that correct, Ms. Bradshaw?

5 A Yes, sir.

6 Q Had you ever spent the night there?

7 A Yes, sir.

8 Q Okay. So regarding burglarizing the house, you never
9 talked about going into the house and taking anything or
10 doing anything to anybody there or carrying a weapon in?

11 A No, sir.

12 Q Okay, all right. Please answer any questions that
13 Ms. Barr has for you.

14 **CROSS-EXAMINATION**

15 BY ASSISTANT SOLICITOR BARR:

16 Q Mr. Mack, Mr. Barr asked you whether or not when the
17 clerk swore you in that you understand that you took the
18 oath on the Bible that you have to tell the truth. You
19 remember him asking you that question?

20 A Yes, ma'am.

21 Q And you responded that you did?

22 A Yes, ma'am.

23 Q Does this mean anything to you?

24 A Yes, ma'am.

25 Q It does?

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1 A Yes, ma'am.

2 Q What does it mean to you?

3 A It means a whole lot.

4 Q Does it mean that whatever you say is the honest to
5 God's truth?

6 A Yes, ma'am.

7 Q Now Mr. Barr asked you did you plead guilty to murder,
8 right?

9 A Yes, ma'am.

10 Q You remember him asking you that?

11 A Yes, ma'am.

12 Q As a matter of fact, you did in this very same
13 courtroom about a week ago, right?

14 A Yes, ma'am.

15 Q And when the judge was taking your guilty plea, the
16 same judge we have now, right?

17 A Yes, ma'am.

18 Q Do you remember the clerk swearing you in then?

19 A Yes, ma'am.

20 Q Do you remember the clerk asking you to swear or affirm
21 to tell the truth, the whole truth, and nothing but the
22 truth so help you God?

23 A Yes, ma'am.

24 Q And you said "yes," back then; didn't you?

25 A Yes, ma'am.

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1 Q And do you remember that the judge was asking you about
2 the facts of the case?

3 A Yes, ma'am.

4 Q And what was the first thing out your mouth? Your mama
5 wasn't even there. Didn't you tell the judge that?

6 A Yes, ma'am.

7 Q So later on when the judge asked you about your mom's
8 statement, didn't you change your story right standing
9 here in this same courtroom and said your mom was there?

10 A Yes, ma'am, she was not in the house during the time.

11 Q No, no, no, no, no. My question was did you tell the
12 judge ---

13 A Yes, ma'am.

14 Q ---back then that your mom wasn't there and Callie
15 wasn't there, and they didn't have anything to do with it?
16 Wasn't that the first thing out of your mouth when you
17 pled guilty?

18 A Yes, ma'am.

19 Q And didn't the judge ask you further about it and then
20 after your lawyer made a comment, didn't you then say,
21 well yeah, judge, they were there, they were involved.
22 Didn't you remember saying that to the judge?

23 A Yes, ma'am.

24 Q All right. So tell me, if that Bible means something
25 to you, which statement is true? Which -- should we

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1 believe you today or should we believe you in what you
2 said a week ago? Which one you want us to believe?

3 A Today.

4 Q You want us to believe today? Let's talk about today
5 and let's talk about back then. Now today as you stand
6 there you've already pled guilty to murder, ---

7 A Yes, ma'am.

8 Q ---right? You've already pled guilty to burglary,
9 correct?

10 A Yes, ma'am.

11 Q And you are currently sentenced to fifty years in jail;
12 aren't you?

13 A Yes, ma'am.

14 Q Now you don't have anything to lose by saying something
15 today to help your mom out, do you?

16 A No, ma'am.

17 Q So if you get up on this stand and lie and you get a
18 couple more years for purgery, fifty years, that's really
19 not going to make a whole lot of difference to you, is it?

20 A (No response.)

21 Q Is it?

22 A No, ma'am.

23 Q You got a fifty year sentence and somebody slaps a five
24 year sentence on you for purgery, that's nothing to you,
25 right?

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1 MR. BARR: Objection, Your Honor, asked and
2 answered.

3 ASSISTANT SOLICITOR BARR: I don't think it was
4 answered.

5 THE COURT: Objection is overruled.

6 BY ASSISTANT SOLICITOR BARR:

7 Q Sir? You're serving a fifty year sentence.

8 A Yes, ma'am.

9 Q If you get convicted of five years for purgery, that
10 doesn't mean anything to you, does it?

11 A No, ma'am.

12 Q As a matter of fact, the only thing that means anything
13 to you right now is that lady sitting at the defense
14 table, right?

15 A Yes, ma'am.

16 Q That's the only thing that meant something to you from
17 day one, right?

18 A Yes, ma'am.

19 Q All right. So the jury is now, you want us to believe
20 you today. The story is, although your mother was there,
21 according to you she didn't have any knowledge of what was
22 going to go on?

23 A No, ma'am.

24 Q And that's your story?

25 A That's right.

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1 Q What if I told you she said she knew what was going on,
2 would that make a difference to you?

3 A No, ma'am.

4 MR. BARR: Objection, Your Honor, speculation.

5 THE COURT: Objection is overruled.

6 BY ASSISTANT SOLICITOR BARR:

7 Q Sir?

8 A No, ma'am.

9 Q It wouldn't make a difference to you if I told you that
10 she said she knew y'all were going there to kill him?

11 A No, ma'am.

12 Q Your story would still be the same?

13 A Yes, ma'am.

14 Q Now you talk about the statements that you gave and
15 Mr. Barr asked you did you give a statement on May 28th or
16 29th, you said somewhere thereabout, right?

17 A Yes, ma'am.

18 Q This was after you were arrested and taken back to
19 Maryland, right?

20 A Yes, ma'am.

21 Q But that ain't the first time you gave a statement, was
22 it?

23 A No, ma'am.

24 Q As a matter of fact, your name came up shortly after
25 Kenyon's body was found, right?

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- 1 A Yes, ma'am.
- 2 Q You talked to law enforcement, right?
- 3 A Yes, ma'am.
- 4 Q Talked to these ladies sitting here at the table?
- 5 A Talked to Ms. Jean Lail.
- 6 Q You talked to Ms. Jean Lail?
- 7 A Yes, ma'am.
- 8 Q She asked you about Kenyon's murder; didn't she?
- 9 A Yes, ma'am.
- 10 Q That first statement that you gave her you said, I
- 11 don't know anything about the murder, I found out that
- 12 Kenyon got shot through a text message. Isn't that what
- 13 you told her?
- 14 A Yes, ma'am.
- 15 Q I'm assuming then you were lieing then, right?
- 16 A Yes, ma'am.
- 17 Q So you're a liar, right?
- 18 A Yes, ma'am.
- 19 Q You're a liar and a murderer, right?
- 20 A Yes, ma'am.
- 21 Q And a burglar, right?
- 22 A Yes, ma'am.
- 23 Q But we should believe you now? Sir?
- 24 A Yes, ma'am.
- 25 Q Let me ask you something, and I don't say this to you

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1 to try to embarrass you. I just need to know, you can
2 read and write?

3 A Yes, ma'am.

4 Q All right. I'm gonna hand you a copy of the
5 transcribed statement that you gave to Investigator Lail
6 back on May 28th. Turn to Page 22 of that statement. Let
7 me know when you're there.

8 A I'm there.

9 Q You go to line 15 the investigator asks you: You and
10 your mother are real close, right?

11 A Yes, ma'am.

12 Q And your response was: Yes, ma'am. Is that correct?

13 A Yes, ma'am.

14 Q The investigator then asked you: You would do anything
15 for your mom and she would do anything for you. You
16 remember her asking you that question?

17 A Yes, ma'am.

18 Q And your response was: My mother is all I ever had
19 growing up. As you can see, my father and all I have is
20 my mother and my three little brothers. Basically I would
21 do anything for my mother.

22 A Yes, ma'am.

23 Q You said that, right?

24 A Yes, ma'am.

25 Q And certainly your point in coming here today and

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1 testifying on behalf of your mother is because you want to
2 help her, right?

3 A Yes, ma'am.

4 Q You'd do anything to help her?

5 A Yes, ma'am.

6 Q Even lie?

7 A Yes, ma'am.

8 Q When they asked you, Mr. Mack, whether or not you felt
9 bad about anything that you had done, you said the only
10 thing that you feel bad about is having your mom involved
11 in this, right? You remember telling them that?

12 A Yes, ma'am.

13 Q Now when you all were on the way back from Maryland
14 when the deputies picked you up, did you ride in the same
15 vehicle with your mom?

16 A No, ma'am.

17 Q All right. Did you ride in the vehicle with Callie?

18 A Yes, ma'am.

19 Q And when we talk about Callie who are we talking? Who
20 is Callie -- what's Callie's real name?

21 A Kelvin Bowen.

22 Q Did you ride in the vehicle with him?

23 A Yes, ma'am.

24 Q When you all arrived back to Williamsburg County to the
25 jail here, before you gave a statement did your mother

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1 tell you to tell the investigators the truth?

2 A My mother told me to tell them what I know.

3 Q Tell them what you know. And in that entire statement

4 you said absolutely nothing about being shot at in a

5 vehicle driven by somebody named Kenyon, did you?

6 A No, ma'am.

7 Q Didn't volunteer that?

8 A No, ma'am.

9 Q But see, you have to say that today because it can --

10 you want to try to justify what you did to Kenyon, right?

11 A Yes, ma'am.

12 Q Don't you think that's pretty important if you're

13 telling people what you want them to know to tell the

14 investigators back then that? Wouldn't that be important?

15 A I think at the time, no, I didn't think about it.

16 Q Let's just talk about this whole notion now that you

17 talk about Kenyon's in a gang and all this other stuff

18 with you. Of course, he's not here today to defend

19 himself, is he?

20 A No, ma'am.

21 Q Thanks to you.

22 A Yes, ma'am.

23 Q Sir?

24 MR. BARR: Objection, Your Honor, that's not a

25 question.

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- 1 THE COURT: Objection sustained.
- 2 BY ASSISTANT SOLICITOR BARR:
- 3 Q You're in a gang. You like talking about that stuff;
- 4 don't you?
- 5 A No, ma'am.
- 6 Q You don't like talking about being in a gang?
- 7 A No, ma'am.
- 8 Q You remember when we had a bond hearing, a preliminary
- 9 hearing on your case? Do you remember that?
- 10 A Yes, ma'am.
- 11 Q You remember telling Officer Lail you were disappointed
- 12 because we didn't read out the stuff about the gang?
- 13 Remember telling her that?
- 14 A No, ma'am.
- 15 Q You don't remember bragging about being in a gang?
- 16 A No, ma'am.
- 17 Q Okay. What about when you were stopped and you had a
- 18 conversation with an officer with the Lake City Police
- 19 Department? Do you remember that?
- 20 A Lieutenant Cooper.
- 21 Q Black guy, right?
- 22 A Yes, ma'am.
- 23 Q You remember talking to him about a gang?
- 24 A Yes, ma'am.
- 25 Q Weren't you kind of bragging about what you do and the

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1 rules and the regulations and all that stuff and sex and
2 homies and G's and all that stuff? You remember talking
3 about all that with him?

4 A Something like that, yes, ma'am.

5 Q Okay. Now, in a gang, if we assume for argument sake
6 if we believe, you know, what you want to tell us today,
7 if Kenyon were in a gang, of course he couldn't just
8 resign like he resigned a job, could he?

9 A No, ma'am.

10 Q Y'all don't do it that way, right?

11 A That's right.

12 Q You can't just get in a gang and then decide, oh, this
13 is too much for me, I want to get out. It doesn't quite
14 work like that, does it?

15 A No, ma'am.

16 Q Only way you get out a gang you get killed, right?

17 A No, ma'am.

18 MR. BARR: Objection, Your Honor, relevance.

19 THE COURT: Objection sustained.

20 BY ASSISTANT SOLICITOR BARR:

21 Q Now you indicated that you called Callie, who we've
22 identified as Kelvin Bowen, to tell him that you needed
23 some help with the situation here in South Carolina,
24 right?

25 A Yes, ma'am.

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1 Q And Kelvin and your mom Ms. Allen, drove from Maryland
2 to South Carolina back on April 5th; is that right?

3 A Yes, ma'am.

4 Q And the vehicle they were riding in was the green Kia
5 Sportage vehicle; is that correct?

6 A Yes, ma'am.

7 Q All right. When they came to pick you up you were at
8 Dontrey Barr's house?

9 A Yes, ma'am.

10 Q And you and Antonio McClary were together?

11 A Yes, ma'am.

12 Q You all had on dark clothes?

13 A Yes, ma'am.

14 Q You changed your clothes, didn't you, 'cause you all
15 were at Club Jordan's earlier that day, right?

16 A Yes, ma'am.

17 Q You changed your clothes to go out and kill Kenyon,
18 right?

19 A Yes, ma'am.

20 Q And during the time that it took for your mom and for
21 Callie to get here, tell me about how long it takes to do
22 the drive from Maryland.

23 A Six-and-a-half, seven hours.

24 Q Now while you were at Club Jordan's you called your mom
25 a couple of times and say when are y'all getting here. I

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1 mean, you agree with her she said you called her a couple
2 of times, right? You'd agree with your mom.

3 A Yes, ma'am.

4 Q So you called her a couple of times and say when are
5 y'all coming, are y'all on the way, how far are you out,
6 right?

7 A Yes, ma'am.

8 Q And then there were times that you communicated by text
9 message with Callie, right?

10 A Yes, ma'am.

11 Q And you texted him that, listen, I've got this
12 situation, I need your help. Right?

13 A Yes, ma'am.

14 Q And you told him in the text that it was Kenyon. You
15 needed help with Kenyon, right?

16 A Yes, ma'am.

17 Q The situation with him?

18 A Yes, ma'am.

19 Q And he texted you back, do you mean gun play, right?

20 A Yes, ma'am.

21 Q And you actually showed those text messages to Dontrey
22 Barr; didn't you?

23 A No, ma'am.

24 Q You don't remember showing him your phone?

25 A I showed him my phone, but naw, I didn't show text ---

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- 1 Q What about Antonio, did you show him the text messages?
- 2 A Yes, ma'am.
- 3 Q So you showed Antonio the text messages. And the
- 4 person who was texting you back and forth, who did you
- 5 believe that person to be on the other end of that phone?
- 6 A Kelvin Bowen.
- 7 Q Callie, right?
- 8 A Yes, ma'am.
- 9 Q And Callie asked you, you need gun play, right?
- 10 A Yes, ma'am.
- 11 Q So that meant -- your understanding of that exchange
- 12 was he wanted to know whether or not he needed to bring
- 13 weapons with him?
- 14 A Yes, ma'am.
- 15 Q And you texted him back, yeah, right?
- 16 A Yes, ma'am.
- 17 Q And Callie texted you, I thought you were cool with
- 18 Kenyon, right?
- 19 A No, ma'am.
- 20 Q You don't remember him saying that?
- 21 A No, ma'am.
- 22 Q All right. No question that your mom drove down here?
- 23 A Yes, ma'am.
- 24 Q All right. Your mom and Callie then pick you up and
- 25 Antonio up at Dontrey Barr's house, right?

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1 A That's right.

2 Q Now when you all get in the car Callie is looking at
3 you kind of funny, right?

4 A No, ma'am.

5 Q He doesn't want to know where Antonio was?

6 A Yes, ma'am.

7 Q 'Cause Antonio wasn't supposed to be part of the mix,
8 right?

9 A No, ma'am.

10 Q You didn't tell him and volunteer to him that you were
11 bringing in a third party, right?

12 A No, ma'am.

13 Q And when he came in didn't Callie ask you, man, you
14 sure he's all right, is he cool?

15 A Yes, ma'am.

16 Q And Callie asked you, I don't know about this man,
17 right? He was a little nervous about that, right?

18 A Yes, ma'am.

19 Q Now when you all got in the car at Dontrey's house your
20 mother was driving, right?

21 A Yes, ma'am.

22 Q Antonio was in the front seat?

23 A Yes, ma'am.

24 Q You and Callie were in the back seat?

25 A Yes, ma'am.

DW - R. MACK - CROSS

1 Q When was the first time you saw weapons in the vehicle?

2 A The shotgun was sitting on the -- Kelvin Bowen had it
3 sitting by the side by the door. That's when I seen the
4 gun. He didn't give me the handgun until we got to
5 Jaybird Avenue.

6 Q All right. And certainly, while you were in the car is
7 when you had this conversation with Callie about, man, is
8 he cool, right?

9 A Yes, ma'am.

10 Q And when he said, is he cool, he's talking again about
11 Antonio, right? Now during this conversation inside the
12 vehicle Callie asked you whether or not you knew if Kenyon
13 was at home.

14 A Yes, ma'am.

15 Q And he was concerned whether or not Kenyon would be
16 home by himself, right?

17 A Yes, ma'am.

18 Q And as a matter of fact, you told Callie don't worry
19 about it, his mom works at night, I know he's at home,
20 right?

21 A No, ma'am.

22 Q You didn't tell him that?

23 A I told him I got a call earlier saying that he was
24 home.

25 Q Oh, I'm sorry. You told Callie that you got a call

DW - R. MACK - CROSS

1 earlier saying that he was home.

2 A Yes.

3 Q All right. And certainly while you all are pulling out
4 shotguns and 9-millimeters, I mean, that's -- your mom
5 would have saw the guns, right?

6 A She seen the guns when we got to Jaybird Avenue.

7 Q Sir?

8 A She seen the guns when we got to Jaybird Avenue.

9 Q All right. When y'all got to the victim's house is
10 when you say she saw the guns?

11 A Yes, ma'am.

12 Q Would it surprise you to know that she's already said
13 she saw the guns when y'all were in Maryland, when they
14 were in Maryland?

15 A Yes, ma'am.

16 Q Would that surprise you?

17 A Yes, ma'am.

18 Q That would?

19 A Yes, ma'am.

20 Q Who had the 9-millimeter? Who is supposed to be toting
21 that?

22 A I did.

23 Q Callie supposed to have the shotgun?

24 A Yes, ma'am.

25 Q Is this the shotgun he had that night? Looks like it?

DW - R. MACK - CROSS

- 1 A Looks like it.
- 2 Q You're smiling?
- 3 A No, ma'am.
- 4 Q Sir?
- 5 A No, ma'am.
- 6 Q Does this look like what Callie had that night?
- 7 A Yes, ma'am.
- 8 Q Now what kind of car did Kenyon's mom drive?
- 9 A Forerunner.
- 10 Q Sir?
- 11 A Forerunner.
- 12 Q A Ford what? Forerunner?
- 13 A Forerunner.
- 14 Q Toyota Forerunner?
- 15 A Yes, ma'am.
- 16 Q And of course you had spent the night over there at her
- 17 house before, right?
- 18 A Yes, ma'am.
- 19 Q And you spent the night over there. You knew she
- 20 worked from -- at night, right? At least that night you
- 21 were there she was working at night, right?
- 22 A Yes, ma'am.
- 23 Q And so certainly you had told Callie during the
- 24 conversation in the car that she wasn't there, right?
- 25 A No, I told him I didn't realize that until after I got

DW - R. MACK - CROSS

1 there I seen the car was gone.

2 Q Well, wasn't Callie concerned about whether or not
3 anybody else would be there other than Kenyon?

4 A No, ma'am.

5 Q He wasn't concerned about that?

6 A No, ma'am.

7 Q So he was concerned about you bringing in a third
8 party, but he's not sure whether or not the victim would
9 be home alone?

10 A No, ma'am, not really.

11 Q Did you all have a conversation about whether or not
12 there would be any guns inside Kenyon's house? You
13 remember that, right?

14 A Yes, ma'am.

15 Q Callie was worried. He said, man, you know, you know
16 whether or not he's strapped?

17 A Yes, ma'am.

18 Q Now "strapped" for us lay folk, strap means you're
19 toting a weapon.

20 A That's right.

21 Q And you told him no, right?

22 A Yes, ma'am.

23 Q You told him don't worry about that, right?

24 A Yes, ma'am.

25 Q And all this is happening in this confined space inside

DW - R. MACK - CROSS

- 1 the motor vehicle, right?
- 2 A Yes, ma'am.
- 3 Q Your mom is driving the whole time, right?
- 4 A Yes, ma'am.
- 5 Q Now you all have a conversation with your mom and tell
- 6 her pull over on the side of the road and let you all out,
- 7 right?
- 8 A Yes, ma'am.
- 9 Q And she agrees to do that, right?
- 10 A Yes, ma'am.
- 11 Q You get out the car, you have your nine, right?
- 12 A Yes, ma'am.
- 13 Q He has -- Callie has a shotgun, right?
- 14 A Yes, ma'am.
- 15 Q And Antonio just kind of there for the ride, right?
- 16 A Yes, ma'am.
- 17 Q Your mom stays in the car, right?
- 18 A Yes, ma'am.
- 19 Q And you all tell her to turn off the lights to the
- 20 vehicle, right?
- 21 A Yes, ma'am.
- 22 Q And she did that, right?
- 23 A Yes, ma'am.
- 24 Q And her job was to let you all know if somebody came
- 25 along, right?

DW - R. MACK - CROSS

1 A No, ma'am.

2 Q Who, I mean, what was she doing there, sitting there
3 reading a magazine, what?

4 A She just transporting us.

5 Q Just transporting.

6 A Yeah.

7 Q To go kill Kenyon?

8 A Yes, ma'am.

9 Q That's all. That's all she did?

10 A Yes, ma'am.

11 Q Now tell me about what happened when you go in the
12 house. You all will go from room to room?

13 A Yes, ma'am.

14 Q Of course, you knew where Kenyon's bedroom was because
15 you had been in the house, right?

16 A Yes, ma'am.

17 Q Y'all go from room to room looking for him.

18 A Yes, ma'am.

19 Q Now you all don't see him in any of the bedrooms,
20 right?

21 A No, ma'am.

22 Q And it was Callie's job to look in the master bedroom
23 for the mother, right?

24 A Yes, ma'am.

25 Q For Miss Annette?

DW - R. MACK - CROSS

- 1 A Yes, ma'am.
- 2 Q And Callie didn't do such a good job, did he?
- 3 A From what she said, no.
- 4 Q Apparently not, right?
- 5 A Yes, ma'am.
- 6 Q Now Investigator Collins asked you, did you know that
- 7 Annette Bradshaw was in the house, and you said no, right?
- 8 A Yes, ma'am.
- 9 Q She asked you what you would have done if you knew she
- 10 was there, right?
- 11 A Yes, ma'am.
- 12 Q What did you tell Investigator Collins you would have
- 13 done if you knew she was there?
- 14 A She wouldn't have been here today.
- 15 Q Sir?
- 16 A She wouldn't have been here today.
- 17 Q She wouldn't have been here today. You would have took
- 18 care of her too?
- 19 A Yes, ma'am.
- 20 Q Now when y'all go in the house, y'all can't find
- 21 Kenyon. Your friend Antonio was actually the one that
- 22 pointed him out, right?
- 23 A Yes, ma'am.
- 24 Q And you said he -- what did he do, tap your shoulder
- 25 and say there he is?

DW - R. MACK - CROSS

- 1 A Yes, ma'am.
- 2 Q Now as a result of that you go over and you shoot him
- 3 in the head?
- 4 A Yes, ma'am.
- 5 Q Why did Callie shoot him?
- 6 A I guess to make sure the job was done.
- 7 Q Sir?
- 8 A To make sure it was done.
- 9 Q And you were how old at the time?
- 10 A 17.
- 11 Q 17 years old. You just have no respect for life?
- 12 A At the time, no.
- 13 Q Now there's no question you all went there to rob —
- 14 y'all didn't go there to rob him, right?
- 15 A No, ma'am.
- 16 Q And Antonio, if he said that he was mistaken, right?
- 17 A Yes, ma'am.
- 18 Q Never went there to rob him. Y'all went there with one
- 19 goal, right?
- 20 A Yes, ma'am.
- 21 Q And that was to kill him. You accomplished your goal.
- 22 A Yes, ma'am.
- 23 Q And at least for the short while didn't get caught?
- 24 A Yes, ma'am.
- 25 Q When you got back after shooting Kenyon y'all ran back

DW - R. MACK - CROSS

- 1 to the car, right?
- 2 A Yes, ma'am.
- 3 Q You got in the front seat?
- 4 A I got in the back seat.
- 5 Q You got in the back seat?
- 6 A Yes, ma'am.
- 7 Q Who got in the front seat?
- 8 A Antonio.
- 9 Q Antonio? And of course you and your mom have this
- 10 conversation after you just killed this boy, right?
- 11 A Yes, ma'am.
- 12 Q And mom asked you, so son, how are you doing? Remember
- 13 that?
- 14 A Yes, ma'am.
- 15 Q And you said, mom, just lovely, just lovely, right?
- 16 A I told her I was doing good.
- 17 Q You told her you was doing good.
- 18 A Yes, ma'am.
- 19 Q And she asked you about school, right?
- 20 A Yes, ma'am.
- 21 Q And you said school is going just fine, right?
- 22 A Yes, ma'am.
- 23 Q And she said, son, I'll be back in a couple of weeks
- 24 for spring break to pick you up, right?
- 25 A Yes, ma'am.

DW - R. MACK - CROSS

- 1 Q And she drove y'all back to Dontrey's house?
- 2 A Yes, ma'am.
- 3 Q You and Antonio get out, right?
- 4 A Yes, ma'am.
- 5 Q And as far as you know, Callie and your mom drive back
- 6 to Maryland?
- 7 A Yes, ma'am.
- 8 Q Now son, if your mom didn't have a clue as to what was
- 9 going on, she didn't ask you when y'all got there in the
- 10 car, well, what was all the gunshots I heard? She didn't
- 11 ask you that, did she?
- 12 A Yes, ma'am, she did.
- 13 Q Oh, now she did, I'm sorry. You forgot that part
- 14 earlier?
- 15 A No, ma'am.
- 16 Q All right. So when she asked you now, what was that
- 17 gunshot I heard, what did you say?
- 18 A I told her what it was.
- 19 Q Sir?
- 20 A I told her it was a shotgun Kelvin had.
- 21 Q And what did she say?
- 22 A Shook her head.
- 23 Q And then what? Then what did she say?
- 24 A She asked me about school.
- 25 Q So what are you just sitting up there making it up as

DW - R. MACK - CROSS

- 1 you go along?
- 2 A No, ma'am.
- 3 Q What happened to the 9-millimeter you had?
- 4 A Threw it away.
- 5 Q Sir?
- 6 A Threw it away.
- 7 Q You threw it away?
- 8 A That's right.
- 9 Q Where?
- 10 A Down a river.
- 11 Q Huh?
- 12 A Down a river.
- 13 Q Down a river? Speak up now.
- 14 A Yes, ma'am.
- 15 Q Where? Down a river where?
- 16 A Black River.
- 17 Q Sir?
- 18 A Black River.
- 19 Q Where?
- 20 A Sky cabin, a little cabin over there by -- it's now I
- 21 only been to the lake one time, sky cabin.
- 22 Q I'm sorry, I can't hear you.
- 23 A Lake Sky cabin.
- 24 Q What street is that on? Where is that?
- 25 A Going up there by the Subway I think.

DW - R. MACK - CROSS

- 1 Q Was there anything wrong with it?
- 2 A No, ma'am.
- 3 Q The 9-millimeter, after you fired it?
- 4 A No, ma'am.
- 5 Q Why did you throw it in the river?
- 6 A Didn't need it no more.
- 7 Q Didn't need it no more?
- 8 A No, ma'am.
- 9 Q What about the shotgun? Why didn't you throw that in
- 10 the river?
- 11 A Wasn't mine to throw out.
- 12 Q Where did Callie get the 9-millimeter from?
- 13 A It's a throw-away gun.
- 14 Q Huh?
- 15 A I don't know where he got it from. It was just a
- 16 throw-away gun.
- 17 Q What's a throw-away gun? What is that?
- 18 A It's a gun after you use it don't need it no more.
- 19 Q Didn't you tell the police that Callie took the gun
- 20 back with them to Maryland?
- 21 A Yes, ma'am.
- 22 Q Well, which is it? You threw it away or you took it
- 23 back to Maryland?
- 24 A I kept it with me.
- 25 Q Huh?

DW - R. MACK - CROSS

1 A Kept it with me.

2 Q No, I'm talking about the 9-millimeter.

3 A I kept it with me.

4 Q No, wait a minute, okay.

5 MR. BARR: I'm going to object, Your Honor.

6 He's already answered it twice.

7 ASSISTANT SOLICITOR BARR: He gave three
8 different answers.

9 THE COURT: Objection overruled.

10 BY ASSISTANT SOLICITOR BARR:

11 Q You said one -- the first time you throw the gun away,
12 right, the 9-millimeter? And you threw it in Black River,
13 right?

14 A That's right.

15 Q The next time you said you -- Callie took it back to
16 Maryland, right?

17 A That's what I told them at the time.

18 Q All right. And now you're saying you kept it with you.

19 A Kept it with me and threw it away.

20 Q You kept it with you and threw it away.

21 A Meaning that it never went back to Maryland.

22 Q So you told the police that Callie took it back to
23 Maryland with him, you lied about that?

24 A Yes, ma'am.

25 Q I mean, all these lies, why should we believe you now?

DW - R. MACK - CROSS

1 A See, while I was locked up over there I had a change of
2 heart. I mean, I been reading the Bible, you know. I got
3 a change of heart.

4 Q You read the Bible?

5 A Yes, ma'am.

6 Q You found the Lord in jail?

7 A I became Muslim.

8 Q You became Muslim. You found a lot in jail.

9 A Yes, ma'am.

10 Q Any reason why you couldn't find him before you killed
11 somebody?

12 A No, ma'am.

13 Q Beg the Court's indulgence. When you talk about this
14 gang stuff, what is an OG?

15 A A big homie.

16 Q A big homie?

17 A Yes, ma'am.

18 Q I don't know what that is. You're gonna have to tell
19 me what that is.

20 A It's sort of like a big brother.

21 Q Like a big brother?

22 A Overlooks, oversees all of us.

23 Q Callie was your OG?

24 A No, ma'am.

25 Q He wasn't your big brother?

DW - R. MACK - CROSS

- 1 A No, ma'am.
- 2 Q Now when you got back to Dontrey's house, you changed
3 clothes again?
- 4 A Yes, ma'am.
- 5 Q And Antonio changed clothes again, right?
- 6 A He went home.
- 7 Q You washed your hands?
- 8 A Yes, ma'am.
- 9 Q With bleach?
- 10 A Yes, ma'am.
- 11 Q You didn't want any gunshot residue to be found on your
12 hands, did you?
- 13 A No, ma'am.
- 14 Q That's why you washed them.
- 15 A Yes, ma'am.
- 16 Q And as a matter of fact, you washed your hands with
17 bleach at your mother's direction. She told you to do it,
18 right?
- 19 A Kelvin Bowen told me to do it.
- 20 Q Kelvin told you to do that?
- 21 A Yes, ma'am.
- 22 Q I want to ask you a couple of more questions and I'll
23 be done.
- 24 A Yes, ma'am.
- 25 Q You said this alleged shooting incident happened where?

DW - R. MACK - CROSS

- 1 A Collins Park.
- 2 Q Okay. College Park, Maryland?
- 3 A Collins Park in Conway.
- 4 Q In Conway?
- 5 A Yes, ma'am.
- 6 Q And I'll bet if I go down to the Conway Police
- 7 Department I'll be able to find an incident report where
- 8 you reported this to law enforcement, right?
- 9 A I didn't report nothing to law enforcement.
- 10 Q Didn't report it to law enforcement?
- 11 A No, ma'am.
- 12 Q You remember telling the Court last week that you were
- 13 under the influence of your mama?
- 14 A Yes, ma'am.
- 15 Q Your mama had a lot of influence on you?
- 16 A Yes, ma'am.
- 17 Q And no point in time did she tell you, son, don't do
- 18 this, right?
- 19 A Yes, ma'am.
- 20 Q Huh?
- 21 A Yes, ma'am. Yes, ma'am.
- 22 Q No point in time did she say, listen, you got a problem
- 23 with Kenyon, you just come on back up to Maryland with me
- 24 and we'll take care of it that way, right? No point in
- 25 time did she tell you that, did she?

DW - R. MACK - CROSS

1 A No, ma'am.

2 Q No point in time did she tell you, listen, you got a
3 problem with this boy, let me go woman-to-woman talk with
4 his mother. She didn't tell you that, did she?

5 A No, ma'am.

6 Q You still have your statement up there with you?

7 A Yes, ma'am.

8 Q When I asked you about whether or not your mom tried to
9 encourage you to come up there, ---

10 A Yes, ma'am.

11 Q ---talk with Kenyon's mom, do you remember the
12 investigator asking you at the time of your statement why
13 you didn't just go back to Maryland, rather than kill
14 Kenyon? Look on Page 18. Look at line 18.?

15 MR. BARR: Your Honor, I'm gonna object. This
16 is getting a bit far field. I don't see the relevance of
17 any of this.

18 THE COURT: It's a matter we're -- I'm not sure
19 what you're talking about here. I don't know what's on
20 Page 18.

21 ASSISTANT SOLICITOR BARR: Judge, I'll rephrase
22 the question.

23 BY ASSISTANT SOLICITOR BARR:

24 Q Mr. Mack, when investigators asked you why you didn't
25 simply go back to Maryland rather than kill Kenyon, didn't

DW - R. MACK - CROSS

1 you tell them it was a matter of honor for you?

2 MR. BARR: Your Honor, again, I object.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: I'll overrule the objection.

5 BY ASSISTANT SOLICITOR BARR:

6 Q Sir?

7 A Yes, ma'am.

8 Q You stated to the investigator, to me, "my honor would
9 have looked kind of suspicious," right?

10 A Yes, ma'am.

11 Q You would look like a punk. That's what that was
12 about, right? You don't want to seem like you were a
13 punk, right?

14 A Yes, ma'am.

15 Q You wanted to feel like a big man by taking somebody
16 else's life, right?

17 A Not really.

18 Q You feel like a big man now?

19 A No, ma'am.

20 Q Anything honorable about shooting a man in his sleep?

21 A No, ma'am.

22 ASSISTANT SOLICITOR BARR: Judge, that's all
23 the questions I have.

24 THE COURT: Mr. Barr.

25 **REDIRECT EXAMINATION**

RW - R. MACK - REDIRECT

1 BY MR. BARR:

2 Q Mr. Mack?

3 A Yes, sir.

4 Q The solicitor, Ms. Barr, asked you earlier about the
5 first statement that you gave Investigator Lail, and I
6 believe she said you told in the statement that your mom
7 nor Callie were there. Was that just an attempt to
8 protect them?

9 A No, sir.

10 Q You wasn't trying to cover up to help yourself, were
11 you?

12 ASSISTANT SOLICITOR BARR: Objection, leading.

13 THE WITNESS: No, sir.

14 THE COURT: Don't lead the witness please.

15 BY MR. BARR:

16 Q Were you attempting to give the correct information?

17 A Yes, sir.

18 Q Okay. Are you attempting today, as we speak, to tell
19 the truth?

20 A Yes, sir.

21 Q Thank you.

22 THE COURT: Ms. Barr.

23 **RE CROSS - EXAMINATION**

24 BY ASSISTANT SOLICITOR BARR:

25 Q You're attempting to tell the truth?

DW - R. MACK - RECROSS

1 A Yes, ma'am.

2 Q Hadn't quite figured out what the truth is yet, have
3 you?

4 A Yes, ma'am.

5 MR. BARR: Objection, Your Honor, I don't think
6 that's a question.

7 ASSISTANT SOLICITOR BARR: Judge, I withdraw
8 the question.

9 THE COURT: The question is withdrawn. You may
10 step down.

11 Next witness.

12 MR. BARR: Your Honor, the Defense rests.

13 THE COURT: All right. Ladies and gentlemen,
14 you have heard the Defense's case. Any reply by the
15 State?

16 ASSISTANT SOLICITOR BARR: Judge, may we take
17 up a matter, approach the Bench. We don't have to take
18 the jury out. It's just a brief matter.

19 (WHEREUPON, counsel approached the Bench for an
20 off-the-record discussion.)

21 THE COURT: Ladies and gentlemen, the plan --
22 you heard all of the evidence and testimony in the case.
23 The plan is to hear closing arguments and have you all
24 deliberate in this case today; and the option is to not do
25 that today and to do it tomorrow. The plan is currently

1 THE COURT: All right. Mr. Barr.

2 MR. BARR: Thank you, Your Honor. Ms. Barr,
3 Your Honor, please the Court, ladies and gentlemen of the
4 jury, I'd like to again offer you my personal thanks and
5 to say thank you again on behalf of Ms. Allen throughout
6 this trial. And it's been difficult. You've been very
7 attentive and I think you went with us all the way on this
8 case. A lot of witnesses, a lot of discussions.
9 Ms. Barr, who is not my wife, jumped up a lot and we
10 fussed at each other a lot. And we're different. She did
11 a good job, and you know, I tried to do the best I can as
12 well. I'd like to from the outset say to you that this
13 has been a trial where the State has attempted to prove to
14 you that the hands of one should be considered the hands
15 of all. And to that I'd like to say, no, no, no, no, no.
16 When Ms. Allen was arrested in this case she was on her
17 job working to support her three younger children.
18 Ms. Allen has never fired a shot at anyone. She has never
19 joined a gang. She has never spent money that belonged to
20 a gang, drug dealers. She's never planned a robbery of
21 anyone. She is a working person. You saw her home. You
22 saw her car. I'd like for you to not have the State get
23 you to assume things that are not in evidence factually.
24 And I'll remind you that the State conducted a parade of
25 witnesses to establish location, evidence, and all of

1 these things. They put up one witness to talk about
2 whether or not my client ever jointly planned any of this.

3 The judge will give you the law and I'm gonna
4 ask you dearly to follow the law and the judge's
5 instruction in this case because, you know, if you follow
6 the bad actors then it's misleading. It's a question, you
7 know, who's the worst actor, and you know, who appears to
8 be the worst. At the very beginning of this case I asked
9 you to please look for the truth as you search for justice
10 in this case. Look for the facts. Now as you search for
11 the facts in this case I want you to consider the fact
12 that Ms. Allen probably may not be the best role model as
13 a parent, and she may very well have not kept up with
14 Ronald the way she should have. But I invite you to
15 consider that the Bradshaw household situation is the
16 same. And not only did they lose both of these children;
17 but this drug thing, we're losing that entire generation
18 of young people. And some of the things that you heard
19 are horrific. This is not your general case; this is not
20 your general scenario. But I invite you to not get lost
21 in the notion of bad actors. I ask you, I plead with you,
22 I implore you, to look for the elements of the crime that
23 my client is charged with. I ask you to look at the
24 format that she's being charged with.

25 The State wants you to believe that because

1 Kelvin Bowen and Ronald Mack may have shot Kenyon Dorsey,
2 that this all happened because my client didn't turn
3 around at South of the Border or this all happened because
4 my client didn't turn around at 261, and this all happened
5 because my client didn't say, oh, I'm not gonna drive you
6 there. The average life span of kids who get involved in
7 drugs at this age is less than 30 years of living. You're
8 talking about young people who are living, pledge to live
9 under a ridiculous code, and they don't know anything
10 about it.

11 Now my client may be guilty of not insisting on
12 driving in, pounding in his head, an alternative
13 lifestyle, an alternative way to make money, an
14 alternative way to take care of yourself. But now do we
15 want to say because you're not a model parent you're
16 guilty of killing and you're guilty of breaking into
17 someone's house and burglarizing them in the first degree
18 because you drove the car and it's your car? I don't
19 think so. We want to get to a point that we say that if
20 you're parked at the head of the road and you're driving
21 the car, then you made the decision to kick the door down,
22 you made the decision to shoot, you made the decision, you
23 made all of these decisions without proving the elements
24 of the crime.

25 You heard the lead detective in this case on

1 the witness stand admit, and she's the lead detective.
2 She talked to all ten people that they had statements from
3 and all the other people that were involved, and not a one
4 of them came here today and said, or yesterday, that my
5 client participated in planning. Now what they want to
6 say is, yes, she drove the car and she should have known.

7 Listen carefully as the judge gives you the
8 instructions on the law in this case. Your job is not to
9 find what my client should have done, but to find the
10 facts on what she actually did as relates to the specific
11 charges in the indictment. Now the indictment is one of
12 the things that's gonna go to the jury room with you; and
13 when you see the indictment involving conspiracy it'll
14 say, did she unite with, combine, together plan or
15 conspire to do a criminal act. And I asked Chief
16 Investigator Lail the same thing. Investigator Lail,
17 point to, just tell us in common layman's language what
18 you think my client did. And the response was, well, ever
19 since they left Maryland I think she could have done this
20 and I think she could have done this and it was her car
21 and she didn't have -- that's not what the statute says.
22 That's not what she's accused of and that's not what's
23 gonna be on the indictment.

24 Now I talked about the physical evidence only
25 because there's only one piece of physical evidence that

1 links the forensic evidence to the crime in this case.
2 And that's that shotgun. Now I've known Jeff Scott for a
3 long time, and I'm not going to stand here and tell you
4 that I believe Jeff Scott changed the shotgun or anything
5 like that. That would be ridiculous. But I'm telling you
6 that you heard the officers testify from Maryland that
7 shotgun was empty after they took that one shot. And all
8 of the things they said they did was security.

9 Now I'm asking you simply to conclude that it's
10 impossible for that shotgun to show up in Columbia with
11 four shots in it. Now some of you know this. Some of you
12 men probably hunt and no trouble at all to get those out
13 of that gun and push the safety off of it and they pop
14 out, one, two, three, four. Now that may not be crucial
15 in this case. But what is crucial is that I need you to
16 understand that the State has the burden of proving each
17 and every element of every offense charged in this case.

18 And they can put up witnesses, and they brought
19 a bunch of them. The judge will tell you that you have a
20 right to determine the credibility of witnesses; and by
21 that I mean the believability, whether or not you want to
22 believe what they say or how much weight you should put on
23 what they say, whether or not -- and it's the same thing
24 with the statements. I'm asking you to consider believing
25 whatever you want to believe about my client's so-called

1 admission. Why? Because they take her into the Sheriff's
2 Office and they tell her, okay, waive your rights to this,
3 waive your rights to that and waive your rights to that,
4 and sign. At that point she's being charged as an
5 accessory. Now the average layperson doesn't know whether
6 or not you're gonna get 5 years, 10 years, or 20 years for
7 a crime. She's afraid. So they get the detectives to
8 tell her, look, thus far you're just being charged with
9 accessory but now if you're not forthcoming we're gonna
10 charge you with murder. Now I think that's a threat. I
11 don't know whether you think it's a threat or not but you
12 get to decide. Nobody here is gonna decide that for you
13 but you.

14 Now was this statement given. If she spent the
15 first 24 pages lying or misleading or whatever and then
16 they threaten to charge her with murder and she's only
17 charged with accessory, was the statement given
18 voluntarily or was it given under duress? And is that
19 what Miranda is all about? You give a statement freely
20 and you sign that you're giving it freely. You waive your
21 right to an attorney to scrutinize what's being done and
22 then they threaten you. Now again, that may not be that
23 important in this case because even though it looks ugly
24 it may offend your sensibilities.

25 I think Ronald Mack told the truth. Now it's

1 not what you would expect from a 19 year old kid living in
2 America, one of the freest nations in the world, but this
3 is not your average case. This is not your average
4 situation. But I invite you to look beyond the situation
5 and find the actual facts of the case. Where did my
6 client conspire with, confederate with, unite with anybody
7 to plan any of this? There are four actors. There are
8 four actors. The Antonio McClary kid gets in the car
9 allegedly after Ms. Allen and Mr. Bowen gets here.
10 There's never any access to planning any of this so you
11 know Ms. Allen didn't plan anything with Anthony. You
12 heard the statement. From the time she heard that Kevin
13 Bowen had been in touch with her son it was, what is going
14 on with my son, why do we need to go to South Carolina,
15 what do y'all intend to do. And yes, at some point he
16 says, well, Ronald has said he's in trouble and I promised
17 him if he ever got in trouble I'd go help him, I'm making
18 good on that promise. And he's grown. She said, no, he's
19 not grown, tell me what's going on. Now the State wants
20 you to believe that because she didn't turn around in
21 North Carolina that makes her at fault for all of this.
22 That's not the rule.

23 Follow the facts and the rules as the judge
24 gives it to you, and he's gonna give it to you straight.
25 That's what I ask you to follow because my client is being

1 charged under the theory of the hands of one is the hand
2 of one, hand of all, accomplice liability. They never
3 tried to prove that she did any of this. They spent the
4 last two days trying to establish this was done. But now
5 they told you that four co-defendants. The other three
6 are not being tried in this case even though that's
7 predominantly what the trial was all about. But that's
8 not what's being tried here. My client is only
9 responsible for the bad acts of others if there was an
10 understanding. That's the part they never mention.
11 There's an agreement that you -- if any of us sought to
12 have an agreement in the law we call it a meeting of the
13 minds. If I'm gonna ask the court reporter to travel with
14 me down across the railroad track and go to the grocery
15 store and she thinks that I'm gonna take her in the other
16 direction and we're going to Hardees, we didn't make a
17 plan to go to the grocery store because I was proposing to
18 go to the grocery store and she thought we were going to
19 Hardees, there's no understanding about what we were gonna
20 do. And the only eyewitness to this, the only person who
21 was actually there other than the person who didn't make a
22 statement or Mr. Mack or my client, is Antonio McClary.
23 And I asked the chief investigator, do you have a
24 statement from Antonio McClary. And you heard
25 Antonio McClary, like most of the other people in this

1 case, what they sought to do was protect themselves. And
2 most of them gave two statements; and most of the
3 statements was, well, I didn't do it. Nobody wants to be
4 guilty of this kind of hideous crime. So for the most
5 part most of them gave inconsistent information. But the
6 question was, what did Antonio McClary say about this.
7 And Antonio McClary said, well, even up until the time we
8 got there and we're getting ready to go in the house, I
9 didn't know what these people were gonna do. So now where
10 is the common understanding about what we're gonna do,
11 where is the confederation among the coconspirators, and
12 that's what my indictment for my client says. There's
13 confederation among coconspirators about taking Kenyon
14 Dorsey's life. A beautiful young man, no reason for him
15 to die at 17. You saw the pictures. But we're on the
16 wrong track. And I hope that all of us are in a position
17 to try to change the direction; but because we lose this
18 child and we lose this other child, do we take that to
19 mean that we have to make up facts to make ourselves feel
20 good about it? I don't think so. I don't think so. I
21 think that if we look at the facts and circumstances of
22 this case, of the actual case, then the truth will speak
23 for itself.

24 I don't think Ms. Bradshaw saw a Kia Sportage
25 leaving Jaybird Lane that night. I think if she had she

1 would have told the investigator that same day. And I
2 asked her, Ms. Bradshaw, did you see the car? Yes, I did.
3 Or truck. When you were interviewed that same day by the
4 chief investigator did you say that? No. There's a lot
5 of excitement. There's a lot of anxiety. There's a lot
6 of judgment going on. Ms. Lail says about Ms. Allen,
7 wasn't she laughing, wasn't she giggling. You know, when
8 she was giving the statement what's funny, this is
9 strange. Mr. Hardee says, well, I went down to the house
10 on Jaybird Lane, [REDACTED] and I thought it was
11 strange that Mr. Dorsey is dead in the chair and they're
12 playing comedy, comedy central.

13 All of this may be strange, but let's not worry
14 about strange. Let's not worry about judging
15 personalities and emotions. I asked you at the beginning
16 of this trial, please don't substitute emotion and empathy
17 for knowledge and facts. And as we close I'm gonna ask
18 you that again. I want you to consider not the parade of
19 witnesses that the State has presented to you to show you
20 this fact circumstances, this fact circumstances, this
21 fact circumstances, stay with just Ms. Allen's case. Did
22 she conspire with anyone and did the State prove beyond a
23 reasonable doubt that she was a part of a plan, a
24 combination to do this, or did she make a series of bad
25 judgment that maybe none of you would know but under the

1 circumstances I'm worried about my son. And yes, and that
2 gang notion of what's justice and what's right, if you
3 take the gang's money they're supposed to kill you so I
4 want my son to live. Now that probably doesn't make sense
5 in Suburbia; but at the level that these kids are
6 operating, kill or be killed, that's strange. That young
7 man actually believes what he tells. That's what he
8 believes. May seem strange to you, but he believes that.
9 And he believes in protecting his mother and we all do.
10 And I don't think he was lieing. He said too many things
11 that wouldn't have been normally said to be lieing today.
12 Yes, the Solicitor is right when she said, well, you got
13 nothing to lose, you got fifty years to face and you got
14 nothing to lose but to be here trying to save your mother.
15 Probably the same thing that any of us would be doing, but
16 now, try to find the truth. And I think if we look for
17 the truth he admitted that they did the shooting.

18 And you sat here through the week and listened
19 to the pathologist and all the other. It's just as he
20 said it was. Three shootings with three wounds.
21 Everything was just as he said it was. Now I almost fell
22 off the chair when he said if mom had been there she would
23 have died too. Honesty he wasn't required to give but
24 that's where his head is, okay. That's the rule of the
25 gang. You don't leave witnesses. She would have been a

1 witness. That's what his thinking is. But now does that
2 make his mother guilty for his safety? I don't think so.
3 I don't think so. And I don't think we're hard pressed to
4 get a pound of flesh out of his mother to make this okay.
5 This is never gonna be okay. Ms. Bradshaw will not sleep
6 at night for a long time because of the loss of her son.
7 And this is never gonna be just -- she might find a
8 peaceful spot in life that she can go on, but this is
9 never gonna be okay. Ms. Allen, this kid is 19 now. And
10 50 years, he's lost her. She's never gonna be okay.
11 We're not gonna fix this with any kind of verdict, but
12 that does not remove the responsibility of trying to find
13 the truth here. And the truth is on the issue of the
14 willful, the felonious, willful killing of another person
15 with malice aforethought with intent, the State didn't
16 prove that against this lady. I don't think it was ever
17 their intention. I think they stacked it up real high and
18 get the emotions going and there's nothing else left after
19 such a brutal kill. No, no, that's why the jury of peers
20 are here. That's why we want a jury trial because I think
21 you can find the truth in this. I think you can find
22 justice in this. And justice in this is to not say that
23 she did what they did simply because she drove the car,
24 and I'll ask you to bring back a verdict that says not
25 guilty. Thank you.

1 THE COURT: Let's stand for just a moment or
2 two.

3 Ms. Barr.

4 ASSISTANT SOLICITOR BARR: Thank you, Your
5 Honor, may it please the Court.

6 THE COURT: Yes.

7 ASSISTANT SOLICITOR BARR: Mr. Barr,
8 Mr. Harvin, Mr. Foreman, ladies and gentlemen of the jury,
9 good afternoon. You all have been on a journey with us,
10 and both I know it's been a tough journey. You all have
11 had this case for three days. I've had it for over 13
12 months. And I can tell you having had it for 13 months,
13 doing it doesn't get any better. As you can well imagine
14 the criminal case there's not a whole lot the prosecution
15 -- a prosecutor and a defense lawyer can agree on. That's
16 why we're here. That's why we have a trial; that's why we
17 need you. But there's one thing that we can agree on in
18 this case is that we want you to look for truth and facts
19 and stand for justice. Now obviously you can't do that
20 and find in both our favors. Somebody has to win and
21 somebody has to lose. But folks, in this case we submit
22 that it's clear that the defendant is guilty of the
23 offenses that she's charged.

24 One of the things that is troubling about this
25 case, I'm -- I like to fancy myself a logical person. And

1 in every case I prosecute, I've been a prosecutor for 11
2 years. In every case I've prosecuted the human part of me
3 always wants to be able to try to figure out why, why did
4 this happen, how did this happen, who would do this? When
5 I first opened this file up last year I answered -- I
6 asked myself those questions, and I didn't have an answer.
7 And folks, over a year later I stand here before you; and
8 when I was thinking about preparing my closing argument
9 last night and I'm up here talking with you right now, I
10 still don't have an answer. I can't wrap myself around
11 and reconcile the notion in my mind that somebody would be
12 involved in a crime like this. And so in struggling with
13 it it's okay, you're not by yourself. And finally I think
14 I recognize and I accept, well, Kim, there's just not some
15 things you don't understand. Some things in life there's
16 no answer for. There are some things in life where you
17 can't explain it, there's no reason.

18 Folks, you know, there's just evil out there in
19 the world. There are people who would rather shoot you
20 dead and can walk away with it and be fine with it. And
21 we don't have to understand it; it's not our lifestyle.
22 It's not our role; it's not how we live. We don't have to
23 understand it. And the beauty about the jury system is
24 nobody is asking you all to understand it. Nobody is
25 asking you to go back and say, well you know, before I can

1 find this lady guilty, you know, y'all got to show me why
2 she would do that and y'all got to show me, y'all got to
3 help me understand and make sense of it. He's right. Mr.
4 Barr is absolutely right. It's never going to be okay.
5 You're never gonna make sense of it.

6 I think about when I was a kid and I was
7 growing up in the '70s and '80s. I remember going to
8 school. And I remember kids in my class, they had little
9 disagreements and they got into argument and they got into
10 fistfight. And sometimes, most times, shoot, by the next
11 day or even sometimes, you know, later on that same day
12 they're friends again. That's how things used to be. It
13 used to be that when two friends got into an argument or
14 disagreement and it escalated to a physical fight,
15 somebody may have walked away with a bruised cheek,
16 somebody may have walked away with a bruised ego; but the
17 point of the matter is, you walked away. These people
18 live by completely different set of rules than we do.
19 This lifestyle that they have got going on, it's foreign.
20 They're not like us. When you disrespect me or you fight
21 me you threaten my honor, you threaten me. So I don't
22 handle you by punching you back. I submit to you that
23 Kenyon kicked his butt; that's why he was so mad at him.
24 Because usually now the person who looses the fight is not
25 the one who still holding the grudge. But instead of him

1 just saying, hey, it's not even worth it, he had to show
2 Kenyon, you can't disrespect me, I'm a gangster. And
3 that's what all of this is about, these people in these
4 gangs, Bloods. They have different set of rules.

5 Folks, there's no honor, there's no dignity, no
6 respect, about sneaking in a man's house in the middle of
7 the night and shooting him while he's asleep. But the
8 beautiful thing about our justice system is our courtroom
9 is a place of peace and it's a place of justice. We
10 handle disputes differently. We abide by the law. I
11 think about the choices that Ms. Allen made, all of the
12 many choices she made in this case. You know, when you've
13 got 16 and 17 year old boys, boys are gonna be hard
14 headed, think they know everything, and that's really kind
15 of where the influence of a parent comes in. It really
16 is. It's not a case about a bad parent. It's not illegal
17 to be a bad parent in most instances. But you know,
18 there's an opportunity for a young man who holds his
19 mother in high regard to be influenced by her, good or
20 bad. And I think about how she had the ability to
21 influence him to do right rather than wrong, to obey the
22 law rather than break it, and to respect life rather than
23 take it. All those opportunities she had and she chose
24 the exact opposite.

25 You know, when her son talked to her and said,

1 I've got a problem with Kenyon, once she's driving down
2 I-95 coming from Maryland, had dawned on her at some point
3 during that drive, if you believe her statement, she
4 realizes at some point I think she said she got to
5 Florence she realized he's going to kill Kenyon. Not, not
6 when her son called and said I need some help, not as
7 Callie is holding up the 9-millimeter and shotgun, not as
8 Callie is telling her, yeah, we have a situation, we need
9 to handle this situation with Ronald. Just magically, the
10 light goes off at some point when they get to Florence. I
11 wonder why the idea didn't pop into her head, well, you
12 know Ronald, you got a problem with Kenyon, let me just
13 bring you up here to Maryland, you stay with me, you don't
14 have to worry about it. I wonder if he had a problem with
15 Kenyon. Why didn't she just say your dad lives down in
16 South Carolina, you go talk to your dad, you go stay with
17 him till we get all this straightened out. Wonder why the
18 idea never popped into her head to say, well, what's
19 Kenyon's mom's name, let me call her and say, ma'am, I
20 don't know what the deal is with your son, my son, but I
21 think we need to talk this out woman to woman. I wonder
22 why it never dawned on her to say, if Kenyon did something
23 to you, assault you, you call the police.

24 Ms. Allen, I hope she never have to suffer pain
25 that you have allowed your child and your friend to. I

1 pray to God that never happens. And I think that
2 Ms. Bradshaw, I think she's a religious woman. I think
3 you all got that. I think she would probably share that
4 with you. When we look at this trial, folks, you will
5 be -- some of you came a little early. Y'all been here
6 six-and-a-half hours. Do y'all realize that this entire
7 time y'all were sitting here today, that's the time
8 Tawanda Allen had to think about what she was doing
9 because it took six, seven hours to get to Maryland. Can
10 you imagine how cold and calculated a person has to be to
11 sit there and have this brewing in the back of your mind
12 for six and seven hours and it not dawn on them at one
13 point it might not be such a good idea, something to do.
14 While I listened to her statement it sent chills down my
15 spine to hear her talk. She's talking as if she was
16 talking about ordering a hamburger. No emotion, no tears,
17 no fears. Sometimes, you know, we get people who commit
18 heinous crimes. You expect them to at least show emotion
19 when they get caught and they're looking at jail time.
20 She didn't show emotion at the prospect. Mr. Barr wants
21 you to believe she was afraid. Did she sound afraid on
22 that tape? It was at one point she was giggling because
23 she was talking about how Antonio McClary had wrapped his
24 face up with the clothes. She's giggling.
25 Mr. Barr would have you to believe that, well,

1 you all can't convict her because she didn't fire the gun
2 and you all can't convict her because she didn't go in the
3 house. I say he's dead wrong on that. I say he's clearly
4 wrong on that. When she realized that they were going
5 there to kill Kenyon she had a couple of choices. I'm not
6 suggesting this to you, you know, presence, the mere
7 presence without knowledge that a crime is going to be
8 committed, it's not enough to convict somebody. I'd be
9 the first to agree with you and the -- if she just
10 happened to be driving that car and thought they were
11 going to Kenyon's house for her son to pick up his clothes
12 and then a murder went down, folks, we wouldn't be here on
13 her case. We wouldn't been here. But it's not just that
14 she knew, it's that she knew and she did some things to
15 help and that's what makes her guilty.

16 You see, all these folks had their little roles
17 in this scheme, all of them. Let me tell you, I would
18 submit to you that she played her role to the hilt. The
19 reality is, if Callie didn't bring the weapon from
20 Maryland Kenyon would be alive right now. See, Kenyon --
21 Callie didn't have a vehicle; he didn't have a license.
22 We heard that Ronald didn't have a vehicle 'cause he used
23 to catch a ride with Kenyon all the time. He didn't have
24 a way to get there. So when you know that a murder is
25 about to be committed and you offer yourself to be the

1 driver, you're just as guilty as the person who fired the
2 shot. She picks them up, takes them to that child's
3 house. Here's how she continues her role. Her
4 co-defendant said, well, you know, we're gonna get out the
5 house. They arm themselves with weapons. She's smart
6 enough, cold enough, she's calculating enough to turn the
7 car around to face out the lane, and she turns her lights
8 off. Why do y'all think she did that? Come on now. So
9 nobody would see her. It's 2:00 in the morning. And if
10 anybody did, what was her job? If anybody came along,
11 what was her job? You don't think she would have honked
12 the horn or flipped the lights on to alert her
13 co-defendants what was going on? She did her job very
14 well. Then when they come out after having killed this
15 child her son gets back in the car. She says, so son, you
16 okay? And he says, yeah, mom, lovely, just lovely. She
17 says how's school, and they're talking just as nonchalant
18 as if it doesn't matter what they have just done.

19 Now let me tell you this, I would submit to you
20 that when you're conspiring with somebody to murder
21 another individual, two people are most important, two
22 people, the person with the gun, the person with the
23 vehicle. Because you're not going to scheme and plan and
24 break into somebody's house and rob them, kill them, not
25 rob them, kill them, if you don't have the way to get in

1 and get back. The whole notion of committing a murder is
2 to get away with it. Well, how are they going to get
3 away? She's going to take them away. I would submit she
4 did a better job playing her role than they did playing
5 their role. Let me tell you why I say that. Ronald
6 didn't do his homework. You see, Ronald didn't think that
7 Annette was going to be there. That was oversight. You
8 know, sometimes these kids got on there and he's just as
9 cocky, just as arrogant, sometimes you'd be a little too
10 cocky, too arrogant for own good. And he gets up, I got a
11 call, I knew he was there and I knew his mom's truck
12 wasn't there so I knew she wouldn't be home and he was
13 there at the house. He knew his mom worked nights
14 sometimes. And I remember the testimony of Ms. Bradshaw
15 when she talked about how something in my spirit just told
16 me to stay home that night. She wasn't supposed to be
17 home. Folks, that's divine intervention. She just wasn't
18 supposed to be there. Not only was she at home when -- at
19 the time when she was supposed to be at work, her truck
20 wasn't there. I believe for whatever reason God meant her
21 to be there for her son, for whatever reason. But see,
22 Ronald didn't know that. He assured Callie, the mother is
23 not there. I would submit to you that there's something
24 right here in Annette's gut, and it's called mother's
25 intuition, that kept her home with her child that night.

1 And even though he was killed and surrounded by hate and
2 violence and evil, he was still nonetheless surrounded by
3 his mother's love just a few feet away from him. He was
4 still loved when he left this earth. And even though the
5 sound of bullets and shotgun shells being fired and
6 entered into his body and leaving his body, he still,
7 nonetheless, the last sound that he heard was the loving
8 words of his concerned mother said, all right, we're going
9 to church in the morning. If there is a saving grace at
10 all that can be found in this case is that he never knew
11 what hit him. He did not suffer. If there's anything
12 good that can be found in that I think that brings her son
13 peace.

14 Now you have three charges to consider:
15 Murder, conspiracy, and burglary. Oftentimes we're -- we
16 don't have the benefit of knowing directly why a person
17 was murdered. Oftentimes we just have a body and we have
18 to kind of go back through evidence and kind of determine
19 what the motive was or what the intent was. Here we know.
20 There can be no doubt what the intent was, was to kill
21 him, wasn't anything else. Wasn't to rob him, wasn't to
22 rough him up. They went there and with almost precision
23 they shot him and they left the house. But see, and
24 that's why I say it had to be some sort of divine
25 intervention, because when she was there I would submit to

1 you that the sound of a shotgun going off is what she
2 thought was firecrackers and woke her up and she got out.
3 Before she left her room she heard footsteps in her house.
4 She goes and sees the television on. Now I differ with my
5 counsel. I don't think she ever said she turned it off.
6 She said went to go turn it off and saw the blood on the
7 wall by her son, and she looked there and thought her son
8 was sleeping and she looked closer and she realized that
9 he had been shot. And so instantly she runs from the
10 house and runs to her mother's house. But she's
11 panicking; she's in shock. And so when she's running she
12 looks behind her. She kept looking behind her to see if
13 anybody was coming behind her. What does she see? A dark
14 colored SUV, the only vehicle at the scene at 2:00 in the
15 morning. And just so much of a coincidence the defendant
16 driving a dark colored SUV. She wasn't supposed to see
17 that.

18 Folks, if this isn't divine intervention I
19 don't know what it is. Because, see, if their plan had
20 went out exactly the way they wanted it Annette wouldn't
21 have been in the house, this murder would have happened at
22 2:20. By then mom and Callie would have been all the way
23 back to Maryland. Police officers would have just -- they
24 would have had a six hour lead in effect because the case
25 would just -- it wouldn't have been discovered until the

1 mom got off work at 8:00. And God, if that woman had
2 walked in from work and saw her son lying in that chair.
3 But see, things happen for a reason. She was supposed to
4 be there because she was supposed to be here to testify as
5 to what happened to her child.

6 It's amazing to me how defense counsel argues
7 to you that she can't be guilty. That's amazing to me.
8 And you know, there is a principle called accomplice
9 liability. It talks about the hand of one is the hand of
10 all. He's absolutely right about that, and the Judge is
11 going to tell to you about that in a minute. It was all
12 right back on April 5th of 2009 when Tawanda Allen joined
13 her hand with Kelvin Bowen and joined her hand with Ronald
14 Mack and joined her hand with Antonio McClary to go to
15 this woman's house and kill her son. That was fine. She
16 was walking hand in hand with them. Then but now we're in
17 court, we're talking about the hand of one is hand of all,
18 oh, she don't want the hand no more, huh-uh, huh-uh, I
19 don't want to have anything to do with that. Can't have
20 your cake and eat it too. You cannot have your cake and
21 eat it too. When you are aware that a crime is going to
22 be committed and you voluntarily do things to further that
23 crime, you are guilty, as guilty as the person who
24 actually commits the crime. The law is clear about that.
25 There are no ifs, ands, or buts.

1 And folks, some of you may say, well, Ms. Barr,
2 tell me now, she was originally charged with accessory
3 before the fact, you all indicted her, the solicitor's
4 office had the grand jury to indict her for murder, why
5 the change? Well, the officer told you about that. There
6 are decisions that are made at the time the arrest warrant
7 is signed and there are decisions that are made by the
8 solicitor subsequent to the signing of the warrant. And
9 she also told you there's no difference in penalty between
10 the accessory before the fact of murder and murder itself.
11 There's no difference. And folks, I would submit to you
12 that in order to be convicted of accessory we'd have to
13 show that she wasn't there. And she was there. She was
14 the driver. She was at the scene. So I would submit to
15 you that the appropriate charge is what we have before you
16 for your consideration. That's murder, burglary, and
17 conspiracy.

18 It's funny that they called Ronald Mack to be a
19 witness. He's gone. There's no hope for him. He's
20 basically just forfeited his life. He's -- there's
21 nothing that can be done for him. He's decided that on
22 his own. It's too late for him. But in his mind it's not
23 too late for him to save his mother. And he said very
24 clearly in his statement back to the police and he said
25 very clearly here today in court, do anything for my

1 mother, if I can help her I'm gonna help her. And that
2 was his job today. His job was to help his mom. So of
3 course he's gonna say, well goodness, she was there, at
4 least she already admitted she was there, I'm gonna say
5 she didn't know about it. So Mr. Mack, would it surprise
6 you to know that she admitted to knowing about it? He's
7 sitting there looking stupid. You don't have to believe
8 him. You don't have to believe anybody else in this
9 courtroom, but I tell you who you should believe and
10 that's Tawanda Allen. You should believe her because,
11 folks, I don't care what anybody tells me, if somebody is
12 accusing me of being involved in a murder there is nothing
13 you can say to get me to say I was there, I knew about it,
14 and I helped drive the people to the scene and take them
15 away. You know why she said that? Not because she was
16 afraid or threatened. She said it because she was telling
17 the truth. That's the disturbing part. She just simply
18 said it because she was telling the truth.

19 I'm gonna address this one point about this
20 gang allegation and then I'll let it go. It's so easy to
21 put words in a deceased victim's mouth and to put actions
22 on a deceased victim when he's not here to defend himself
23 and defend his name. Ronald Mack can get up here and say
24 anything about this child Kenyon Dorsey, and there's not a
25 whole lot I can say to refute it because thanks to him I

1 don't have a victim here in court. But let me just
2 suggest this to you, if we truly believe that Kenyon was a
3 part of this gang and if we truly believe that Ronald Mack
4 felt like his life was threatened so he killed him before
5 he kills me, isn't it curious, folks, that if he believed
6 that Kenyon had somebody out to hurt him, how come he's
7 still here. I mean, he said somebody attempted to shoot
8 him somewhere in Conway. You mean to tell me if Kenyon is
9 in this big time gang like he's talking about his friends
10 didn't come after Ronald? Come on now, if they tried to
11 come after him before he killed Kenyon don't you think
12 that provides a motive even more so for them to come out
13 there? That's a bunch of foolishness. That was told to
14 you solely for the purpose of trying to make you dislike
15 and discredit the victim and favor him and provide a
16 reason for what they did, and that's what all that was
17 about.

18 Now I don't care about gangs. I don't -- I
19 guess maybe he wanted to impress somebody with all that
20 foolishness. I don't care about them. I care about
21 justice. I care about doing what's right. He talks about
22 the rules and regulations of the Bloods. Folks, I need
23 you all to show him the rules and regulations of
24 Williamsburg County, South Carolina. If this case does
25 not scream out for justice no case ever will. Mr.

1 Foreman, ladies and gentlemen of the jury, you ever heard
2 the saying a pen is mightier than the sword. You all very
3 shortly will have an opportunity to go back there and
4 deliberate. Somebody is going to give you a pen. And
5 when they give you a pen they're gonna give you a piece of
6 paper; that's the verdict card. And on that verdict card
7 the judge is going to ask you to consider each charge and
8 you have to consider whether the defendant is guilty or
9 not guilty on each charge. And you get an opportunity to
10 write your verdict and sign it on that piece of paper.

11 Sirs and ma'ams, when you all get that pen let's show that
12 the pen is mightier than any shotgun and any 9-millimeter.
13 You all find her guilty. Thank you all so much.

14 THE COURT: Mr. Foreman, members of the jury,
15 you've heard the testimony and evidence and arguments of
16 the State and the Defendant. I will now explain to you
17 the law that applies to this case. Under the constitution
18 and laws of South Carolina you are the finders of the
19 facts in this case. I do not have the right to pass upon
20 them or even to express any opinion I might have as to
21 them. This is a matter solely for you, the jury, to
22 determine. And as jurors then it is your duty to
23 determine the effect, the value, the weight, and the truth
24 of the evidence presented during this trial. You are also
25 the judges, the sole judges of the credibility; that is,

1 the believability of the witnesses who have testified in
2 this case. And in passing upon their credibility you may
3 take into consideration many things such as the manner or
4 demeanor of testifying, whether the witness had reason to
5 be biased or prejudiced, whether a witness' testimony was
6 contradicted on the one hand or supported and corroborated
7 on the other hand. You may believe a small portion of a
8 witness' testimony and disregard the larger, or vice
9 versa. You may believe one witness against many or many
10 against one. All these things you will consider bearing
11 in mind that you should give the defendant the benefit of
12 any reasonable doubt. It becomes your duty as jurors to
13 analyze and evaluate the evidence and determine that
14 evidence which convinces you of its truth.

15 Now the rules of evidence ordinarily do not
16 permit witnesses to testify as to opinions or conclusions.
17 An exception to this rule exists for witnesses we call
18 expert witnesses. A witness who by education and
19 experience has become expert in some art, science, or
20 calling, or profession, may state an opinion as to
21 relevant and material matter in which the witness claims
22 to be an expert and may also state the reasons for the
23 opinion. You should consider any expert opinion received
24 in evidence in this case and like any other evidence give
25 it the weight you think it deserves. If you decide that

1 the opinion of an expert witness is not based on
2 sufficient education and experience, or if you conclude
3 that the reasons given in support of the opinion are not
4 sound or that the opinion is outweighed by other evidence,
5 you may disregard the opinion entirely. An expert
6 witness' testimony is to be given no greater weight than
7 that of other witnesses simply because the witness is an
8 expert witness. Further, you're not required to accept an
9 expert's opinion even though it is not contradicted.

10 A person who has a past criminal record is
11 competent to testify during a trial. A past record does
12 not affect the ability of that witness to testify. The
13 past record may only be considered by you, if at all, in
14 determining the witness' believability. Remember, you are
15 the sole judges of the facts in the case and of the
16 credibility and believability of any and all of the
17 witnesses.

18 A statement alleged to have been given by the
19 defendant has been admitted into evidence in this case.
20 While the Court has determined that the statement is
21 admissible, I instruct you that you make the ultimate
22 decision of whether or not the defendant made the
23 statement. If the defendant did make the statement you
24 must determine whether the statement was made by the
25 defendant voluntarily and of her own free will. This

1 means that the statement was not caused by pressure,
2 force, fear, threats, coercion, or intimidation, or by
3 hope or a promise of leniency or a reward of any kind. In
4 determining whether the statement was voluntary you should
5 consider both the characteristics of the defendant and the
6 details of the questioning. Some of the factors that you
7 must consider are the age of the defendant, the
8 defendant's education or lack of education, the
9 defendant's mental ability or capacity, the defendant's IQ
10 or intelligence, the defendant's background and
11 environment, the place and length of detention, the nature
12 of the questioning, and the cons-- and the advice or lack
13 thereof, to the defendant of her constitutional rights,
14 including but not limited to, the right to remain silent;
15 that any statement could be used against her in a court of
16 law; the right to have a lawyer present; and if she could
17 not afford a lawyer a lawyer would be appointed to
18 represent her without any cost; and that she could stop
19 making a statement at any time.

20 You must carefully -- you must carefully
21 consider all the surrounding circumstances before you give
22 any weight to an alleged statement. The State has the
23 burden of proving beyond a reasonable doubt that the
24 alleged statement was voluntary. If you determine it was,
25 you may give the statement any further consideration that

1 means that the statement was not caused by pressure,
2 force, fear, threats, coercion, or intimidation, or by
3 hope or a promise of leniency or a reward of any kind. In
4 determining whether the statement was voluntary you should
5 consider both the characteristics of the defendant and the
6 details of the questioning. Some of the factors that you
7 must consider are the age of the defendant, the
8 defendant's education or lack of education, the
9 defendant's mental ability or capacity, the defendant's IQ
10 or intelligence, the defendant's background and
11 environment, the place and length of detention, the nature
12 of the questioning, and the cons-- and the advice or lack
13 thereof, to the defendant of her constitutional rights,
14 including but not limited to, the right to remain silent;
15 that any statement could be used against her in a court of
16 law; the right to have a lawyer present; and if she could
17 not afford a lawyer a lawyer would be appointed to
18 represent her without any cost; and that she could stop
19 making a statement at any time.

20 You must carefully -- you must carefully
21 consider all the surrounding circumstances before you give
22 any weight to an alleged statement. The State has the
23 burden of proving beyond a reasonable doubt that the
24 alleged statement was voluntary. If you determine it was,
25 you may give the statement any further consideration that

1 you deem proper. If you decide -- you must decide what
2 weight, if any, should be given to the alleged statement.
3 If you determine the alleged statement was not the free
4 and voluntary statement of the defendant, you should not
5 consider the statement at all.

6 Now there are two types of evidence which are
7 generally presented during a trial, direct evidence and
8 circumstantial evidence. Direct evidence is the testimony
9 of a person who claims to have actual knowledge of a fact,
10 such as an eyewitness. It is evidence which immediately
11 establishes the main fact to be proved. Circumstantial
12 evidence is proof of a chain of facts and circumstances
13 indicating the existence of a fact. It is evidence which
14 immediately establishes collateral facts in which the main
15 fact may be inferred. Circumstantial evidence is based on
16 inference and not on personal knowledge or observation.
17 The law makes absolutely no distinction between the weight
18 or value to be given either direct or circumstantial
19 evidence. Nor is a greater degree of certainty required
20 of circumstantial evidence than of direct evidence. You
21 should weigh all of the evidence in the case. After
22 weighing all of the evidence, if you are not convinced of
23 the guilt of the defendant beyond a reasonable doubt you
24 must find the defendant not guilty.

25 As the trial judge it is my responsibility to

1 preside over the trial of this case, and I also have the
2 duty to rule upon or pass upon the admissibility of the
3 evidence offered during the trial. You are to consider
4 only the testimony which has been presented from this
5 witness stand, together with any exhibits which have been
6 made a part of the record in this case and any
7 stipulations of counsel made into the record. I have the
8 additional duty to charge you the law applicable to this
9 case, and as the presiding judge I am the sole judge of
10 the law of this case. It is your duty as jurors to accept
11 and apply the law as I now state it to you and then reach
12 your verdict.

13 And finally, I charge you in this regard, that
14 you should not be concerned with what you think the law
15 ought to be but what I charge you the law is. Now the
16 fact that the defendant was arrested, charged, and
17 indicted in this case is not evidence in this case and
18 cannot be considered by you as evidence of guilt in this
19 case; nor does it create any presumption of innocence or
20 inference of guilt. This indictment is simply the formal
21 written instrument which contains the charges made against
22 the defendant. The indictment is the formal document by
23 which this case is brought into this court. The defendant
24 has pled not guilty to each charge in this indictment, and
25 that plea puts the burden on the State to prove the

1 defendant guilty. A person charged with committing a
2 criminal offense in South Carolina is never required to
3 prove herself innocent. I charge you that it is an
4 important rule of the law that the defendant in a criminal
5 trial, no matter what the seriousness of the charge will
6 be or may be, will always be presumed to be innocent of
7 the crime for which the indictment was issued unless guilt
8 has been proven by evidence satisfying you of that guilt
9 beyond a reasonable doubt.

10 And this presumption of innocence does not end
11 when you begin your deliberations, but it accompanies the
12 defendant throughout the trial until you reach a verdict
13 of guilt based on evidence satisfying you of that guilt
14 beyond a reasonable doubt. The presumption of innocence
15 is like a robe of righteousness placed about the shoulders
16 of the defendant which remains with the defendant until it
17 has been stripped from the defendant by evidence
18 satisfying you of the defendant's guilt beyond a
19 reasonable doubt. The presumption of innocence is not a
20 mere legal theory; it's not just a legal phrase. It is a
21 substantial right to which every defendant is entitled
22 unless you, the jury, are satisfied from the evidence of
23 the defendant's guilt beyond a reasonable doubt. The
24 State must prove the defendant guilty beyond a reasonable
25 doubt.

1 What is a reasonable doubt in the law? A
2 reasonable doubt is a doubt which makes an honest,
3 sincere, conscientious juror in search of the truth to
4 hesitate to act. Proof beyond a reasonable doubt must
5 therefore be proof of such a convincing character that a
6 reasonable person would not hesitate to rely and act upon
7 it in the most important of his or her own affairs. Proof
8 beyond a reasonable doubt can also be described as proof
9 that leaves you firmly convinced of the defendant's guilt.
10 Now there are very few things in this world that we know
11 with absolute certainty, and in criminal cases the law
12 does not require proof that overcomes every possible
13 doubt. If based on your consideration of the evidence you
14 are firmly convinced that the defendant is guilty, then
15 you must find the defendant guilty. If on the other hand
16 you think there is a real possibility that she is not
17 guilty, you must then give her the benefit of the doubt
18 and find her not guilty.

19 Now I instruct you and emphasize that the fact
20 that the defendant did not testify is not a factor to be
21 considered by you in any way in your deliberations and in
22 your consideration on the question of the guilt or the
23 innocence of the defendant. It must not be considered by
24 you in any manner whatsoever. A defendant has the
25 constitutional right to remain silent and the assertion of

1 this right must not be considered by you in your
2 deliberations. So I repeat, under your oath you are to
3 draw no conclusions whatsoever from the fact that the
4 defendant in this case did not testify. The fact that
5 this defendant did not testify should not even be
6 discussed in the jury room. The burden of proof, as I
7 have stated to you, is on the State. The defendant is not
8 required to prove her innocence. The burden of proof
9 remains on the State to prove guilt beyond a reasonable
10 doubt.

11 The defendant is charged with murder. The
12 State must prove beyond a reasonable doubt that the
13 defendant killed another person with malice aforethought.
14 Malice is hatred or ill will or hostility towards another
15 person. It is the intentional doing of a wrongful act
16 without just cause or excuse and with an intent to inflict
17 an injury or under circumstances that the law will infer
18 an evil intent. Now malice aforethought does not require
19 that malice exists for any particular time before the act
20 is committed, but malice must exist in the mind of the
21 defendant just before and at the time of the act that the
22 act is committed. Therefore, there must be a combination
23 of a previous evil intent in the act. Malice aforethought
24 may be expressed or inferred. These terms, expressed and
25 inferred, do not mean different kind kinds of malice but

1 particularly the manner in which malice may be shown to
2 exist. That is, either by direct evidence or by
3 inferences or inference from the facts and circumstances
4 which are proved. Expressed malice is shown when a person
5 speaks words which express hatred or ill will for another
6 person or when the person prepared beforehand to do the
7 act which was later accomplished, for example, lying in
8 wait for a person or any other acts of preparation going
9 to show that the deed was within the defendant's mind
10 would be expressed malice.

11 Malice may be inferred from conduct showing a
12 total disregard for human life. Inferred malice may also
13 arise when the the deed is done with a deadly weapon. A
14 deadly weapon is any article, instrument, or substance
15 which is likely to cause death or great bodily injury.
16 Whether an instrument has been used as a deadly weapon
17 depends on the facts and circumstances of each case.

18 The defendant is charged with first degree
19 burglary. The State must prove beyond a reasonable doubt
20 that the defendant entered a dwelling without consent. A
21 dwelling is any building or portion of a building which
22 is -- which a person ordinarily sleeps. In order to prove
23 that the defendant entered the dwelling the State does not
24 have to show that the defendant's entire body entered the
25 dwelling; a smallest entry is sufficient. In addition,

1 the State does not have to prove that force was used to
2 gain entry. Next the State must prove beyond a reasonable
3 doubt that the defendant intended to commit a crime either
4 a felony or a misdemeanor at the time of the entry. The
5 mere entry into a dwelling without consent is not
6 burglary. If the intent to commit a crime is formed after
7 the entry it is not burglary. Intent may be shown by acts
8 in conduct of a defendant and other circumstances from
9 which you may naturally and reasonably infer intent.

10 Finally, the State must prove beyond a
11 reasonable doubt that when entering -- while in the
12 dwelling or when fleeing the defendant or an accomplice
13 was armed with a deadly weapon. A deadly weapon is any
14 instrument which is likely to cause death or great bodily
15 harm. When entering while in the dwelling or when fleeing
16 the defendant or an accomplice cause physical injury to
17 anyone not participating in the crime, when entering or in
18 the dwelling or when fleeing the defendant or an
19 accomplice used or threatened to use a dangerous object,
20 when entering while in the dwelling or when fleeing the
21 defendant or accomplice displayed what was or appeared to
22 be, a pistol, rifle, or a firearm, or the defendant
23 entered or remained in the dwelling in the nighttime.
24 Nighttime is the period between sunset and sunrise during
25 which there's not enough daylight to recognize a person's

1 face except by artificial light or moon light.

2 Now if a crime is committed by two or more
3 people who are acting together in committing a crime the
4 act of one is the act of all. A person who joins with
5 another to commit an unlawful act is criminally
6 responsible for everything done by the other person which
7 happens as a probable or natural consequence of the acts
8 done in carrying out the common plan and purpose. For
9 example, two people can be guilty of killing another
10 person when only one of the two had a gun, there is only
11 one bullet and only one of the two fired the shot that
12 caused the death. If two or more people are acting
13 together, two or more people are together, acting
14 together, assisting each other in committing the offense,
15 the act of one is the act of all, or as it is sometimes
16 said, the hand of one is the hand of all.

17 Prior knowledge that a crime is going to be
18 committed without more is not sufficient to make a person
19 guilty of that crime. Mere knowledge that another person
20 is going to commit a crime even if the defendant is
21 present when the crime is committed, is not sufficient to
22 convict the defendant as a principal. Guilt as a
23 principal is shown by actual or constructive presence at
24 the scene as result of a prior arrangement. Therefore, a
25 finding of a prior arranged plan or common scheme is

1 necessary for a finding of guilt as a principal. The
2 State must prove beyond a reasonable doubt by competent
3 evidence the theory of the hand of one is the hand of all.
4 A principal in a crime is one who either actually commits
5 the crime or who is present aiding, abetting, or assisting
6 in committing the crime. When a person does an act in the
7 presence of and with the assistance of another, the act is
8 done by both. Where two or more acting with a common plan
9 or intent are present at the commission of a crime, it
10 does not matter who actually commits the crime, all are
11 guilty. The hand of one is the hand of all.

12 Present at the commission of a crime means to
13 be sufficiently near, to aid and abet and assist in the
14 commission of the crime. However, mere presence at the
15 scene of a crime is not sufficient to convict one as a
16 principal on the theory of aiding and abetting. Intent is
17 also a necessary element. There must have been a common
18 design or intent to commit the crime or crimes, and the
19 crime or crimes must have been committed pursuant thereto
20 with a person aiding and abetting by some overt act.
21 Intent means intending the result which actually occurred
22 that is not accidentally or involuntary. Intent may be
23 shown by acts and conduct of the defendant and other
24 circumstances from which you may naturally and reasonably
25 infer intent. The State must prove these elements beyond

1 a reasonable doubt. A person who was present at the scene
2 of a crime and intentionally or through a common plan
3 aided, abetted, or assisted in the commission of that
4 crime through some overt act is guilty as an accomplice.
5 To be liable as an accomplice the defendant must have
6 knowledge of the principal's criminal conduct. Mere
7 presence at the scene of the crime is not sufficient to
8 establish guilt as an accomplice. The person may be
9 constructively present at the commission of a crime even
10 though the person is some distance away from the actual
11 scene if it is shown beyond a reasonable doubt that the
12 person played a role in the commission of the crime as a
13 result of some prior arrangement.

14 The defendant is charged with conspiracy to
15 commit a murder and burglary in the first degree. The
16 State must prove beyond a reasonable doubt that the
17 defendant combined with one or more persons for the
18 purpose of committing an unlawful act or committing a
19 lawful act by unlawful means. There must be a mutual
20 understanding, agreement, or common intention and plan.
21 Mere passive knowledge of or consent to the criminal
22 conduct of another is not enough to make a person a
23 conspirator. There must be guilty knowledge and
24 participation. Similarly, the mere fact that the
25 defendant may have associated with another person or met

1 with another person and discussed common aims and
2 interests does not necessarily establish proof of the
3 existence of a conspiracy or that the defendant was
4 involved in a conspiracy. On the other hand, it's not
5 necessary that the agreement be a formal one, that it be
6 in writing, that the person hold -- persons hold a meeting
7 and expressly state the terms of the common plan or that
8 the agreement be stated in words between them. The
9 agreement of a criminal conspiracy may come into being
10 through an implied mutual understanding. The willful,
11 intentional and knowing adoption by two or more persons of
12 a common plan is sufficient. No overt acts need be shown
13 to establish a conspiracy. A conspiracy may be shown by
14 circumstantial evidence and the conduct of the parties.
15 In order to convict the defendant of conspiracy the State
16 must prove beyond a reasonable doubt not only that the
17 defendant knew of the unlawful conduct but that the
18 defendant agreed to combine with the other purpose --
19 other persons, for the purpose of accomplishing the
20 unlawful conduct.

21 The indictment in this case allege several
22 offenses against the defendant. And as I stated the
23 charges are murder, burglary first degree, and conspiracy.
24 Each indictment charges a separate and distinct offense.
25 You must decide each indictment separately on the evidence

1 and the law applicable to it uninfluenced by your decision
2 as to any other indictment. The defendant may be
3 convicted or acquitted on any or all of the offenses
4 charged. You will be asked to write a separate verdict of
5 guilty or not guilty for each indictment. Now Mr. Foreman
6 and members of the jury, you have been selected by both
7 the State and the Defendant to be fair and impartial
8 jurors. It is your duty then in your joint deliberations
9 to determine the truth in this case giving the defendant
10 the benefit of every reasonable doubt on each and every
11 issue. And from the facts which you determine to be true
12 you take and apply the law which I have just given you and
13 thus arrive at a verdict which speaks the truth in this
14 case.

15 I've told you the standards you have to apply
16 to the charges of murder, burglary in the first degree,
17 and conspiracy. I will give you a copy of these
18 instructions in written form. During your deliberations
19 you may refer to the instructions to guide your decision
20 making. You must consider the instructions as a whole and
21 not follow some and ignore others. Please return the
22 instructions to the Court at the time your verdict is
23 rendered.

24 You've heard the evidence and now you have
25 heard the law. Whatever your verdict as to each charge,

1 Mr. Foreman, you will indicate to it by checking guilty or
2 not guilty on the verdict form that you will have in the
3 jury room. There's no significance in the order in which
4 I state these possible verdicts. It's simply one must be
5 stated first; that is, guilty or not guilty. You will
6 then sign the verdict form after you have reached a
7 unanimous verdict. Remember that although the foreperson
8 is the only juror who signs this verdict, it is not his
9 alone. The verdict has to be a unanimous verdict as to
10 each charge. Mr. Foreman, you're not authorized to write
11 nor sign that verdict until all of you have agreed as to
12 what the verdict should be.

13 Now ladies and gentlemen, I'm going to send you
14 to the jury room but do not begin to discuss the case
15 until you have received a copy of this jury charge, the
16 verdict form, and the exhibits. Once you receive these
17 things that will be your signal to begin your
18 deliberations with the foreman presiding over the jury
19 deliberations. Once you begin your deliberations you will
20 deliberate until you have reached a verdict at which time
21 you knock on the door, advise the bailiff, and we will
22 bring you out to receive your verdict.

23 Now we have selected 13 jurors for the trial of
24 this case and we can only use 12 jurors. So out of the
25 first 12 jurors who are selected, if you are capable

1 physically, mentally, emotionally to participate in the
2 jury deliberations please raise your right hand.

3 (All jurors complied by raising their hand.)

4 THE COURT: All hands are raised. That means
5 Mr. Alternate Juror, when the others go to the jury room
6 you will remain here in the courtroom. I ask that you now
7 go to the jury room and wait for the jury charge and
8 exhibits, the jury instructions and exhibits, and that
9 will be your signal to begin deliberating. Don't worry
10 about getting hungry. We'll get you something to eat.

11 (WHEREUPON, the jury was removed from the
12 courtroom at 5:19 p.m., and the following proceedings
13 commenced in open court.)

14 THE COURT: I'll speak to you in just a second.
15 Are there any additions or exceptions to the charge?

16 ASSISTANT SOLICITOR BARR: Not on behalf of
17 State, Your Honor.

18 MR. BARR: Not on behalf of Defense, Your
19 Honor.

20 THE COURT: All right. If you all will check
21 the exhibits to see.

22 ASSISTANT SOLICITOR BARR: How do you want to
23 handle the shotgun?

24 THE COURT: Shotgun, do -- ask that question
25 again.

1 ASSISTANT SOLICITOR BARR: Yes, sir.

2 THE COURT: Any other comments on that?

3 MR. BARR: No, sir.

4 THE COURT: All right. Bring the jury in.

5 (WHEREUPON, the jury was returned to the courtroom
6 and the following proceedings commenced in open
7 court.)

8 THE COURT: Mr. Foreman, members of the jury, I
9 have two pieces of paper from you. The first one has two
10 words written on it, killing and murder, and the bailiff
11 said that you inquired as to whether or not you can have a
12 dictionary. The answer is, no, you cannot have a
13 dictionary. I refer you to the jury instructions under
14 the caption murder and the first sentence that the State
15 must prove beyond a reasonable doubt that the defendant
16 killed another person with malice aforethought. So the
17 definition of murder is the killing of another person with
18 malice aforethought. And I describe and define what
19 malice means to you further in that instruction.

20 The second note says can a person be guilty of
21 murder and conspiracy and not burglary. And the
22 instructions further tells you under multiple charges. It
23 says that each indictment charges a separate and distinct
24 offense and you must decide each separately on the
25 evidence as to the law applicable to it uninfluenced by

1 your decision as to any other indictment. The defendant
2 may be convicted or acquitted on any or all of the charges
3 or the offenses charged. You will be asked to write a
4 separate verdict of guilty or not guilty for each
5 indictment so your verdict on one indictment does not
6 indicate what your verdict on another one has to be. You
7 can find the defendant guilty or not guilty on any or all
8 of the charges. With that instruction I'll ask that you
9 go back to the jury room and resume your deliberations.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 6:25 p.m., and the following proceedings
12 commenced in open court.)

13 THE COURT: Any additions or exceptions to the
14 charge?

15 ASSISTANT SOLICITOR BARR: Not by the State,
16 Judge. Thank you.

17 MR. BARR: Not by defendant, Your Honor.

18 THE COURT: All right. We will be back in
19 recess mode on this case and tend to anyone else who might
20 be back there that we need to deal with.

21 (WHEREUPON, a recess was taken from the
22 proceedings.)

23 THE COURT: The jury has requested another
24 verdict form. If you will give this form to the jury.

25 (WHEREUPON, Court's Exhibit No. 1 and 2 were made a

1 part of the record.)
2 (WHEREUPON, the jury was returned to the courtroom
3 at approximately 6:48 p.m., and the following
4 proceedings commenced in open court.)

5 THE COURT: Mr. Foreman, you will remain
6 standing for me. Have you reached a verdict?

7 THE FOREMAN: Yes, we have.

8 THE COURT: Is it unanimous?

9 THE FOREMAN: Yes, it is.

10 THE COURT: All right, thank you. If you will
11 hand it to the clerk.

12 You may be seated.

13 If the defendant will stand.

14 Thank you. You may be seated.

15 (Court reviews verdict form.)

16 THE COURT: You may publish the verdict.

17 CLERK OF COURT: The State versus Tawanda Mack

18 Allen: We, the jury, by unanimous consent find the
19 defendant Tawanda Mack Allen as to the charge of murder,
20 guilty; as to the charge of burglary first degree, guilty;
21 as to the charge of conspiracy, guilty. If these are your
22 verdicts so say you all, please let it be known by raising
23 your right hands.

24 (All jurors complied by raising their hands.)

25 THE COURT: Any additional polling requested?

1 THE COURT: On what basis?

2 MR. BARR: Your Honor, we would assert that at
3 this point that the evidence of the defendant's statement
4 should not have been allowed, and we would ask that the
5 Court consider a new trial for the defendant.

6 THE COURT: All right. Well, the Court
7 conducted a hearing outside of the presence of the jury --
8 I think it was last week -- and heard testimony of the
9 officers and concluded based on the defendant having been
10 advised of her right to remain silent and the other
11 Miranda warnings. And the Court determined that the
12 statement that she gave was a freely and voluntarily
13 statement and determined that the jury could consider the
14 statement, further instructed the jury that it was -- the
15 State had the burden of convincing them beyond a
16 reasonable doubt and as to the voluntariness of the
17 statement. In order for the jury to consider the
18 statement it's obviously apparent that the jury concluded
19 that she freely and voluntarily gave the statement to law
20 enforcement after being properly advised of her
21 constitutional rights pursuant to Miranda versus Arizona.
22 And based on that and all the other reasons that justifies
23 this jury's verdict. I deny the motion for new trial.

24 MR. BARR: Thank you.

25 THE COURT: Ladies and gentlemen, I want to

1 played in this case. So the law is clear that you helped
2 commit a crime, you're just as guilty as the one who
3 pulled the trigger. And in that case this lady did not
4 know that -- she knew they were going there to rob the
5 bank. She didn't know that her fellows were going in to
6 shoot up the place and kill people. In this case
7 Ms. Allen knew. She knew their intentions were to go and
8 kill Mr. Dorsey. Her culpability is even greater than
9 that particular situation.

10 Anything else you'd like to say, Ms. Allen,
11 before I pronounce sentence?

12 THE DEFENDANT: No, sir, Your Honor.

13 THE COURT: All right, ma'am. For the offense
14 of murder the sentence is that you be committed to the
15 State Department of Corrections for a period of 45 years.
16 For burglary first degree, the sentence is 30 years.

17 What about conspiracy, Ms. Barr, what do you
18 think the penalty is for that particular offense?

19 ASSISTANT SOLICITOR BARR: Judge, I think it's
20 zero to five.

21 THE COURT: Under the statutory conspiracy?

22 ASSISTANT SOLICITOR BARR: It's a felony F
23 offense. I think that's zero to five.

24 THE COURT: Is that your understanding,
25 Mr. Barr?

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MR. BARR: Up to five years, Your Honor.

THE COURT: All right. Sentence of conspiracy is five years. The sentences are to run concurrent with credit for time served.

ASSISTANT SOLICITOR BARR: Thank you, Your Honor.

THE COURT: Good luck to you, ma'am.

*** END OF REQUESTED TRANSCRIPT OF RECORD ***

WITNESSES

SHERIFF'S OFFICE

Pamela Lail

ARREST WARRANT NUMBER

M060828-M060834, M060847-M060849,
M060853-M060856, M060836, M060843
& M060850

D/A: 9/11/08

ACTION OF GRAND JURY

True Bill

Sara J. Higgins
Foreperson of Grand Jury
Date: 7/2/09

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-45-

180

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

JULY TERM 2009

THE STATE

VS.

RONALD HAKEEM MACK

KELVIN MICHAEL BOWEN, JR.

ANTONIO LAVELLE MCCLARY

TAWANDA MACK ALLEN

Indictment for

MURDER, BURGLARY - FIRST
DEGREE, CONSPIRACY AND
POSSESSION OF A WEAPON DURING
VIOLENT CRIME

C. KELLY JACKSON, SOLICITOR

RECEIVED TRUE COPY
Carolyn E. Williams
CAROLYN E. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY

09 JUL -2 AM 1:36
CAROLYN E. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

MURDER, BURGLARY - FIRST DEGREE,
 CONSPIRACY AND POSSESSION OF A
 WEAPON DURING VIOLENT CRIME

At a Court of General Sessions, convened on July 6, 2009, the Grand Jurors of
 WILLIAMSBURG County present upon their oath:

COUNT ONE - MURDER

That RONALD HAKEEM MACK, KELVIN MICHAEL BOWEN, JR., ANTONIO
 LAVELLE MCCLARY and TAWANDA MACK ALLEN, did in Williamsburg County on
 or about April 5, 2009, feloniously, wilfully and with malice aforethought, kill one
 Kenyon Dorsey by means of shooting the victim multiple times, and that the said victim
 did die as a proximate result thereof, in violation of Code Section 16-3-10, Code of Laws
 of South Carolina (1976), as amended.

COUNT TWO - BURGLARY - FIRST DEGREE

That RONALD HAKEEM MACK, KELVIN MICHAEL BOWEN, JR., ANTONIO
 LAVELLE MCCLARY and TAWANDA MACK ALLEN, did in Williamsburg County on
 or about April 5, 2009, enter the dwelling of the victim without consent and with the
 intent to commit a crime therein and said defendant entered or remained in said
 dwelling "in the nighttime" and while armed with a deadly weapon" and caused physical
 injury to person who was not a participant in the crime, in violation of Code Section
 16-11-311, South Carolina Code of Laws (1976), as amended.

A CERTIFIED TRUE COPY

Carolyn F. Williams

CAROLYN F. WILLIAMS
 CLERK OF COURT
 WILLIAMSBURG COUNTY

09 JUL -2 AM 1:36
 CAROLYN F. WILLIAMS
 CLERK OF COURT
 WILLIAMSBURG COUNTY

FILED

COUNT THREE - CONSPIRACY

That RONALD HAKEEM MACK, KELVIN MICHAEL BOWEN, JR., ANTONIO LAVELLE MCCLARY and TAWANDA MACK ALLEN, did in Williamsburg County on or about April 5, 2009, violate Section 16-17-410 of the Code of Laws of South Carolina (1976), as amended, in that they did unite, combine, conspire, confederate and/or agree with each other for the purpose of committing the crime of Murder and Burglary in the First Degree.

COUNT FOUR - POSSESSION OF A WEAPON DURING VIOLENT CRIME

That RONALD HAKEEM MACK and KELVIN MICHAEL BOWEN, JR. did in Williamsburg County on or about April 5, 2009, possess or visibly display a firearm during the commission or attempted commission of a violent crime, in violation of Code Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

A CERTIFICATE COPY

Carolyn F. Williams

CAROLYN F. WILLIAMS

CLERK OF COURT

WILLIAMSBURG COUNTY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

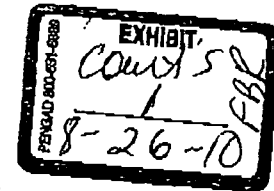
FILED

09 JUL -2 AM 11:00

CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY, S.C.*C. Kelly Jacobson*

SOLICITOR

1 Inves. Lail Today's date is May 28, 2009. The time now is
2 10:38 a.m. Present during this interview is myself
3 Investigator Lail, Investigator Whack and Lt.
4 Collins, along with Ms. Tawanda Mack Allen.
5 Ms. Tawanda spell your first name?
6 Tawanda Allen T-a-w-a-n-d-a.
7 (From this point forward questions will be posed
8 by Investigator Lail, and answers will be given by Tawanda Allen,
9 unless otherwise noted.)
10 Q And your middle name is Mack?
11 A Yes, ma'am.
12 Q A-l-l-e-n?
13 A Yes, ma'am.
14 Q What's your address?
15 A 412 Pamela Road, Apartment E for Edward, Glen
16 Burnie.
17 Q What's that zip code?
18 A 21061.
19 Q What's your phone number please ma'am.
20 A 301-741-0580.
21 Q Where are you employed, Ms. Allen?
22 A Bryer's Brand Ice Cream.
23 Q Where is that?
24 A In Maryland, Laurel.
25 Q Laurel?



1 A Yes.

2 Q And what is your date of birth?

3 A [REDACTED]

4 Q And your social please ma'am.

5 A [REDACTED]

6 Q And I am going to read you your Miranda
7 warning. The Constitution requires that we
8 inform you that you have the right to remain
9 silent. Anything you say can and will be used
10 against you in a court of law. You have the right
11 to talk to a lawyer, and have him present with you
12 while you are being questioned. If you cannot
13 afford to hire a lawyer, one will be appointed to
14 represent you before any questioning if you wish.
15 You can decide at anytime to exercises these
16 rights, and not answer any questions or make any
17 statements. Do you understand each of these
18 rights I have explained to you?

19 A Yes, ma'am.

20 Q If you will, write your answer in on number 6, and
21 put your initials by it please ma'am.

22 A (Witness complies)

23 Q Number 7 says having these rights in mind, do yo
24 wish to talk to us now?

25 A Yes.

1 Q If you would put your answer and your initials.

2 A (Witness complies)

3 Q Under that last paragraph under waiver of rights,
4 would you read that out loud please ma'am.

5 A I have read the above statement of my rights, and
6 understand each of those statements and what
7 they are. I waive those rights, and I am willing to
8 make a statement and answer questions. I do not
9 want a lawyer at this time. I understand and know
10 what I am doing. No threats or promises have
11 been made to me, and no pressure or coercion of
12 any kind has been used against me by anyone.

13 Q And if you agree with that statement if you will
14 sign on the signature line.

15 A (Witness complies)

16 Q Ms. Tawanda this is an incident that occurred on
17 April 5 with a friend of your son's, Kenyan
18 Dorsey and I am sure you are familiar with
19 Kenyan?

20 A I met him a couple of times.

21 Q So tell us what you know about what happened?

22 A I was in Maryland, of course, I live up there.
23 Ronald is living with his father, back and forth
24 from his father to my mom. At that time he was
25 staying with his father in Green Acres. I came

1 down here a couple of times and I met Kenyan,
2 and he's cool and everything. Lately after that
3 Ronald called me and said that Kenyan got upset
4 with him and I don't know whether I should tell
5 this but I guess they were smoking or whatever.
6 He said when Kenyan starts smoking he starts
7 acting crazy or whatever and doing silly things. I
8 guess after they had smoked this particular day,
9 he said Kenyan I guess wanted to wrestle or play
10 around or whatever. He wasn't feeling that or
11 whatever, and he said Kenyan got offended.
12 Kenyan told him that he felt offended that he
13 didn't want to wrestle him or whatever, because I
14 know how you get when you start smoking. He
15 didn't feel like playing around, and he said after
16 that Kenyan got upset with him. I guess the other
17 little friends they were passing and saying back
18 and forth about each other. I asked him what did
19 you do, and he said I left it alone, and let him cool
20 off for a couple of days. He said I didn't say
21 anything to him for a couple of days because they
22 don't go to the same school. Later on he called
23 me and said that Kenyan went over to his
24 girlfriend's house, and I said and did what. He
25 said doing little obscene things to her, and her

1 grandparents are sick, because she doesn't live
2 with her mom. Her grandparents are sick and she
3 called for him to come over there I said how are
4 you supposed to go over there, and he said I was
5 going to ask one of my other friends to take me
6 over there. I said there ain't no need to get
7 involved with that because you know how girls
8 get or whatever.

9 QUESTIONS BY INVESTIGATOR WHACK:

10 Q Which girl?

11 A What's her name, dang. It's on the tip of my
12 tongue.

13 Q Is her name Diamond?

14 A Yes, that's her. She lives in Hemingway.

15 Q What day was it when he was telling you about all
16 this?

17 A I don't know, because he was calling me at work
18 when he was at school or at 3:00 o'clock when he
19 had Mrs. Wilson's class. I was at work when he
20 was calling and tell me all that. I said you know
21 you how girls get, because they lie or whatever. I
22 said how do you know she's not feeling Kenyan,
23 and he said no, she's not like that. I said I don't
24 know because I'm not there, but do not go over
25 there. Later on that day Diamond called me and

1 she was saying Ms. Tawanda she said Ronald
2 won't talk to me, and I said why, what's going on
3 between you and Ronald, he thinks I'm feeling
4 Kenyan or whatever, or something is going on
5 between me and Kenyan. I said why would he
6 think that, and I said is something going on. I
7 never told her that Ronald already told me what
8 was going on that Kenyan went over there. She
9 said he said that Kenyan came over to my house,
10 and that we were talking and this and that. She
11 said it was Kenyan and one of their other friends
12 they call June Bug or something, he's the light
13 skinned dude. I met him once when I came down
14 here too. I don't know his name right off the bat,
15 but I know he's light skinned. It was Kenyan's
16 cousin that took them over to her house, and she
17 said he came saying tell Mac to come out there,
18 because that's what they call Ronald. Tell Mac
19 come on out here, because I know he's up in
20 there, but she said Ronald was over there earlier
21 that day but he had already left and went home. I
22 said what did you do, and she said I told them to
23 get out of my yard, and this and that because my
24 grandparents are sick. I said okay why would
25 Kenyan come over there looking for Ronald, and

1 she said because him and Ronald was beefing.
2 He got upset because Ronald wouldn't wrestle
3 him. I said that still don't make no sense, they are
4 supposed to be close friends. I said from when I
5 met him, they are real tight. She said I told him
6 he had to leave or whatever, that she was going to
7 call the police. I said did you do that, and she
8 said no, ma'am, they left. I said why would
9 Ronald want to come over there and find out
10 what's going on if there is nothing going on
11 between you and Kenyan, and they are supposed
12 to be friends. She said I don't know but Mack is
13 mad with me now. She said can you talk to him,
14 and I said talk to him about what, I don't know
15 what's going on, I'm up here. I said I don't know
16 the situation ya'll have got going on down there,
17 but I said I'll talk to him. I still never told her that
18 Ronald had called me and told me everything
19 about what was going on between him and
20 Kenyan. I called him back, and I said did you
21 know that Kenyan went over to Diamond's house,
22 and he said yes, ma'am. I said that's the reason
23 why you went over there, and he said no, I just
24 went and chatted with my girl. I said are you sure
25 Ronald, are you sure you are telling me the truth,

1 and he said yes, ma'am. I said okay, if you say so,
2 but I can only go on what ya'll are telling me,
3 because Diamond called me and said that you
4 were mad with her, and she wanted me to talk to
5 you. He said why is she calling you, and I said I
6 don't know, and I said that's why I want to know
7 what's going on. He said no, ma'am, it's just that
8 me and Kenyan got into it and we're not talking.
9 I said are you sure you're not talking, and he said
10 no, we're not talking. The light skinned dude he
11 said that he was calling or having Kenyan to use
12 his phone because Kenyan didn't have a phone,
13 and he was calling Ronald back and forth. I said if
14 ya'll are all supposed to be friends, why is he
15 letting Kenyan use his phone to call you or text
16 you back and forth saying certain things. He said
17 I don't know, but I said that doesn't make no
18 sense and it's like he's pushing it up, but all three
19 of ya'll are supposed to be close friends. He said
20 yes, ma'am, and I said what are you doing about
21 the situation. He said I'm not doing anything, I'm
22 not paying it any attention because I know we
23 were like this before and I just gave it a couple of
24 days and Kenyan cooled and went to school
25 again. I guess that didn't happen, and I don't

1 know what happened in between. A couple of
2 days later Ronald called me, and I said what, and
3 he said they just called me, the light skinned dude
4 called him or text him and said Kenyan is dead. I
5 said what do you mean Kenyan is dead, and he
6 said Kenyan is dead. I could hear it in his voice
7 he was upset and everything. I said everything
8 will be alright, baby, everything will be alright.
9 He said no, it's just that me and him never got
10 back on good terms after the situation that I
11 wouldn't wrestle him or whatever. He said we
12 never got back on good terms and now they are
13 saying Kenyan is dead. I said what happened to
14 him, and he said I don't know, but I'll call you
15 back when I find out. He never did call me back
16 that day so I never knew what happened. Later on
17 I called Diamond, and asked Diamond. I said
18 Diamond, what happened. I said Ronald called
19 me all upset saying that Kenyan was dead, and
20 she said yes, ma'am, the cousin, the light skinned
21 guy called me and said that they found Kenyan
22 dead in his house. I said what, I said we were just
23 down here. I was just down there and Kenyan
24 was fine because he was with us, and I had him
25 and Ronald and me and my boyfriend, and

1 everything was cool, what happened. She said I
2 don't know but that's what they said. He said that
3 the police came over there asking questions, and
4 asked the mother of the friends that he's with plus
5 they said that Kenyan had a pad or something
6 with Ronald and those names down on it and she
7 gave it to the police officer saying these are his
8 close friends that he is with. She said I'll let you
9 know what happened and what's going on.
10 Ronald called me back later, and said that it was
11 around 2:30, because all day Ronald said he went
12 to a party or something, some dance that they had
13 at a club here in Kingstree or where ever it was.
14 He said meet him and Tony, Minnie Peal's
15 grandson, and they went there. I said was Kenyan
16 there being that you and Kenyan were beefing.
17 He said no, ma'am, Kenyan was no where around.
18 He said it was just me and Tony and some of the
19 other guys. He said Kenyan, his cousin and the
20 light skinned guy they went to the beach all that
21 day, and Diamond said that the light skinned dude
22 said that Kenyan was acting all kind of weird that
23 day saying it's my time, I've got to go. He was
24 like stop talking like that, stop talking like that,
25 and it was like he knew something was going to

1 happen to him. He said Kenyan was acting kind
2 of weird and everything when they were on the
3 beach. The light skinned dude and Kenyan are
4 cousins too and they came back home. The
5 cousin dropped them off. Kenyan usually stays at
6 his cousin's house, but I don't know his name.
7 He usually stays at his cousin's house but that
8 night he did not stay at his cousin's house. They
9 said when the cousin dropped him off, he said that
10 the mom was going to work or coming back, and
11 she hollered and said something to him, and
12 Kenyan said no, I'm going over to whatever the
13 light skinned guy's name is. I'm going over to his
14 house for a while, and he went over there and
15 ended up falling asleep. He got up and said man,
16 I'm going home, and the light skinned dude said
17 no, stay here. He was like no, I'm going home,
18 I'm going home, and he put on his MP3 player or
19 whatever, and he walked home. He said that when
20 he got there that was the last time that he saw
21 Kenyan or talked to Kenyan. I said Ronald you
22 didn't talk to Kenyan, and he said no, ma'am, I
23 didn't talk to Kenyan. He said we were just
24 beefing back and forth with the light skinned
25 dude, and I said what were you saying on the

1 phone to Kenyan, and he said that Kenyan got
2 some boys from Florence that were going to do
3 something to Ronald or whatever. I said why
4 would Kenyan get some boys to want to do
5 something to you, and he said I don't know. I said
6 are you sure, because one time they were saying
7 ya'll were supposed to be in some type of gang,
8 Bloods or whatever. I said what's going on, are
9 you in a gang, and you always tell me, no, ma'am,
10 but being that I'm not there I don't know what's
11 going on. He said no, ma'am, and I said why
12 would Kenyan want to get some guys to want to
13 do something to you when all this started with
14 just a fight, and you didn't want to fight him
15 because ya'll were smoking. He said I don't know
16 but that's what they are saying, rumor is. I said
17 who is they, and he said our other friends around
18 here, and I said that don't seem right. I said all of
19 ya'll are supposed to be friends, but here you are
20 going against each other, and one telling this and
21 the other. I said they are keeping things going on
22 between you and Kenyan. He said no, ma'am, it
23 ain't like that. I said what it is Ronald, please tell
24 me what it is. He said no, ma'am, it's not like
25 that. I said I don't know, and I can't say what it

1 is, because I'm not there. He said the light
2 skinned dude said that Kenyan said that was
3 going to get Ronald or whatever, and they had
4 gotten some money I was like where did ya'll get
5 money from, and he said because when the police
6 got him or whatever, the phone that he had,
7 because he said he had a new phone. I said where
8 did you get the new phone from, because I know
9 the phone that I bought him. I said where did you
10 get the new phone from, and he said my girlfriend
11 Diamond got it. I said where is Diamond working
12 at to get you this phone, and he said no, she
13 bought the phone for me on her plan. I said
14 whatever, I ain't even trying to hear it. I said they
15 are saying that they got some money off of you,
16 and I said where did you get money from. He
17 said me and Kenyan are doing our little thing, and
18 I said what's your little thing. He said mom you
19 don't need to know all that, and I said what do
20 you mean I don't need to know all that. If
21 something goes down, I need to know what's
22 going on. They said they got a thousand dollars
23 off of Ronald, which he said him and Kenyan did
24 what whatever they do. I said where did you get
25 the money from, and he said just little things that

1 me and Kenyan do. I said okay, but they said
2 Kenyan wrote down all of the stuff, and how
3 much money he was getting, him and Mack were
4 bringing in from whatever they were doing. I said
5 so the police has all that, and he said yes, ma'am,
6 Kenyan didn't have a phone so he wrote down
7 things. He had a little journal or whatever and he
8 wrote down everything that him and Mack used to
9 do, and him and other guys used to do. I said so
10 you and him really were in a gang then, and he
11 said no, not really. I said what's up with all this
12 red you wear, are you supposed to be in the
13 Bloods or whatever, and he said no, ma'am, and I
14 said yes it is Ronald. I said I'm not stupid, what
15 else did they find. He said they took my phone,
16 and I said why did they take your phone. He said
17 because it was gang stuff in my phone, and all
18 other kinds of stuff that they found from Kenyan.
19 I said so you are really in a gang, and he said yes,
20 ma'am. Why didn't you tell me that from the start
21 Ronald, that's all you had to say and then I would
22 know what's going on. He said Diamond bought
23 the phone for me and she got the money from her
24 grandparents. How would Diamond get money
25 from her grandparents, and she was taking money

1 from out of her grandmother's and grandfather's
2 money that they have at the house. That's where
3 we got the money from. I said what money, and
4 he said the thousand dollars. I said are you sure,
5 and he said yes, ma'am, that's how much money
6 we had on us between both of us. He said all the
7 other money is our little hustle whatever we do,
8 and I said okay. He said the questioned Diamond,
9 and the police asked him about it, and he told
10 that's where he got it from was his girlfriend so
11 they questioned Diamond about it. They warned
12 her grandparents that she was stealing from them,
13 and taking money from them. That's how Ronald
14 and Kenyan got the thousand dollars and I said so
15 you and Diamond are cool now, and he said yes,
16 ma'am. I said what's going on between Kenyan
17 and Diamond, and he said nothing is going on
18 between them. I said you never thought that they
19 were messing around doing anything, and he said
20 no, ma'am. I said are you sure, that's not really
21 why ya'll were beefing because that didn't make
22 no sense for ya'll to get upset with each other and
23 not say anything to each other for a while because
24 you wouldn't fight him or wrestle him. I said that
25 didn't make no sense, and he said that was it. He

1 said me and Kenyan were always close, and you
2 could see that when you came, and I said yes. I
3 said it could be different when I'm not there, I'm
4 not with ya'll. He said no, ma'am, that's it. It's
5 just I'm upset because we never got back on close
6 friend terms or whatever. He said now they are
7 telling me that Kenyan got shot and killed in his
8 house or whatever, and I said I don't know what's
9 going on, because I know you're not telling me
10 everything that's going on down there so it's not
11 much I can do about it.

12 QUESTIONS BY INVESTIGATOR LAIL:

13 Q When did you have Kenyan and Ronald together
14 and your boyfriend?

15 A When came down here one weekend. I know I
16 left on a Friday, and we just came down here. It
17 was me Ronald, Kenyan and my boyfriend, and
18 we went to Hemingway to my cousin's Darcell's
19 house.

20 Q Darcell?

21 A Calvin Boyd.

22 Q Calvin?

23 A Is my boyfriend.

24 Q Who is Darcell?

25 A Darcell Graham is my cousin's daughter.

1 Q And she lives in Hemingway?

2 A Yes, ma'am.

3 Q When was that?

4 A I can't remember the exact date, but I remember it
5 was a weekend.

6 Q Was it the weekend before?

7 A It was way before anything happened to Kenyan.

8 Q Way before that?

9 A Yes, that's when I first met Kenyan. I used to talk
10 to him on the phone when Ronald would call. He
11 would be on the phone and he would call me mom
12 and everything, and he said I want to come up
13 there when Ronald comes for the summer to get a
14 job, because I got him a job at my job. I said
15 okay, and he said I can't wait to see you, and I
16 said I can't wait to meet you too. That's when me
17 and my boyfriend came home one weekend, and
18 Ronald took me to Kenyan's. He didn't take me to
19 Kenyan's house, but the store is at the head of the
20 road from Kenyan's house. The store on the
21 highway.

22 Q Coopers.

23 A Yes, Kenyan was standing there with the light
24 skinned dude but the light skinned dude didn't
25 come with us. It was just Ronald and Kenyan

1 rode with us to Hemingway to see my cousin

2 Darcell.

3 Q Who were the guys in Florence that Ronald was
4 worried about?

5 A I have no idea. They must be cousins or friends
6 to someone that Kenyan knew. I know they had
7 something to do with gang related that he was
8 going to get some Bloods in Florence, and I know
9 his cousin that he normally stays with must live in
10 Florence or be over there with the guys, and his
11 cousin was going to help Kenyan to get them to
12 come after Ronald.

13 Q That is the light skinned guy that is feeding all
14 this to Ronald?

15 A Right.

16 Q That he and Kenyan were getting the guys from
17 Florence that we also part of the Bloods to go
18 against Ronald?

19 A The light skinned guy was letting Kenyan use his
20 phone, because he didn't have a phone. Ronald
21 said that's how him and Kenyan were going back
22 and forth at each other. The light skinned guy
23 was the middle guy that was transporting
24 everything. I guess when he's not with Kenyan
25 he is still talking to Ronald and saying stuff to

1 Ronald. I said that's not really a friend, because
2 all three of ya'll are supposed to be friends.

3 Q And then on that Friday, Ronald had called you
4 and told you what?

5 A Which Friday.

6 Q All of this took place on Saturday night, early
7 Sunday morning.

8 A Un-huh.

9 Q So did he call you that Friday?

10 A He called me that Saturday morning.

11 Q Saturday morning.

12 A Un-huh.

13 Q What did he say when he called you that Saturday
14 morning?

15 A He said mom, I said what, and he said guess what.
16 I said what, and he said they found Kenyan dead
17 in the house.

18 Q No, Saturday morning prior to him calling to tell
19 you that Kenyan had been shot. He called you
20 earlier that weekend?

21 A No, he didn't call me. I was talking to him all
22 week.

23 Q What is Callie's phone number?

24 A Callie, his whole name?

25 Q What's his phone number?

1 A [REDACTED]

2 QUESTIONS BY INVESTIGATOR WHACK:

3 Q When you were talking to Ronald were you
4 talking with on your house phone or on the cell?

5 A I talked to him on my cell, because all week when
6 he was calling I was at work. He was calling me
7 in Ms. Wilson's class that they don't really do
8 much in there. It's almost like a study hall or
9 whatever. He was calling me at work. He never
10 called me on the house phone.

11 QUESTIONS BY INVESTIGATOR LAIL:

12 Q But he would call Callie. Did Callie tell you he
13 was calling him?

14 A No, he was calling Callie.

15 Q Un-huh. When ya'll came down here Saturday.

16 A Friday night.

17 Q Ya'll came Friday night.

18 A I get off work at 3:30.

19 Q So you left work at 3:30 on Friday?

20 A Un-huh.

21 Q And drove that long drive from Maryland?

22 A Un-huh.

23 Q And came to South Carolina?

24 A Yes, ma'am.

25 Q Where did ya'll go once you got to South

1 Carolina?

2 A I went to my mom's house.

3 QUESTIONS BY INVESTIGATOR WHACK:

4 Q And you stayed at your mom's house?

5 A Un-huh.

6 Q Then what?

7 A That was my first time for my mom to meet my
8 boyfriend too.

9 Q Then what?

10 A We got up that morning, and we were supposed to
11 go to the flea market but we didn't go to the flea
12 market. That's when Ronald works at his father's
13 store downtown, so Ronald called me and said
14 mom where are you at, and I said we're at
15 grandmama's house. He said oh, you made it in,
16 because he wanted me to call him when I got in,
17 but it as too late. My mom was like ya'll go
18 ahead and crash and get up in the morning. He
19 said mom what are you doing, and I said I'm at
20 grandmama's house, and he said you already
21 made it in, and I said yeah. He said you'll come
22 get me from the store, and I said yes, I'll come get
23 you, what time do you want me to come. He said
24 whenever you get settled or whatever, and I said
25 okay. It must have been that afternoon when I

1 finally went and got him from the store, because
2 he kept calling me to come get him. I was like
3 okay, and I went down there and Callie went with
4 me. I said do you want to get out, and he said no
5 being that's your kid's father's store. He said no, I
6 don't want to get out, so he parked right there in
7 front of the store on the side, and I went in and it
8 was Trisha, Ronald's wife or old lady. Her and
9 Ronald were in the store, and Ronald said mom
10 are you read to take me, but before you take me
11 go to McDonalds and get some food or whatever.
12 I went and got him some food, and came back,
13 and I said are you ready now, and he said yes. He
14 told Trisha he was leaving and going with me,
15 and he said call you dad and tell him.

16 QUESTIONS BY INVESTIGATOR LAIL:

17 Q Going with you back to your mom's?
18 A Going to spend the day with me before I left.
19 She said call your dad and tell him where you're
20 going and he did all that, and we left. I don't
21 known what time it was.
22 Lt. Collins What day is she talking about?
23 Q Saturday.
24 Lt. Collins Saturday when?
25 Q The 4th which would have been April 4.

1 A This was way before anything happened to
2 Kenyan or anything.

3 Lt. Collins That's what I'm trying to get the understanding
4 of. What time is she talking about.

5 Q We are talking about the weekend that all of this
6 occurred?

7 A No, I never did come home when all this occurred
8 with Kenyan. I didn't come home.

9 QUESTIONS BY INVESTIGATOR WHACK:

10 Q You are talking about before he got killed?

11 A Yes, this is when I had met Kenyan.

12 Q Let's move on to the actual weekend that Kenyan
13 got killed which was the weekend before, the 4th
14 and the 5th.

15 A I didn't come home.

16 Q You were never in South Carolina?

17 A No, I was not.

18 QUESTIONS BY LT. COLLINS:

19 Q Tawanda, you were here because Ronald's friends
20 that live in Green Acres they saw you when you
21 drove your vehicle to pick Ronald up from Trey's
22 house, Ronald and Antonio?

23 A Who is Trey, who is Antonio.

24 QUESTIONS BY INVESTIGATOR WHACK:

25 Q You just called his grandmama's name, Minnie

1 Pearl.

2 A Minnie Pearl, that's his real name, I just know
3 him by Tony.

4 QUESTIONS BY LT. COLLINS:

5 Q As a matter of fact Antonio was riding with ya'll,
6 you need to come straight.

7 A I'm coming straight.

8 Q These are serious charges.

9 A Yes, ma'am.

10 Q You understand you also can be charged with
11 murder?

12 A Yes, ma'am, I understand.

13 Q Right now you're not charged with murder. We
14 are giving you the benefit of the doubt. I'm sitting
15 here listening to you, and I have known you for a
16 long time, but you're not telling us the whole
17 story. You were here, and Antonio McClary is in
18 jail. We transferred him yesterday to
19 Georgetown, and he's charged with this murder,
20 because he got in your vehicle with you and
21 Ronald and Callie from Trey's house. Trey and
22 those saw when you picked them up in your
23 vehicle, and saw when ya'll brought them back so
24 you need to be straight. Ronald was on the phone
25 talking to you and Callie when he left Club