

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Doyet A. Early, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

REGINALD JEROME HAMILTON, JR.,

APPELLANT

APPELLATE CASE NO. 2017-002551

RECORD ON APPEAL

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State of South Carolina)
)
 County of Aiken)

In the Court
 Of General Sessions

Indictment No.: 2014GS0201542
 2014GS0201543

State of South Carolina,
 Plaintiff.

vs.

Transcript of Record

Reginald Hamilton, Jr.,
 Defendant.

December 4-6, 2017
 Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early III, Judge and a jury.

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

J. William Weeks, Deputy Solicitor
 Ashley Hammack, Assistant Solicitor
 Attorneys for the State

Charles H.S. Lyons III, Esquire
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 To The Honorable Doyet A. Early III
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MONDAY, DECEMBER 4, 2017

THE COURT: All right, Solicitor. Call your first case for trial.

MR. WEEKS: The State calls the case of The State of South Carolina versus Reginald Jerome Hamilton, Indictment for murder, 2014GS0201542, and an indictment for possession of a firearm during the commission of a violent crime, Indictment Number 2014GS0201543.

THE COURT: Hand me the indictments, please.

JURY VOIR DIRE

THE COURT: All right, ladies and gentleman of the jury panel, the State has called to trial Indictment 14GS21543 and 1542 the State vs Reginald Jerome Hamilton, Jr. Indicted for the offense of murder and possession of a firearm during the commission of a violent crime.

Mr. Hamilton, would you stand, please, and face the jury panel. Thank you. You may be seated.

Ladies and gentleman, the indictment is for murder and possession of a weapon during the commission of a violent crime. To these charges, Mr. Hamilton has plead not guilty. By pleading not guilty he has the constitutional presumption of innocence unless the State is able to prove each and every element of both indictments to the jury beyond a reasonable doubt. So, please do not infer anything from the fact that he's been indicted; that

1 is simply the legal document by way this case comes into
2 this courtroom. It is not evidence in the case. It's
3 simply the document advising him of the charges. As I said
4 the State has the burden of proving to you his guilt beyond
5 a reasonable doubt.

6 So, having said that, let me ask you a few
7 questions that like the other exercise if any of these
8 questions apply to you, please stand once again and
9 identify yourself.

10 Do I have any members of the jury panel who is
11 related by blood or marriage or have you -- or do you now
12 or have you in the past had a close personal or social
13 relationship with the defendant, Reginald Jerome Hamilton,
14 Jr., or the alleged victim in this case who is Isaiah
15 Miles, M-I-L-E-S? If so, please stand.

16 (No one stood.)

17 THE COURT: I am informed that the following people
18 are witnesses in the trial of the case. Now, don't get
19 scared when I read this long list. They give me all the
20 potential witnesses and it's not necessary that they will
21 call all of them, but I will read out the potential
22 witnesses and then I will ask you the same question, are
23 you related by blood or marriage, or have you now or have
24 you in the past had a close personal or social relationship
25 with any of the potential witnesses.

1 Joseph Morris Williams, Jr.

2 If anybody's in the courtroom, please stand.

3 Face the jury panel. Thank you, Mr. Williams.

4 Marlin Tutt. T-U-T-T; Tillman Smith, Jr.

5 Thank you, Mr. Smith.

6 Walter Kitchens.

7 Thank you, Mr. Kitchens.

8 Jimmy Williams. He's over here.

9 Thank you. Stand again, Mr. Williams, please.

10 Thank you.

11 Elroy Williams; Tim Osborne; Tim Adcock. He's with
12 EMS for Aiken; Larry Ray, Aiken EMS; John Hicks, Jackson
13 Police Department; Michael Hawthorne, Aiken County
14 Sheriff's Office.

15 All right, we'll get to you at the very end. Just
16 stand back up at the end.

17 Paul Sharpton, Aiken County Sheriff's Office;
18 Michael Hickson, Aiken County Sheriff's Office; Chris
19 Johnson, Sheriff's Office; Mary Francis O'Grady, Sheriff's
20 Office; Clay Adams.

21 Just all stand up at the very end when we do it.

22 Gerald Turner, Sheriff's Office; Chuck Cain,
23 Sheriff's Office. Billy Fleury, Sheriff's Office; Jessica
24 Abdullah, Sheriff's Office; Dr. Janice Ross, she's a
25 pathologist from Newberry.

1 MR. WEEKS: Yes, sir.

2 THE COURT: James Green of SLED; Donna Lane with
3 SLED; Steve Miano, he's with the solicitor's office; And
4 Norwood Bodie, with the solicitor's office.

5 All right. Do I have any members of the jury panel
6 that is related by blood or marriage, or do you have or
7 have you in the past had a close personal or social
8 relationship with any of the potential witnesses that I've
9 just called. If so, please stand.

10 In the blue shirt, sir?

11 THE JUROR: Yes sir, 195, Phillip Willis. I am
12 related by marriage to Michael Hawthorne.

13 THE COURT: Related by marriage. So, I assume your
14 wife is related by kin to him.

15 THE JUROR: That's correct.

16 THE COURT: All right. I will not have you sit on
17 this jury.

18 That's just for this case, Mr. Clerk.

19 Yes, sir, name and number?

20 THE JUROR: George Grinton, Number 69. Chris
21 Johnson with the Aiken Sheriff's Department. He and I
22 played in the bagpipe band for the Aiken Sheriff's -- and
23 Norwood Bodie, he's -- we were in -- together for...

24 THE COURT: All right. The fact that you played
25 bagpipes with one of the potential witnesses and have some

1 other personal relationship with the other, or a
2 friendship, sir, would that in -- and it's hard sometimes
3 in these small communities, and not that Aiken's that
4 small, but it is small. It's hard to not have a potential
5 juror and a potential witness to know each other, and that
6 doesn't preclude you from serving, unless that friendship
7 is so strong that it would keep you from being fair and
8 impartial both to the defendant and the State. Can you be
9 impartial and try the case based solely on what you hear in
10 the courtroom?

11 THE JUROR: I believe I can, sir.

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

13 Yes, Ma'am, in the lime-colored sweater, or light
14 green.

15 THE JUROR: I have social relationships with a
16 couple of the witnesses from the Sheriff's Office.

17 THE COURT: You're the lady that -- juror that
18 works in the Sheriff's Office?

19 THE JUROR: Yes, sir. Juror 33, Amanda Courtney.

20 THE COURT: All right. Since this is investigated
21 by the Aiken County Sheriff's Department, I am going to
22 disqualify you from the trial of this particular case, so
23 stick with me for the other two. Thank you.

24 This case will be prosecuted by Mr. Bill Weeks and
25 Ms. Ashley Hammack of the Second Circuit Solicitor's

1 Office. And Mr. Charles Lyons, who practices in Aiken and
2 here in -- and over in Georgia, will be defending Mr.
3 Hamilton.

4 Question, do I have any member of the jury panel
5 now or in the past that have had legal services performed
6 for you or your family by any of the lawyers? If so,
7 please stand.

8 Do I have any mem --

9 Yes, ma'am?

10 THE JUROR: Yes, Bill Weeks has been a lawyer at
11 times when my son was in trouble.

12 THE COURT: So, that was a long time ago?

13 THE JUROR: No, it wasn't.

14 THE COURT: No. Not that your son was in trouble.
15 That Mr. Weeks represented him.

16 THE JUROR: Oh, okay.

17 THE COURT: Did Mr. Weeks represent him or did he
18 prosecute the case?

19 THE JUROR: Did he prosecute it.

20 THE COURT: Mr. Weeks?

21 THE JUROR: Both of my sons have been in the
22 criminal --

23 THE COURT: And Mr. Weeks was doing what he's doing
24 now?

25 THE JUROR: I guess so.

1 THE COURT: Well, the fact that Mr. Weeks either
2 had represented your children, or may have prosecuted your
3 children, would that in any way keep you from being a fair
4 or impartial juror in the trial of the case? Can you just
5 listen to the evidence and decide it on the evidence?

6 THE JUROR: Okay.

7 THE COURT: You can?

8 THE JUROR: I think I can, yes.

9 THE COURT: I need to know if you can.

10 THE JUROR: I'm afraid I might be, you know, I've
11 been into the system so many years now, you know, visited
12 my sons. Going to court and stuff. I don't know.

13 THE COURT: Well, I have two sons. My boys weren't
14 angels either.

15 THE JUROR: Well, one of my sons is, his, trial is
16 coming up here in January.

17 THE COURT: Okay. All right, I'm going to, I'm
18 going to -- your name and number please?

19 THE JUROR: Carol Fair, Number 56.

20 THE COURT: All right. Thank you.

21 Remove her from the two criminal cases. Leave her
22 for the civil case.

23 That's fair enough, I understand.

24 THE JUROR: Yes.

25 THE COURT: Ladies and gentlemen, this indictment

1 or these indictments it is alleged -- these are simply
2 allegations; it's not proven facts until it comes before
3 the Court or comes before the jury -- but it's alleged here
4 in Aiken County on March 3 of 2014, the defendant shot and
5 killed Mr. Isaiah Miles a number of times with a rifle, and
6 he died that same day in Richmond County, Georgia. And
7 obviously, if that is true, then that would be described as
8 murder, and during that crime of murder, he possessed a
9 firearm; and murder, obviously, is a violent crime.

10 Where did this happen, Mr. Weeks?

11 MR WEEKS: It happened on Green Road in the
12 Petticoat Junction area of Aiken County.

13 THE COURT: Green Road, Petticoat Junction area.
14 March 3, 2014. The victim is Isaiah Miles. The defendant
15 is Reginald Jerome Hamilton.

16 Anybody know anything about this case? Have you
17 read about it in the newspaper or on the internet? Seen
18 anything on TV? Heard anything on the radio? Anybody
19 discuss it with you? Anybody in the community? Do you
20 know anything at all about this case? If so, please stand.

21 We've got three juries we're going to pick today.
22 And with all three cases, my understanding, whether it's a
23 criminal case or a civil case; the way the system works, we
24 have two judges that participate in all the trials. My
25 position makes me the judge of the facts in the case.

1 Strike that, makes me the judge of the law in the case.
2 I've been doing it too long. It is my job to instruct you
3 and charge you on the law dealing, in this case, murder and
4 the possession of a weapon during the commission of a
5 violent crime; and you are under oath to accept the law as
6 I give it to you. Obviously, the law that I give to you is
7 what is the longstanding law in the State of South
8 Carolina.

9 My other function is to make sure that in the
10 presentation of the case, either by the State or the
11 defense, that they comply with the rules, they try the case
12 under the rules; that would be the rules of evidence and
13 the rules of criminal procedure. And if they do that, then
14 obviously, that testimony or those exhibits would become a
15 part of the trial or admitted into the trial. So, in other
16 words, I have to rule upon the admissibility of the
17 evidence in the case. And a lot of times, the evidence
18 will be A on one side and B on another side. One witness
19 may say it's green, another one may say it's red. It's all
20 admitted, but honestly, somebody's not being truthful.

21 That's where the other judge comes into play. And
22 that's the judge of the facts in the case. And the judge
23 of the facts of the case is twelve jurors, collectively
24 acting as one. You listen to the testimony. You examine
25 the exhibits. And you determine the credibility of the

1 witnesses who have testified in the case. It is your job
2 to determine what and who you believe, and determine what
3 the true facts are in the case. And once you determine
4 what those true facts are as the judge of the facts, then
5 you take those true facts and apply it to the laws I give
6 to you, and then you make a decision as to whether or not
7 the State has met its burden of proving the defendant
8 guilty beyond a reasonable doubt. So you are the judge of
9 the facts in the case. You have, obviously, the most
10 responsibility in the trial of a case.

11 We have a wonderful system of justice when someone
12 is accused of a crime and pleads not guilty, instead of
13 having a dictator or arbitrator handle this like they do in
14 some countries, or a firing squad, we let citizens in your
15 own community listen to the facts and determine the true
16 facts in the case and make the decision.

17 So having said all of that, do I have any member of
18 the jury panel, for any reason whatsoever why he or she
19 cannot sit on the jury and perform that civic duty of
20 searching and determining what the true facts are in the
21 case, applying those facts to the law, and making a
22 decision as to whether or not the State has proved its case
23 to you beyond a reasonable doubt? So if there's anybody
24 not able to do that? Political beliefs, personal beliefs,
25 religious beliefs, any kind of belief. If you cannot do

1 that, I need to know now.

2 Yes, name and number?

3 THE JUROR: Benjamin Herman, 78. Is this for the
4 murder or the drugs?

5 THE COURT: Any trial.

6 THE JUROR: I have before -- can I address you up
7 here, please.

8 THE COURT: Yes, sir? This is not the drug case.
9 This is the murder case.

10 THE JUROR: Okay, well that's why I asked.

11 THE COURT: This is the murder case. Is that a
12 problem?

13 THE JUROR: No.

14 THE COURT: Thank you.

15 (A Juror was moving around.)

16 THE COURT: Please have a seat.

17 Sir, are you okay? My juror?

18 THE JUROR: I will be okay.

19 THE COURT: Tell me if you're uncomfortable.

20 THE JUROR: I'll be okay.

21 THE COURT: Just raise your hand. Anybody. I know
22 we're going a little over, so, if the bathroom is needed --
23 it's right there.

24 Yes, sir? It's right there, sir.

25 Where you going? The bathroom's that way.

1 THE JUROR: I said, can I approach.

2 THE COURT: Just approach, yes, sir.

3 THE JUROR: You asked if I, if there were any
4 problems.

5 THE COURT: Come on. What's your name and number?

6 THE JUROR: My knowledge of the jury system may be
7 a problem.

8 THE COURT: No sir, I'm not going to let you play
9 the system.

10 THE JUROR: I'm not playing. I'm just saying.

11 THE COURT: You're going to stay with us. Thank
12 you.

13 THE JUROR: But if I think the law is unjust -- I
14 don't want to perjure myself by saying I don't know that's
15 a thing.

16 THE COURT: Please have a seat.

17 THE JUROR: Okay.

18 THE COURT: Thank you. Come here, gentlemen.

19 Number 2, just don't put him on any jury, but I'm not
20 letting him leave.

21 Can I have order please.

22 We'll wait until those two jurors come back.

23 (There was a bench conference out of the hearing of
24 the jury venire and the court reporter.)

25 THE COURT: All right. Let the record reflect

1 Juror Number 2, I am going to disqualify, and I will deal
2 with that situation.

3 Ladies and gentleman, that's the second time he's
4 been transferred and, obviously, doesn't want to serve.
5 It's his civic duty to serve, but I'm not going to
6 jeopardize my jurors who are willing to do their civic duty
7 by having someone who is -- he's been transferred by
8 another judge.

9 Just leave him -- let him stay out there. Don't
10 let him go anywhere.

11 All right. Let's keep moving.

12 Do I have any member of the jury panel who you or
13 your immediate family works in law enforcement? Excluding
14 my young lady who works at the sheriff's office. She's
15 been disqualified from this one.

16 THE JUROR: I'm Amanda McKee, Number 111. My
17 husband is an FBI agent.

18 THE COURT: In Augusta -- In Atlanta?

19 THE JUROR: Oh, I'm sorry.

20 THE COURT: Isn't that right? Didn't you say in
21 Atlanta?

22 THE JUROR: Well, he's based out of Atlanta, but he
23 works in Augusta.

24 THE COURT: Okay. And the fact that -- I
25 appreciate his hard work -- and the fact that you are

1 married to a law enforcement officer, FBI, would that in
2 any way, ma'am, preclude you from being a fair and
3 impartial juror? Listen to the evidence and make a
4 decision based on the evidence in the case?

5 THE JUROR: No, it won't.

6 THE COURT: Thank you.

7 Yes, ma'am. In the red?

8 THE JUROR: Yes, Juror -- Sharon Burgess, Juror 16.
9 My husband is retired law enforcement. I'm retired records
10 keeper for a law enforcement agency. I don't think it
11 would affect my judgment.

12 THE COURT: I don't think it would either. We
13 appreciate your long-time service.

14 THE JUROR: Thank you, sir.

15 THE COURT: Anyone else?

16 (No response.)

17 THE COURT: Do we have any member of the jury panel
18 who you or your immediate family has ever been the victim
19 of a violent crime? If so, please stand.

20 All right. Starting on the front row, in the --
21 both of you are in blue; blue without the sweater. Your
22 name and number.

23 THE JUROR: Juror 67, Jeff Gilliam. I've had two
24 members of my family murdered by guns; an aunt and an
25 uncle.

1 THE COURT: And the fact that your family has had
2 to endure that situation, sir, could you put that aside and
3 try this case based on the evidence in the case?

4 THE JUROR: I'm not sure.

5 THE COURT: Sir?

6 THE JUROR: I don't know. I will try.

7 THE COURT: What's your name and number?

8 THE JUROR: Jeff Gilliam, 67.

9 THE COURT: All right. Mr. Gilliam, I'm going to
10 excuse you from the trial of the murder case, but stay with
11 me on the trial of the drug case and the civil case. Thank
12 you.

13 Yes sir?

14 THE JUROR: 78, Benjamin Herman. I've been robbed
15 at gunpoint twice.

16 THE COURT: All right, sir. The fact that you've
17 been robbed twice at gunpoint, would that in any way
18 preclude you or keep you from being able to serve and
19 decide this case based solely on the evidence in this case?

20 THE JUROR: Potentially.

21 THE COURT: Sir?

22 THE JUROR: Potentially.

23 THE COURT: All right. Set him aside for this
24 case. Leave him on the civil case, please.

25 Yes, ma'am, with the pretty gold necklace, name and

1 number?

2 THE JUROR: 19, Tamesha Bussey.

3 THE COURT: Speak up for me.

4 THE JUROR: 19. Tamesha Bussey.

5 THE COURT: Yes, ma'am?

6 THE JUROR: My daughter was murdered last year.

7 THE COURT: And the fact that you've endured that,
8 ma'am, would that keep you from being fair and impartial
9 and being able to set that aside and try this case?

10 THE JUROR: Yes, sir.

11 THE COURT: You can do that?

12 THE JUROR: Yes, sir.

13 THE COURT: Thank you. You may stay with us.
14 Yes, Ma'am?

15 THE JUROR: I'm number 176, Tyquazja Tyler. My
16 father was murdered by another man, on my birthday.

17 THE COURT: And the fact that your father was
18 murdered in the past, ma'am, would that keep you from being
19 a fair and impartial juror being able to decide the case
20 based on the evidence.

21 THE JUROR: Well --

22 THE COURT: Or would you rather not sit?

23 THE JUROR: I don't know.

24 THE COURT: I have to know, though. So, you have
25 some doubt as to whether you can do it?

1 THE JUROR: No.

2 THE COURT: Can you? Or can't you?

3 THE JUROR: I can't.

4 THE COURT: Take her out on this case, on the
5 murder case. Leave her on the other two.

6 Sir, in the bulldog shirt.

7 THE JUROR: 123, Mark Napier. I was shot in the
8 face when I was 14.

9 THE COURT: In a criminal situation, or...

10 THE JUROR: I'd say no.

11 THE COURT: Well, the fact that you endured a
12 gunshot wound when you were 14, sir, would that keep you
13 from being fair and impartial and being able to sit as a
14 juror on this case?

15 THE JUROR: No, sir.

16 THE COURT: Thank you. You may stay with us.

17 Last but not least, ma'am, in the burgundy blouse,
18 sweater.

19 THE JUROR: Janet Slachter, Juror Number 156. My
20 brother was shot and killed by his roommate.

21 THE COURT: And the fact that your brother was
22 killed, would that, ma'am, keep you from being fair and
23 impartial and being able to set that aside and try this
24 case based solely on what you hear in this courtroom?

25 THE JUROR: No. That will not be an issue.

1 THE COURT: It will not affect you?

2 THE JUROR: No.

3 THE COURT: Thank you. You may stay with us.

4 Ladies and gentlemen, the last question, does any
5 member of the jury panel know of any reason that I have
6 failed to go over, or any reason whatsoever why you would
7 be unable to be fair both to the State and to the defendant
8 and try this case based solely on the evidence presented
9 and accept the law as I'll give it to you as we try this
10 case? Any reason whatsoever, I need to know.

11 Any additional questions by the State?

12 MR. WEEKS: May we approach a minute, Your Honor?

13 THE COURT: Any additional questions by the
14 defense?

15 MR. LYONS: Yes, sir.

16 (There was a bench conference out of the hearing of
17 the jury venire and the court reporter.)

18 THE COURT: All right. Ladies and gentlemen, what
19 we do now is the clerk will make a random selection out of
20 everybody that was not disqualified. Once that selection
21 is done, drawn, then your name will be called. As your
22 name is called, please come forward and stand right between
23 the two tables here, right here in front, turn around and
24 face the lawyers.

25 The State has five strikes. The defendant has ten.

1 And they can strike you for most any reason, sometimes, no
2 reason at all, but within bounds that both sides know about
3 under the certain cases that have been enacted, cases that
4 have been decided by the US Supreme Court and the State
5 Supreme Court. So don't get your feelings hurt if they
6 strike you. So anyway, we'll go through that process until
7 we have twelve jurors and two alternates. And then that
8 will be our first case. We will do the drug case next.
9 And then those who are left will run over to Judge
10 Sprouse's court and do the last one.

11 Anybody uncomfortable, my jurors? We have
12 bathrooms right here. So don't -- if you get
13 uncomfortable, raise your hand. I don't --

14 Yes, ma'am?

15 THE JUROR: May I use the restroom?

16 THE COURT: Your name and number please, ma'am?

17 THE JUROR: Sharon Burgess. Number 16.

18 THE COURT: 16?

19 THE JUROR: Yes, sir.

20 THE COURT: You need the restroom, sir?

21 THE JUROR: I'm good.

22 THE COURT: Don't get uncomfortable.

23 (The jury strike list was printed and the jury was
24 selected as follows:)

25 **JURY SELECTION**

1 THE CLERK: When your name is called, please come
2 forward as the judge instructed you. Please bring anything
3 with you that you have, so that you don't have to go back
4 if you are chosen on the jury.

5 Juror Number 156, Janet Schlachter (white female).

6 What says the State?

7 MR. WEEKS: Please present Ms. Schlachter.

8 THE CLERK: What says the defense?

9 MR. LYONS: Swear the juror.

10 THE CLERK: Please have a seat in the jury box.

11 Juror Number 42, Nikita D. Dicks (black female).

12 What says the State?

13 MR. WEEKS: Please excuse Ms. Dicks from this
14 trial.

15 THE CLERK: Please have a seat back in your seat.

16 Juror Number 120, Fritzner Morin, (white male).

17 What says the State?

18 MR. WEEKS: Please present Mr. Morin.

19 THE CLERK: What says the defense?

20 MR. LYONS: Please swear the juror.

21 THE CLERK: Please have a seat in the jury box.

22 Juror Number 192, Laura Williams (white female).

23 What says the State?

24 MR. WEEKS: Please present Ms. Williams.

25 THE CLERK: What says the defense?

1 MR. LYONS: Swear the juror.

2 THE CLERK: Please have a seat in the jury box.

3 Juror Number 73, Jacob Harrison (black male).

4 What says the State?

5 MR. WEEKS: Please present Mr. Harrison.

6 THE CLERK: What says the defense?

7 MR. LYONS: Swear the juror.

8 THE CLERK: Please have a seat in the jury box.

9 Juror Number 26, Mitchell J. Carroll (white male).

10 MR. WEEKS: What number was that?

11 THE CLERK: 26.

12 What says the State?

13 MR. WEEKS: Please present Mr. Carroll.

14 THE CLERK: What says the defense?

15 MR. LYONS: Swear the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Juror Number 106, Olivia Willis (black female).

18 What says the State?

19 MR. WEEKS: Please present Ms. Willis.

20 THE CLERK: What says the defense?

21 MR. LYONS: Swear the juror.

22 THE CLERK: Please have a seat in the jury box.

23 Juror Number 57, Martin Falmlen, (white male).

24 What says the State?

25 MR. WEEKS: Please present Mr. Falmlen.

1 THE CLERK: What says the defense?
2 MR. LYONS: The juror may be excused.
3 THE CLERK: Please have a seat back in your seat.
4 Juror Number 99, Denise Krok (white female).
5 What says the State?
6 MR. WEEKS: Please present Ms. Krok.
7 THE CLERK: What says the defense?
8 MR. LYONS: The juror may be excused.
9 THE CLERK: Please return to your seat.
10 Juror Number 198, Gavin Winship (white male).
11 What says the State?
12 MR. WEEKS: Please present Mr. Winship.
13 THE CLERK: What says the defense.
14 MR. LYONS: The juror may be excused.
15 THE CLERK: Please return to your seat.
16 Juror Number 62, Cathy Freeman (white female).
17 What says the State?
18 MR. WEEKS: Please present Mrs. Freeman.
19 THE CLERK: What says the defense?
20 MR. LYONS: Swear the juror.
21 THE CLERK: Please have a seat in the jury box.
22 Juror Number 52, Benjamin Eubanks (white male).
23 What says the State?
24 MR. WEEKS: Please present Mr. Eubanks.
25 THE CLERK: What says the defense?

1 MR. LYONS: Swear the juror.
2 THE CLERK: Please have a seat in the jury box.
3 Juror Number 34, Allen Cross (white male).
4 What says the State?
5 MR. WEEKS: Please present Mr. Cross.
6 THE CLERK: What says the defense?
7 MR. LYONS: This juror may be excused.
8 THE CLERK: Please return to your seat.
9 I have the defense --- State as using one strike;
10 the defense four.
11 Juror Number 147, Sheila Peterson (white female).
12 What says the State?
13 MR. WEEKS: Please present Mrs. Peterson.
14 THE CLERK: What says the defense?
15 MR. LYONS: Swear the juror.
16 THE CLERK: Please have a seat in the jury box.
17 Juror Number 200, Brandy Wood (white female).
18 What says the State?
19 MR. WEEKS: Please present Ms. Wood.
20 THE CLERK: What says the defense?
21 MR. LYONS: This juror may be excused.
22 THE CLERK: Please return to your seat.
23 Juror Number 152, Kathey Sanders (white female).
24 What says the State?
25 MR. WEEKS: Please present Ms. Sanders.

1 THE CLERK: What says the defense?
2 MR. LYONS: This juror may be excused.
3 THE CLERK: Please return to your seat.
4 Juror Number 171, Sheila Thomas (white female).
5 What says the State?
6 MR. WEEKS: Please present Ms. Thomas.
7 THE CLERK: What says the defense?
8 MR. LYONS: Swear the juror.
9 THE CLERK: Please have a seat in the jury box.
10 Juror Number 7, Michael Baynham (white male).
11 What says the State?
12 MR. WEEKS: Please present Mr. Baynham.
13 THE CLERK: What says the defense?
14 MR. LYONS: Swear the juror.
15 THE CLERK: Please have a seat in the jury box.
16 Juror Number 72, Baneeka Harling (black female).
17 What says the State?
18 MR. WEEKS: Please present Ms. Harling.
19 THE CLERK: What says the defense?
20 MR. LYONS: Swear the juror.
21 THE CLERK: Please have a seat in the jury box.
22 That's twelve jurors, Your Honor.
23 THE COURT: All right. Two alternates; two and
24 one.
25 THE CLERK: Juror Number 160, Christopher Sloan

1 (white male).

2 What says the State?

3 MR. WEEKS: Please present Mr. Sloan.

4 THE CLERK: What says the defense?

5 MR. LYONS: What was the number?

6 THE CLERK: 160.

7 MR. LYONS: This juror may be excused.

8 THE CLERK: Please return to your seat.

9 Number 139, Ronald Price (white male).

10 What says the State?

11 MR. WEEKS: Please present Mr. Price.

12 THE CLERK: What says the defense?

13 MR. LYONS: The juror may be excused.

14 THE CLERK: Please return to your seat.

15 Juror Number 186, Linda Whitby (white female).

16 What says the State?

17 MR. WEEKS: Please present Ms. Whitby.

18 THE CLERK: What says the defense?

19 MR. LYONS: Swear the juror.

20 THE CLERK: Have a seat in the jury box, please.

21 THE COURT: All right. One more.

22 Juror Number 178, Daryl Vaughn (white male).

23 What says the State?

24 MR. WEEKS: Please excuse Mr. Vaughn at this time.

25 THE CLERK: Juror Number 10, Jason Bolon (white

1 male).

2 What says the State?

3 MR. WEEKS: Please present Mr. Bolon.

4 THE CLERK: What says the defense?

5 MR. LYONS: Swear the juror.

6 THE CLERK: Please have a seat in the jury box.

7 Your honor, we have a jury.

8 THE COURT: Are there any motions by the State or
9 the defendant in connection with the selection of the jury?

10 MR. WEEKS: Not from the State, your honor.

11 THE COURT: All right. Ladies and gentlemen, y'all
12 will be my first jury for the case on the murder case.

13 We're going to start at 9:30 in the morning. They will
14 show you how to get back up here in the morning. I'm going
15 to release you for the balance of the day; start at 9:30.

16 I normally have hot coffee back there. If we're going to
17 start at 9:30, so if you want some coffee, you'll need to
18 be here a little bit sooner than that. And normally, we'll
19 get you a snack or sausage biscuit if it's okay with
20 everyone or do you want donuts? Sausage it is.

21 Please don't discuss the case with anyone. Don't
22 let anybody discuss it with you. We're going to start
23 right at 9:30. I like to be prompt, so please be on time.
24 Does anybody have ride problems tomorrow? Everybody okay?
25 Good.

1 Go right there with Mr. Whittle. He'll show you
2 where to go.

3 (The jury left the courtroom at 12:02 p.m.)

4 (This case was recessed until the following day.)

5 TUESDAY, DECEMBER 5, 2017

6 THE COURT: Mr. Weeks, is the State ready to
7 proceed?

8 MR. WEEKS: The State is ready, Your Honor.

9 THE COURT: Mr. Lyons?

10 MR. LYONS: Yes, Your Honor.

11 THE COURT: Bring the jury in, please.

12 MR. LYONS: Your Honor, I just have one matter.

13 THE COURT: What's that?

14 MR. LYONS: I'd ask for the witnesses to be
15 sequestered.

16 THE COURT: I don't have any problem with the
17 witnesses being sequestered. I would like to keep my
18 investigator in the case in here.

19 MR. LYONS: I apologize for that, Your Honor.

20 THE COURT: No problem.

21 MR. WEEKS: I would like to keep Norwood. He
22 operates my -- he's on the list.

23 (The jury entered the courtroom at 9:35 p.m.)

24 THE COURT: Good morning. I hope everyone had a
25 nice evening and ate your fruit this morning. What'd they

1 have? Bananas and grapes and --

2 A JUROR: We had biscuits and jelly. That's fruit.

3 THE COURT: Good. Those biscuits don't have any
4 calories in them.

5 First thing we have to do is please stand and raise
6 your right hand so the clerk can swear you in.

7 (The jury was sworn at 9:30 a.m.)

8 THE CLERK: Thank you. Please be seated.

9 **OPENING REMARKS BY THE COURT**

10 THE COURT: Let me make just a few comments before
11 we get started this morning and sort of tell where we're
12 going and how we're going to get there and the process;
13 what your role is and what my role is and what everyone
14 else's is.

15 In this case, Mr. Hamilton, who is seated at the
16 counsel table, has been indicted by the Aiken County Grand
17 Jury on two indictments. One is for the offense of murder.
18 The other is just for the offense of the possession of a
19 weapon during the commission of a violent crime. So he has
20 plead not guilty to both of these indictments, and as I
21 told you yesterday, by pleading not guilty, he has the
22 constitutional presumption of innocence unless the State is
23 able to prove his guilt to you beyond a reasonable doubt.

24 And the State has that burden. And the burden of
25 proof in a criminal case is different than the jurors who

1 went over to Judge Sprouse's courtroom in a civil case. In
2 a criminal case, it is beyond a reasonable doubt. So if we
3 use the scales of justice as an example, in a civil case
4 where you're seeking monetary value the parties come in on
5 equal footing. And to win a civil case you have to prove
6 your case by the preponderance or greater weigh the
7 evidence, which simply means you tip the scale ever so
8 slightly in your favor.

9 In a criminal case such as this because the
10 defendant has the presumption of innocence, the scales of
11 justice are tipped way in his favor because of that
12 presumption. And for the State to prove him guilty beyond
13 a reasonable doubt, they have to tip the scales in this
14 manner. So the burden of proof in a criminal case is
15 greater than that in a civil case. So that's where we are
16 today. And as I said, he has plead not guilty to these
17 indictments. The indictment is not evidence in the case,
18 so don't infer anything from the indictments. The State
19 has the burden of proving him guilty to you beyond a
20 reasonable doubt.

21 Now, how do we get there? In just a few minutes,
22 we will start the trial by the State making an opening
23 statement. Opening statement is not evidence in the case.
24 That is simply the solicitor will stand up and tell you
25 what the case is about. He'll tell you what he intends to

1 prove, what you're to look at. It's sort of setting a road
2 map for you to where we're going in the trial of the case.
3 When the solicitor's completed their opening statement, the
4 defense has an opportunity likewise to make an opening
5 statement. Their statement, likewise, is not evidence in
6 the case. It is simply where he's asking you to look for,
7 keep your eye out on, to listen for, while he's -- what
8 there defense is, basically.

9 But once we complete the opening statements,
10 because the State has the burden of proof, they will go
11 first. They will call their witnesses first. And the way
12 that works is the State will call the witness and ask him
13 questions, her questions, under direct examination. The
14 defense lawyer has the right to cross-examine. And then,
15 once we finish all the state's testimony, the defense, if
16 they choose, has a right to put up witnesses. However,
17 they don't have to put up anybody, because they don't have
18 anything to prove. They aren't -- they don't have any
19 burden in this case, it's all upon the State. So if they
20 choose not to put up any witnesses, I'll talk to you about
21 that.

22 But once all the testimony is in, then the lawyers
23 will once again make final arguments, and then I will
24 charge or instruct you on the law. And then you will be in
25 a position to start your deliberations. So that's how the

1 case will go. That's how it will flow.

2 Just another -- a few other matters, I will ask you
3 each time we take a break, please, do not start any
4 deliberations. Don't talk about the case. That is not
5 proper because it may be that last witness that might sway
6 you some way or that final arguments or whatever. So talk
7 about anything you want to but don't talk about the case
8 until we get in a position that everything is concluded.

9 I will ask that when we take our first break I need
10 a foreperson from the twelve regular jurors. So y'all
11 please select someone out of the twelve to serve as a
12 foreperson. That's simply the spokesman, spokes-lady,
13 spokesman for the jury. If you have any questions, the
14 foreperson brings it to me. The foreperson will sort of
15 hand up the deliberation conclusion. If you can't decide
16 on somebody, I'm just going to randomly select one of you.

17 I like to run an efficient courtroom. I like to
18 start when I say I'm going to start. We like to move
19 along. We don't take long breaks. We get to lunch today,
20 unless anybody's got any problems with this, I'll probably
21 order some lunch in. But we'll take about an hour, an hour
22 and fifteen minutes. But you won't have to go run
23 somewhere. I'll just bring some lunch in. So when we take
24 that first break, I'll send Mr. Whittle back and he'll give
25 you some options on that, unless you just want to go out on

1 your own. But this -- I find it's a lot quicker and a lot
2 easier just to order it in and save y'all a dollar or two
3 as well.

4 If at any time during the trial of the case you
5 become uncomfortable, you need a bathroom break, you get
6 hot, you get cold, you get tired of listening to me,
7 whatever, raise your hand. Don't get uncomfortable. I'll
8 make sure that whatever needs you have are met. Even
9 though we're trying to be efficient and running on time,
10 you're my primary concern. I want to make sure you're
11 comfortable, and everything's fine with you.

12 So having said all that, we want to get into the
13 trial of this case with the opening statements by the State
14 and by the defendant. And then we'll start the testimony
15 in the case. Please remember that you are the judges of
16 the facts in the case. Please pay close attention. You
17 will be judging the credibility, or the believability of
18 the witnesses who testify in the case. So at the end, you
19 can decide what the true facts are, apply it to the law as
20 I give it to you, then you'll be in position to render a
21 true and just verdict.

22 Any objections to my opening remarks by the State?

23 MR. WEEKS: None by the State, Your Honor.

24 THE COURT: Mr. Lyons?

25 MR. LYONS: None, Your Honor.

1 THE COURT: Thank you.

2 Mr. Weeks?

3 **OPENING STATEMENTS**

4 MR. WEEKS: May it please the Court, Mr. Lyons.

5 Good morning. I know y'all all started out this
6 week hoping you'd be sitting here on a criminal jury in
7 Aiken County, South Carolina in the Christmas Season. And
8 I apologize in advance. But I tell you in advance, and at
9 some point during this trial, probably every one of us
10 participating in it will thank you for your sacrifice that
11 you are making to be here. Even though you are willing
12 it's still a sacrifice and we thank you. This county, this
13 state, this country couldn't run without people who are
14 willing to be jurors and people who are willing to serve in
15 that capacity.

16 This is not going to be a complicated case. It's
17 the most serious case in our state, it's murder. Taking
18 another human being unlawfully with malice aforethought.
19 Malice aforethought. You'll hear legal definitions that
20 probably are designed to try to simplify the wording of
21 some of the elements of the crime from the judge during
22 this case, but I'm too stupid to use legal terms, even
23 though I went to law school and have been doing this for 36
24 years. I have to talk like I understood it when I was
25 coming up.

1 Now, this is unlawfully killing somebody with no
2 defense at all. No self-defense. No defense of others.
3 It's just plain, out and out killing somebody. And you've
4 got to think about it before you do it. Which makes a
5 little sense that you got to think about it before you pull
6 the trigger. You didn't trip and kill this man.

7 We just have to show that he pulled the trigger
8 and, in this case, we're going to show that he pulled the
9 trigger eight or nine times. Maybe ten or eleven times.
10 We don't know, cause we didn't find all the cartridges.
11 But in this case, you're going to hear testimony, in this
12 trial, from my witnesses that Reggie Hamilton, the young
13 man sitting right by his lawyer over there, executed,
14 massacred, murdered, shot up Isaiah Miles in Petticoat
15 Junction on Green Road in the afternoon hours of March the
16 3, 2014.

17 Witnesses are going to come forward that were there
18 to talk about generally what was going on there. We in the
19 office have -- we give names to cases, for lack of a better
20 word -- so, you know, we hear thousands of names of people,
21 but when we talk about the facts in the case, we are very
22 prone to make a name for it. And we call this the drinking
23 tree case. The drinking tree case is called that because
24 there's a couple of trees there in the yard of -- I'm not
25 exactly sure who owns the yard, but there's a little circle

1 of mobile homes with a couple of big pine trees. And
2 people gather there to build fires and drink beer, end
3 their work day, start their work day, I don't know.

4 But about a little after six on the afternoon of
5 March the 3rd, there were some people that were coming from
6 work that stopped by there, have a beer, talk with their
7 friends. There were people that had been there, probably
8 all day, God knows how long. And there were people that
9 had just arrived from various places, not necessarily work,
10 but they had just arrived. So there was a hodge podge of
11 people that were at the drinking tree.

12 Now, what happened, the testimony is going to show
13 from the eyewitnesses, is that they were there; that the
14 defendant, or the victim in this case, Isaiah Miles, he had
15 been back home to Petticoat Junction, or to Beech Island,
16 or to this area but just a day or so. He had been in New
17 York, and then I think Boston, and had just arrived back
18 home; was given a ride by a friend of the family, and
19 wanted to stop by, check out his friends at the drinking
20 tree.

21 He had had some sort of dispute in the past, or was
22 currently having an argument with the defendant.
23 Testimony's going to show that they had a long talk. It
24 wasn't heated. It wasn't yelling or waving arms. It
25 wasn't a fist fight. Some of them may say that the victim

1 wanted to bust him one, but he didn't. There wasn't no
2 shootout, there wasn't no guns pulled, knives pulled. They
3 had an argument. Talked for anywhere from a half hour to
4 an hour.

5 Well, apparently, Mr. Hamilton didn't like the way
6 they talked now. So he catches a ride from another
7 individual who happens to pull up about that time. And he
8 goes, I'm going to guess maybe a half a mile to his
9 mother's house and gets a weapon. He gets an AK-47 type
10 weapon. Now, y'all watch TV enough to know it's a military
11 style weapon, but it can hold a bunch of bullets. Very
12 lethal; very dangerous; very easy to get bullets. But he
13 comes back, catches a ride back with that same guy.
14 Whether he knew or didn't know, is really not important,
15 that he had a weapon that he brings him right back to the
16 tree, and as soon as he gets out of the car he starts
17 unloading on Isaiah Miles. Literally guns him down like
18 the -- well just guns him down unmercifully. He didn't
19 have a gun. He's being riddled. Literally made into
20 sheets with this gun, shooting these bullets, that you'll
21 see are very ugly, very deadly bullets.

22 And the last shot is point blank, pointing down at
23 him. And then he runs. He runs for two weeks or more
24 before he turns himself in with his attorney. You're going
25 to hear -- with an attorney. You're going to hear from the

1 witnesses who saw him who were standing right there when,
2 all of a sudden, he comes back from wherever he's gone to.
3 We now know it was to his mother's house where, apparently,
4 he had this gun. He brings it back and guns down Isaiah
5 Miles.

6 It's not a -- it's not a jury case where you're
7 going to feel like you need a medical degree, or even an
8 engineering degree. And some of you are probably
9 engineers. It's a simple case. It's a case of eyewitness
10 testimony; seeing somebody do an atrocious act.

11 Don't be put off by the fact that he asked for a
12 jury trial. It's everybody's constitutional right in this
13 country to have one when you are charged by a trial --
14 charged by the State. It doesn't mean he is not guilty
15 because he asked for a jury trial. But what it does mean
16 is we're going to show that he's guilty by the evidence
17 produced in front of you. You're going to hear people --
18 you're going to hear pathologists who say obvious stuff.

19 He was killed. He was killed from bleeding out
20 after eleven bullet wounds. Best I can count, like,
21 eighteen holes in him. That's kind of obvious, but that's
22 kind of the way the State has to do. We kind of got to
23 paint by number sometimes to meet all of the elements of
24 the crime. And it might get boring to you.

25 But we'll be putting up experts that testify that

1 the bullet casings they found were the same type of bullet
2 casings, well they were all fired from the same weapon, but
3 they were the type of bullet casings that are common to a
4 certain number of AK-47 type weapons. And that's a paint
5 by numbers thing. Once you see the photographs of this
6 crime scene, you'll understand how the man got killed. You
7 don't need a pathologist, a forensic pathologist. You
8 don't need anybody to say all of that.

9 The issue's going to be, did Reggie Hamilton do it.
10 And the best persons to tell you that are the people that
11 grew up with him; know him, saw him that night, related to
12 him. All of those people will come to court or come into
13 court and testify against him, or testify as to what they
14 saw that night. They're just telling y'all like they saw
15 it.

16 The problem with -- the problem for Mr. Hamilton is
17 that he's the one that did it. And there's no question
18 about it. So the trial in this case isn't going to be a
19 California kind of trial. We'll be done tomorrow
20 afternoon, by lunch would be my best guess. And that's
21 primarily because of witness scheduling and that type of
22 thing that we have to do, because these expert witnesses
23 are subpoenaed in ten different counties for the same day.
24 The hardest part of my job is coordinating and getting them
25 here.

1 But the bottom line is they'll testify and it will
2 be relatively uncontradicted as to what the evidence is,
3 I'm sure.

4 But listen carefully. Thank you once again. This
5 is a serious case, and it's serious for everybody, both
6 sides. It is serious for the people in Aiken County.
7 Thank you.

8 MR. LYONS: May it please the Court.

9 THE COURT: Yes, sir.

10 MR. LYONS: Mr. Weeks.

11 Good morning, ladies and gentlemen. My name is
12 Dennis Charles Lyons and I am represent Mr. Hamilton in
13 this situation. And I was listening to Mr. Weeks and some
14 of the things he said are true and very important about
15 listening to the case, how important the case is to the
16 State. But let me tell you about how important this case
17 is to Reginald Hamilton, because he is the person who is on
18 trial for these allegations; this indictment. And what the
19 judge told you a few minutes ago, it's important and it's
20 real. The presumption of innocence is real. Proof beyond
21 a reasonable doubt is real. I know you've heard that
22 before, but it's real.

23 So when you get into this situation, as a jury, you
24 have to remember that it's real; that the State of South
25 Carolina where we pay and you pay your taxes, that money's

1 being used to prosecute Mr. Hamilton. That's a lot of
2 power. So what we ask you to do is to listen to the
3 evidence in this case. We ask you to listen to these
4 witnesses; to observe these witnesses, because that little
5 area, it wasn't called the drinking tree for nothing. The
6 people out there, they didn't go out there to smoke a
7 cigarette and say, Hello, what's up. They were out there
8 drinking. They were drinking more than a beer. They were
9 drinking it up. And I venture to say that more than
10 drinking was taking place out there.

11 Now, one thing I can tell you about this case is
12 that you're not going to hear anybody to come in here and
13 tell you that Reggie Hamilton had a problem with Mr. Isaiah
14 Miles. Nobody's going to come in this courtroom and tell
15 you that they ever heard Reginald Hamilton say --

16 MR. WEEKS: You're Honor, I have a matter of law
17 about that.

18 THE COURT: Mr. Lyons, you know what that situation
19 is. So move along without that reference, please.

20 MR. LYONS: Yes, sir.

21 I expect you to hear evidence that Mr. Miles had
22 some words, you know, about Mr. Hamilton. So we are going
23 to ask you to consider these witnesses that the State's
24 going to call. Consider their background. Consider what
25 they had the opportunity to observe. Consider if their

1 testimony is consistent.

2 Now, Mr. Hamilton has plead not guilty. He says he
3 is not guilty, that he did not shoot Isaiah Miles. Now, no
4 doubt, Isaiah Miles was shot and somebody shot him. But
5 we're here to tell you today that he was not shot by
6 Reginald Hamilton. So I ask you to listen to the evidence,
7 observe these witnesses. And at the end of all the
8 evidence, I'm going to come back and ask you to reach a
9 verdict consistent with what the evidence is. I'm not
10 going to ask you to find one way the other at this point in
11 time because that would not be the thing to do. I'm going
12 to ask you to wait and listen to see what comes out in this
13 courtroom. And at the end, I'll be back to talk to you
14 about it at the end of the trial. Thank you.

15 THE COURT: Call your first witness.

16 MR. WEEKS: Your Honor, the State would call Jimmy
17 Williams.

18 THE COURT: Mr. Williams, come up here please.
19 Stand before the clerk. Place your left hand on the Bible
20 and raise your right to be sworn in.

21 JIMMY WILLIAMS,

22 having been duly sworn, testified as follows:

23 THE CLERK: Thank you. Please be seated up in the
24 witness box. State your name for the Court and spell it
25 please.

Jimmy Williams - Direct Examination by Mr. Weeks

1 THE COURT: Good morning, Mr. Williams.

2 THE WITNESS: Good morning, sir.

3 THE COURT: How are you?

4 THE WITNESS: My name is Jimmy Williams.

5 THE COURT: You may have a seat.

6 THE WITNESS: Yes, sir.

7 **DIRECT EXAMINATION**

8 **BY MR. WEEKS:**

9 Q How you doing today?

10 A I'm all right, sir.

11 Q Jimmy, where do you live?

12 A I live on -- I live in Augusta now.

13 Q Did you grow up in Petticoat Junction?

14 A Yes, I did.

15 Q Back in March of 2014. Did you live in Augusta

16 or...

17 A Augusta.

18 Q All right. How old are you Jimmy?

19 A 54.

20 Q And how long have you -- did you grow up in that
21 area?

22 A Yes, I did. I grew up down there when I was six
23 years old.

24 Q Okay. Did you have relatives that lived down
25 there?

Jimmy Williams - Direct Examination by Mr. Weeks

1 A Well, my whole immediate family lived there.

2 Q Okay. Do you know where the drinking tree is?

3 A Yes, sir. I guess that what you call it. Yeah, I
4 know where you're talking about.

5 Q And do you have relatives that right there at the
6 drinking --

7 A Yes, right there -- the trailer -- like this is my
8 niece. The one like, this is the niece. And the one like
9 this is my sister-in-law. She was married to my twin
10 brother.

11 Q So there were like three trailers right around
12 there?

13 A Yeah, yeah.

14 Q And you knew who lived in all of them?

15 A Yes, I did.

16 Q All right. On March the 3rd of 2014, when you --
17 what were you doing down there?

18 A Well, I went down there to do some work for the
19 trailer that's in the back for my niece, Thelma Williams.

20 Q All right. And did you -- how long had you been
21 down there?

22 A Maybe about thirty minutes.

23 Q Okay. Did you see anybody when you walked down
24 there?

25 A Yes, sir. When I walked up, there was these two

Jimmy Williams - Direct Examination by Mr. Weeks

1 guys standing by the steps of the trailer that I was about
2 to go in. And -- and I spoke to them, and they spoke back,
3 and I went on in the trailer.

4 Q Did you know those guys?

5 A No, I didn't.

6 Q All right. How were they dressed? Do you
7 remember?

8 A Yeah, I know -- well I don't know how one was
9 dressed, but I know one guy had on shorts and these boots
10 called Timberlands. But they, you know, they're orange or
11 yellow colored. And that's how I know him. I just
12 remembered that it was odd for hot and he got on boots and
13 shorts.

14 Q Did you ever see those boots later on?

15 A Yes, I did.

16 Q Okay. Before we get to that, tell me what you were
17 doing in the trailer?

18 A Well, I was doing repairs on her bathroom.

19 Q Okay. Did you hear anything when you were in the
20 trailer?

21 A I just heard these gun shots.

22 Q You hear any arguing or anything before that?

23 A No.

24 Q And the two fellows you saw talking were right
25 there at the steps?

Jimmy Williams - Direct Examination by Mr. Weeks

1 A Yes, sir.

2 Q All right. Where did you hear the shots? What
3 direction did you hear the gun shots?

4 A I don't know. I was just in the trailer and I hear
5 the shots.

6 Q You know how many you heard, Jimmy?

7 A Oh, I know I hear about four or five.

8 Q Okay. I'm going to hand you what's marked State's
9 number ---

10 MR. WEEKS: It's not marked.

11 (State's Exhibit Number 7 was marked for
12 identification.)

13 THE COURT: Blowup of what?

14 MR. WEEKS: This is a blowup of the drinking tree
15 area.

16 THE COURT: Of what?

17 MR. WEEKS: It's a blowup of State's Exhibit Number
18 2, which I think is without objection.

19 MR. LYONS: There's no objection.

20 (State's Exhibit Number 2 was entered into
21 evidence.)

22 BY MR. WEEKS:

23 Q Jimmy, if you could, step down here a minute?

24 A Okay.

25 Q Jimmy, can you tell me do you recognize what's

Jimmy Williams - Direct Examination by Mr. Weeks

1 depicted in State's Exhibit Number 2?

2 A Yes, I do.

3 Q Just stand back just a little bit so all these
4 people up here -- there you go?

5 THE COURT: Can everybody see that? If you can't
6 see, raise your hand.

7 BY MR. WEEKS:

8 Q Jimmy, in what trailer were you working in?

9 A I don't see it, but it's the one here...

10 Q Down on the edge of it right there?

11 A Oh, that's it. Yeah, the one there.

12 Q All right. And when you arrived, where is the area
13 we're talking about, the drinking tree?

14 A Oh, I think it's this tree here.

15 Q Okay. And you knew who lives over here, in this
16 trailer on the right?

17 A Jada Williams, My niece.

18 Q Okay. Is she married to anybody?

19 A No, she, Mont Turner, it's just common law for --

20 Q All right.

21 A Twenty-eight years.

22 Q And how about over here on the left?

23 A Her name is Beatrice Williams. That's my
24 sister-in-law. She was married to my twin brother.

25 Q Call her Ms. B?

Jimmy Williams - Direct Examination by Mr. Weeks

1 A No, we call her Bea.

2 Q Okay, you can have a seat back up there.

3 A Okay.

4 (The witness returned to the stand.)

5 BY MR. WEEKS:

6 Q Jimmy, when you heard the shots, or what sounded
7 like shots -- had you heard shots before? Rifle shots?
8 Pistol shots?

9 A Yeah, when -- I know what shots are --

10 Q You were in the service weren't you?

11 A Yeah, Navy.

12 Q Okay. What'd you do when you heard those shots?

13 A Well, I went outside to see what was going on. You
14 know, see what happened because they was really loud. I
15 went out there, like, Is those gunshots; something like
16 that.

17 Q Okay. What did you see when you got out there?

18 A Well, I really didn't see nothing, but as I went
19 closer, as you said, they call it the drinking tree, I saw
20 this guy laying on the ground. And I know it was the same
21 guy that was standing over talking, because I noticed the
22 boots. You know, the boots stuck out.

23 Q Okay.

24 A And he was saying, Would somebody please call -- he
25 called them the folks. Would somebody please call them.

Jimmy Williams - Direct Examination by Mr. Weeks

1 But by then, everybody had left.

2 Q There was nobody standing around?

3 A I just maybe seen one or two people, but everybody
4 was gone, compared to what I saw when I drove up.

5 Q Yeah. Was there anybody trying to assist him?
6 Help him?

7 A My niece. Her name's Shantoria Williams, which is
8 Jada's daughter. She was trying to keep him calm.

9 Q All right. Did you see how bad he was shot?

10 A Yes, I did.

11 Q Looked like he --

12 A He had holes in him.

13 THE COURT: I'm sorry, say what?

14 THE WITNESS: He had holes in him, almost like
15 this.

16 BY MR. WEEKS:

17 Q Now, when you arrived there, did you know any of
18 the people out there?

19 A No, I did not. I basically don't know any of those
20 young guys, but I just, I knew some, maybe Marlin, and --
21 but I didn't know, because I really didn't. I drove in and
22 parked over by the trailer and I went on in.

23 Q Okay. And after you came out, you really didn't
24 see anybody standing around?

25 A No.

Jimmy Williams - Direct Examination by Mr. Weeks

1 Q Okay. Do you know the defendant? Reggie Hamilton?

2 A No, I don't.

3 Q The fellow that was talking to the guy on the
4 porch, you don't know who that was?

5 A No.

6 Q Okay. Now, how long did you stay there, Jimmy?

7 A Well, I stayed maybe a couple of hours, because I
8 did wait until the ambulance came.

9 Q And did you give the police a statement?

10 A Yeah, and I just told them what I just said that...

11 Q What you just testified to?

12 A Yeah, just what I testified then, and I'm the one
13 that made the 9-1-1 call.

14 Q When you came out of the trailer, did you see
15 anybody behind the trailers?

16 A No.

17 Q How about Marlin? Where was Marlin?

18 A He came out from behind the trailer later.

19 Q Okay. But you didn't see him when you first walked
20 out?

21 A No.

22 Q Okay. But he came behind -- from behind --

23 A -- from behind his trailer. Which is Jada's
24 trailer.

25 Q Did you see anybody else come from behind his

Jimmy Williams - Cross-Examination by Mr. Lyons

1 trailer --

2 A No, no --

3 Q -- or any other trailer?

4 A No, sir. My focus was on the guy on the ground.

5 Q Okay. Thank you.

6 Jimmy, you said there was only one or two people
7 there. Was the defendant one of them?

8 A I don't know. I don't think so.

9 Q Thank you. Answer any questions that Mr. Lyons may
10 have for you.

11 THE COURT: Any questions, Mr. Lyons?

12 MR. LYONS: Briefly, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. LYONS:

15 Q Okay, I'm going to ask you a few questions?

16 A Okay.

17 Q Good morning, Mr. Williams?

18 A How you doing, sir.

19 Q Okay. I understand correctly that you said you
20 didn't know any of the people out there?

21 A No, I didn't.

22 Q I know you mentioned Marlin Tutt?

23 A Yeah, because he was my niece's boyfriend.

24 Q And he was out there?

25 A Well, he walked up later. You know, maybe a couple

Jimmy Williams - Cross-Examination by Mr. Lyons

1 minutes, a couple minutes, maybe, he walked out from behind
2 the trailer.

3 Q So when you got there, do you have any idea how
4 many people were there?

5 A I really don't know. I just remember Marlin coming
6 up, because he was the one I asked what happened.

7 Q Okay. Now, did you speak with the people who were
8 out there, to see what they were doing?

9 A No.

10 Q And you remember after the police got there how
11 many people were there talking to the police?

12 A No, I don't remember that. My focus was on the guy
13 on the ground.

14 Q You gave the police a statement?

15 A Yes. Well, yes. Because I called and told them,
16 this guy had been shot, and y'all need to get down here in
17 a hurry.

18 Q Do you recall seeing anybody else give the police
19 any statements?

20 A No. No.

21 Q And you called 9-1-1?

22 A Yes.

23 Q You didn't see anybody else out there trying to
24 make any phone calls to 9-1-1?

25 A No. No.

Jimmy Williams - Cross-Examination by Mr. Lyons

1 Q I don't have anything else. Thank you.

2 THE COURT: Anything on redirect?

3 MR. WEEKS: No, Your Honor.

4 THE COURT: All right, Mr. Williams, you may step
5 down.

6 May he be excused?

7 MR. WEEKS: Your Honor, we'd ask that he could be
8 excused. He has a twelve o'clock appointment.

9 MR. LYONS: I don't have an objection.

10 THE COURT: You are released from your subpoena.
11 You may go. Thank you.

12 THE WITNESS: No, thank you all.

13 THE COURT: You have a pleasant holiday.

14 THE WITNESS: Thank you, sir. The same to
15 everybody else.

16 THE COURT: Next witness please.

17 MS. HAMMACK: The State calls John Hicks.

18 THE COURT: Come forward, please. Place your left
19 hand on the Bible and raise your right.

20 JOHN HICKS,

21 having been duly sworn, testified as follows:

22 THE CLERK: Thank you. Please be seated up in the
23 witness box. State your name to the Court, and spell it,
24 please.

25 THE WITNESS: My name is Officer John Hicks with

John Hicks - Direct Examination by Ms. Hammack

1 the Jackson Police Department. It's H-I-C-K-S.

2 **DIRECT EXAMINATION**

3 **BY MS. HAMMACK:**

4 Q And Officer Hicks, you kind of already answered my
5 first question, but what is it you do for a living.

6 A I work for the town of Jackson as a police officer.

7 Q And how long have you been doing that?

8 A For twenty-one years.

9 Q And as an officer for the police department in
10 Jackson, what is it that you do everyday?

11 A Just answer routine calls. Work the traffic. Work
12 the school crossing at the middle school. Just the police
13 duties of the town.

14 Q Are you from Jackson?

15 A Not originally, but I've lived there since I was
16 five.

17 Q Tell me, were you working back on March 3rd, 2014?

18 A Yes, ma'am, I was.

19 Q And on that day did you have a chance to get
20 involved in this case over on Green Road?

21 A Yes, I did. The county actually called me to
22 assist them with this call.

23 Q And did you go straight out to Green Road?

24 A Yes, I did.

25 Q What did you see when you got there?

John Hicks - Direct Examination by Ms. Hammack

1 A There was a little bit of a commotion. Of course,
2 there'd been a shooting. I seen the victim laying
3 underneath the tree. I went to him and tried to, kind of
4 secure the scene as best I could to make it safe for EMS to
5 come in.

6 Q When you saw the victim under the tree, can you
7 tell the jury what he looked like?

8 A He was kind of leaning up against the tree. Black
9 male, young. His clothes were bloody and you could tell
10 that he had been shot several times.

11 Q So when you got there, and you checked on him, what
12 was your first step?

13 A Just trying to make him as comfortable as possible.
14 He was kind of slumped over, so we went ahead and laid him
15 down on the ground; or let him lay down on the ground. He
16 wasn't talking to us. He was having trouble breathing, and
17 each breath was very troubled; gasping for breath.

18 Q Now, is it your first priority when you have a case
19 like this to care for the victim first?

20 A Well, we try to do a couple things at one time. We
21 try to make sure that we're safe, the people around us are
22 safe, and then we try to take care of the patient, we're
23 able to give some aid or comfort.

24 Q Did you do anything to secure the scene in any way?

25 A Other than just trying to have people back up, no.

John Hicks - Direct Examination by Ms. Hammack

1 Q And why do you have people back up?

2 A Just so that we're not having people right on us,
3 and we want to try to preserve evidence if we can.

4 Q Now, when you did these things, did you call
5 anybody else to come in and get involved?

6 A No, there were other officers on the way.

7 Q Did you preserve the scene in the way that you just
8 described until other law enforcement got there?

9 A Yes, I just tried to keep everybody back away from
10 the victim, which there wasn't a whole lot of people around
11 me at the time.

12 Q But there were still some people out there --

13 A Yes.

14 Q -- that you were keeping backed up?

15 A Yes.

16 Q Give me just a second.

17 Officer Hicks, you indicated that when you looked
18 at the victim when you first arrived that it appeared he
19 had been shot several times. What did that look like to
20 you? Those injuries?

21 A I actually thought at first that he'd been shot
22 with a shotgun. He had a lot of damage around the mid-area
23 of his body.

24 Q And why did it look like he had been shot with a
25 shotgun?

John Hicks - Direct Examination by Ms. Hammack

1 A Just because there was multiple wounds. My first
2 instinct was that it had been a shotgun blast instead of
3 maybe a pistol or a rifle.

4 Q Because he had multiple injuries?

5 A Multiple injuries, yes.

6 Q And did you observe any shell casings on the
7 ground, or anything in that area?

8 A Yes, I did. That's when I realized he had been
9 shot with a rifle when I'd seen the rifle casings, and
10 actually seen a bullet that had fell on the ground out of
11 his clothing.

12 Q And in your experience, what were those casings and
13 the bullet consistent with?

14 A They looked like 7.62 round clips, consistent with
15 an AK-47 or an SKS style rifle.

16 Q And did you allow forensics to process and collect
17 those casings and bullets?

18 A Yes, all that was done by forensics. We didn't,
19 didn't touch any of that. We told the investigators where
20 they were at and they took care of all of that.

21 Q This section of Green Road that you are talking
22 about, is that here in Aiken County?

23 A Yes, it is.

24 Q Thank you, Officer Hicks. Answer any questions Mr.
25 Lyons may have?

John Hicks - Cross-Examination by Mr. Lyons

1 THE COURT: Mr. Lyons, cross-examination?

2 MR. LYONS: Yes, sir.

3 **CROSS-EXAMINATION**

4 BY MR. LYONS:

5 Q Good morning, Officer?

6 A Good morning, sir.

7 Q Now, you were responding to the scene as a result
8 of a 9-1-1 call?

9 A I'm not sure how I got the call. They give it to
10 us as a shooting over our radio. I'm not sure if it was a
11 9-1-1 call or if someone called in, but it was a police
12 call was the reason I was there. Yes, sir.

13 Q Now, I notice you don't have any notes or records
14 or anything with you today?

15 A No, sir.

16 Q Okay. Did you make any other writings or records
17 or anything?

18 A I did write a statement at the scene. Yes, sir.

19 Q Do you have any idea how many 9-1-1 calls were
20 made?

21 A No, sir. I don't.

22 Q So when you got there, you saw this person that had
23 been shot laying on the ground?

24 A Yes, sir.

25 Q And you were concerned with securing the scene?

John Hicks - Cross-Examination by Mr. Lyons

1 A Yes, sir.

2 Q Making sure that whoever was -- whoever had done
3 the shooting possibly may have still been around?

4 A That's a possibility.

5 Q Do you recall how many other people were out there
6 besides the victim?

7 A No, sir. There was a lot going on that, you know,
8 I didn't stop to, and take a head count. There were, you
9 know, several people moving around and going around. It's
10 kind of a large area that we were in.

11 Q So you don't have any names or any of the people
12 that --

13 A No.

14 Q Okay. So and tell me how the lighting was.

15 A Basically dark with some street lighting. And of
16 course, I had a flashlight with me.

17 Q Okay. Is the street lighting out there -- what
18 type of -- does it illuminate well? Or?

19 A It wasn't, it was better than pitch dark. I mean,
20 it, you know, it was some lighting. You know, you didn't
21 have to have a flashlight to walk around. You could
22 actually see to walk around. But it wasn't lit up like
23 this courtroom, no sir.

24 Q So when you started noticing the shell casings, you
25 just observed them on the ground and didn't touch any of

John Hicks - Cross-Examination by Mr. Lyons

1 them?

2 A No, sir.

3 Q And were you actually looking for shell casings?

4 Or were you looking for anything?

5 A I was just looking around. Just trying to look for
6 evidence so I didn't step on it. Look for anything not to
7 step on, you know, just trying to, like I said, secure the
8 scene. And you want to try to make the least amount of
9 disturbance that you can as far as walking on anything or
10 stepping on anything or moving anything.

11 Q Do you know if any canvassing took place?

12 A Any what?

13 Q Canvassing. Of the neighborhood.

14 A Not that I know of.

15 Q How long were you on the scene?

16 A I don't remember exactly. I don't remember. I
17 know we stayed there for a little while, while I secured
18 some evidence and took some pictures and, but I don't know
19 the exact time that I was on the scene.

20 Q Had you ever been to that location before?

21 A Yes, I have.

22 Q Okay. So you were familiar with it?

23 A Yes.

24 Q Did you observe any beer cans? Or liquor bottles?
25 Anything of that nature out there?

John Hicks - Cross-Examination by Mr. Lyons

1 A Yes sir, but on that, that's all, you know, that's
2 every time we go there, there's those items around.

3 Q And it indicates there's some consumption of
4 alcohol taking place at that spot?

5 A Yes.

6 Q What about drugs? Did you notice any evidence of
7 drugs?

8 A No, sir. Not that I recall.

9 Q Thank you, very much.

10 A All right, sir.

11 THE COURT: Anything on redirect?

12 MR. WEEKS: No, sir.

13 THE COURT: Thank you. You may step down.

14 Next Witness.

15 MR. WEEKS: The State would call Joseph Maurice
16 Williams.

17 THE CLERK: Mr. Williams, come forward.

18 JOSEPH MAURICE WILLIAMS,

19 having been duly sworn, testified as follows:

20 THE CLERK: Thank you, please be seated up in the
21 witness box, stating your name for the Court and spelling
22 it.

23 THE WITNESS: Joseph Williams, J-O-S --

24 THE COURT: All right. Have a seat Mr. Williams.
25 Speak loud in response to your questions.

Maurice Williams - Direct Examination by Mr. Weeks

1 THE WITNESS: She told me to spe --

2 THE COURT: Sir?

3 THE WITNESS: She told me to mention my name and
4 spell it out.

5 THE COURT: You did, didn't you?

6 THE WITNESS: Well, I - -

7 THE COURT: Spell your name.

8 THE WITNESS: Joseph. J-O-S-E-P-H. Williams.
9 W-I-L-L-I-A-M-S.

10 THE COURT: And Mr. Williams speak succinctly so
11 Mr. Weeks and the jury can hear you. Thank you.

12 **DIRECT EXAMINATION**

13 **BY MR. WEEKS:**

14 Q Mr. Williams, how old are you?

15 A 21.

16 Q And, do you work anywhere?

17 A Yes, Airgas.

18 Q Say that again?

19 A Airgas.

20 Q Is that over in Augusta?

21 A Yes, sir.

22 THE COURT: Speak into the mic.

23 MR. WEEKS: Are you married?

24 THE COURT: I can't even hear you sitting here.

25 THE WITNESS: Yes, sir.

Maurice Williams - Direct Examination by Mr. Weeks

1 BY MR. WEEKS:

2 Q Do you have any children?

3 A Yes, sir.

4 Q How many children?

5 A Three.

6 Q All right. Do you know Reggie Hamilton?

7 A Yes, sir.

8 Q How long have you known him?

9 A Well, we kind of watched each other grow up.

10 Q So most of your life?

11 A Yeah.

12 Q Is he kin to you?

13 A No.

14 Q All right. Now, did you see Reggie Hamilton on
15 March the 3rd, 2014?

16 A I did.

17 Q How did you see him, Joseph?

18 A Well, stopping, my uncle stopping in --

19 Q Where were you coming from?

20 A Home.

21 Q All right. And where did you live at the time?

22 A ■ Albert Road.

23 Q Is that off of Green Bush Road?

24 A Yes, sir.

25 Q All right. And who did you live there with at that

Maurice Williams - Direct Examination by Mr. Weeks

1 time?

2 A Me and my old lady, my girlfriend.

3 Q Okay. And did you work that day?

4 A Yeah.

5 Q What time did you get off work?

6 A About six, between six and 6:30.

7 Q All right. And you went home from work?

8 A Yeah.

9 Q Okay. After you got home, did you leave?

10 A Yeah.

11 Q And where did you go?

12 A Well, I headed to the store.

13 Q Where were you headed to?

14 A Just to the store.

15 Q Which store was that?

16 A Kelly's Hilltop.

17 Q Kelly's Hilltop. Like the name says, it's at the
18 top of Hollow Creek Hill, there?

19 A Yeah.

20 Q And can you get to that store by going Green Road?

21 A Yeah. It's usually the way I take.

22 Q Okay. And did you go take a right off of 302 onto
23 Green Road and go by the drinking tree?

24 A Yeah.

25 Q All right. Did you stop there?

Maurice Williams - Direct Examination by Mr. Weeks

1 A Yeah.

2 Q And who'd you see when you stopped there?

3 A My uncle first.

4 Q And who is that?

5 A Elroy Williams.

6 Q All right. And did you have a conversation with
7 him?

8 A Yeah. A short one.

9 Q Okay. And who else did you see there?

10 A Reggie.

11 Q The defendant, Reggie Hamilton?

12 A Yes, sir.

13 Q And how did you see him?

14 A Well, he came from under the tree.

15 Q He came from under the tree to where?

16 A To the car.

17 Q Your car?

18 A Yeah.

19 Q All right. What kind of car was that?

20 A A Nissan.

21 Q What color was it?

22 A Blue.

23 Q All right. And what did Reggie want when he got in
24 your car?

25 A Well, he just asked me would I give him a ride and

Maurice Williams - Direct Examination by Mr. Weeks

1 drive him back out there. That was it.

2 Q Give him a ride. Did you know where you were
3 giving him a ride to?

4 A To home.

5 Q To where?

6 A Home.

7 Q To his home?

8 A Yeah.

9 Q And how did you travel when you went to give him a
10 ride?

11 A My car.

12 Q When he got in your car, did he have anything with
13 him?

14 A Well, nothing but a bookbag. That was it.

15 THE COURT: I can't understand him.

16 BY MR. WEEKS:

17 Q Speak up now.

18 A I said, nothing but a bookbag. That was it.

19 Q Okay. A backpack?

20 A Yeah.

21 Q How was he dressed? Do you recall?

22 A I don't know.

23 Q Okay. And where did he get in your car?

24 A Green Road. Green Road.

25 Q He got in it on Green Road, but where did he sit in

Maurice Williams - Direct Examination by Mr. Weeks

1 your car?

2 A The passenger side.

3 Q All right.

4 THE COURT: Pause for a second, Mr. Weeks.

5 Sir, please speak into the mic. I can't even
6 understand you up here.

7 (The microphone was being fixed for the witness to
8 speak into it louder.)

9 BY MR. WEEKS:

10 Q Mr. Williams, when he got in the car did y'all have
11 any conversation?

12 A No.

13 Q What did -- what'd you do?

14 A Just drove.

15 Q All right. You drove where?

16 A Just drove to his house.

17 Q All right. Did you have to back up? How'd you --

18 A Well, I turned around in the middle of the road and
19 went back the other way.

20 Q Speak in the mic.

21 A I said I turned around in the middle of the road
22 and went back the other way.

23 Q Is that the same way you come?

24 A Yeah.

25 Q All right. To get to his house, you didn't go all

Maurice Williams - Direct Examination by Mr. Weeks

1 the way down to Green Bush Road, did you?

2 A No.

3 Q Where did you go from --- to his house?

4 A Back to Green Road.

5 Q All right. No, I mean, where did he live? Where
6 was he staying?

7 A Way out Silver Bluff Road.

8 Q So between Green Road and Green Bush Road?

9 A Yes.

10 Q Okay. Did he go in the house?

11 A Yeah.

12 Q Did you go in with him?

13 A No.

14 Q How long was he in there?

15 A Not long.

16 Q Give me a time estimate?

17 A One minute. One or two minutes. It wasn't that
18 long.

19 Q All right. And what'd he do then?

20 A Nothing. He just got back in the car and we headed
21 back towards Green Road.

22 Q Okay. And when you got back up to Green Road, what
23 happened then?

24 A Well, I got out the car and I was standing up there
25 to the tree and I heard shots and I ran.

Maurice Williams - Direct Examination by Mr. Weeks

1 Q All right. Did you see anything over your
2 shoulder?

3 A I kind of seen something over, like kind of, like
4 come across the road, but I'm not quite sure what it was.

5 Q Well, where did Reggie go when you pulled up?

6 A I'm not quite sure. I got out and I headed
7 straight towards the tree.

8 Q And it's your testimony that you ran where?

9 A Behind -- behind the trailer that's located on
10 Green Road.

11 Q And that's Marlin Tutt's trailer? Trailer on the
12 right if you're looking at the tree?

13 A Yeah.

14 Q Do you know how many shots you heard?

15 A I ain't quite sure on how many shots I heard. I
16 want to say about four or five, probably.

17 Q All right. And was your car pointed towards the
18 tree?

19 A No.

20 Q Where was it pointed?

21 A Pointed, pointed towards like I was headed to
22 Kelly's Hilltop, the store.

23 Q So it was pointed North on Green Road away from
24 Silver Bluff Road?

25 A Yeah.

Maurice Williams - Direct Examination by Mr. Weeks

1 Q Okay. Would it have been in the vicinity of
2 Marlin's trailer?

3 A Yeah. It was right there on the side of it.

4 Q Beside Marlin's trailer. You recognize what's
5 marked State's Number 2?

6 A It looks like Marlin's trailer right there.

7 Q Marlin's trailer with those two white cars next to
8 it?

9 A Yeah.

10 Q And that's where you went?

11 A Well --

12 Q When you came back up there?

13 A Behind it, sir.

14 Q Now, Mr. Williams, you are charged in this case,
15 aren't you?

16 A Yes, sir.

17 Q And what are you charged with?

18 A Accessory before the fact of felony murder.

19 THE COURT: All right. Hold on. I'm going to tell
20 you one more time. Speak into the mic.

21 THE WITNESS: Accessory before the fact of felony
22 murder.

23 BY MR. WEEKS:

24 Q And you're charged because you're accused of taking
25 Reggie Hamilton to get a weapon and bringing him back; is

Maurice Williams - Direct Examination by Mr. Weeks

1 that correct?

2 A I guess that's what it is.

3 Q All right. And in fact, when you were first
4 approached or first talked to the police in this case,
5 that's exactly what you told them, wasn't it?

6 A Yeah, I was given one of two options.

7 Q Okay. And you recall giving them a statement?

8 A Yeah. I do.

9 Q Do you recall picking Reggie Hamilton out of a
10 lineup?

11 A No, sir.

12 Q Showing some pictures to you?

13 A No.

14 Q You don't recall that all?

15 A No.

16 Q Do you recall identifying him as having a gun that
17 day when they talked to you?

18 A Yeah, like I said, after -- I was given one of two
19 options.

20 Q Okay. And when he got back in the car, your
21 testimony today is that he had a backpack still with him?

22 A He never got back in my car.

23 Q No. When he got back in the car at his house?

24 A Yeah.

25 Q He still had his backpack?

Maurice Williams - Direct Examination by Mr. Weeks

1 A Yeah.

2 Q Okay. Anybody promise you anything to get you to
3 testify today?

4 A Not at all.

5 Q Have you had conversations with me about this case?
6 In our office?

7 A In your office?

8 Q I mean, conversations with me, or people from my
9 office.

10 A Once before.

11 Q That was in your lawyer's office? Mr. Hatcher?

12 A Yeah.

13 Q Okay. But you admit that you did talk with
14 investigators way before you ever met me?

15 A Yeah.

16 Q And it was right after Isaiah Miles was killed,
17 wasn't it?

18 A Exactly.

19 Q Okay.

20 MR. WEEKS: Excuse me one minute, Your Honor.

21 (There was a pause in the proceedings.)

22 BY MR. WEEKS:

23 Q Now, sometime after you were charged, you bonded
24 out of jail?

25 A Yeah.

Maurice Williams - Direct Examination by Mr. Weeks

1 Q You got you a lawyer?

2 A Yes, sir.

3 Q But before you got a lawyer, did you go visit Mr.
4 Lyons's office?

5 A I did.

6 Q And did you go over there with the lawyer?

7 A I did.

8 Q And did you give Mr. Lyons some statement different
9 than what you're talking to us about today?

10 A I don't recall the whole statement but I did go
11 talk to Mr. Lyons.

12 Q All Right. Did you sign the statement?

13 A I did.

14 Q Was it true?

15 A I don't recall what was said, so I...

16 Q Well, why did you go over there?

17 A I think I said something to the nature to Mr. Lyons
18 that I just felt like I said -- I seen something that I
19 didn't see. You know, it was --

20 Q You seen something you didn't see?

21 A Yeah.

22 Q And where did you see something you didn't see?

23 A Well, I was saying I --

24 THE COURT: Speak into the mic.

25 THE WITNESS: I was saying I felt bad about saying

Maurice Williams - Direct Examination by Mr. Weeks

1 that I had seen him with a gun and that I pretty much
2 wanted to go and try to clear that up.

3 BY MR. WEEKS:

4 Q Okay. And you told the police you saw the gun?
5 When you first interviewed with them?

6 A I told them that I didn't see the gun when once my
7 story didn't coincide with this. And they gave me one of
8 two options, like I said.

9 Q So I'm trying to figure out why you went to talk to
10 Mr. Lyons. Anybody make you do that?

11 A No.

12 Q Anybody threaten you to get you to go there?

13 A No.

14 Q You were just going to go clear something up?

15 A Well, I felt bad saying I seen a man with a gun
16 when I didn't.

17 Q You felt bad the man got killed, too?

18 A I did.

19 Q Okay. Now, if I count this right, I know of at
20 least three times you've talked to me or the police; is
21 that correct? Twice to the police and once to me?

22 A I remember once -- once to Investigator Cain and
23 Prince and once to you I want to say.

24 Q Well the once to Investigator Cain and Prince was
25 actually in two segments, wasn't it?

Maurice Williams - Direct Examination by Mr. Weeks

1 A I'm guessing.

2 Q Okay. Have you seen the video though?

3 A I have. I've seen one video.

4 Q So you admit -- do you admit or deny that you told
5 them in the second video that Hamilton got back in the car
6 with a long gun?

7 A I'd probably did.

8 Q That he had it down by his leg, between his leg and
9 the door when he got back in?

10 A I'm not quite sure.

11 Q You're not sure?

12 A I'm not sure.

13 Q All right. Did you know Isaiah Miles?

14 A I didn't.

15 Q You did?

16 A I didn't.

17 Q You didn't know him, but you grew up with Reggie?

18 A Yeah.

19 Q Did you know any -- did you know Walter Tillman?

20 A Well, I know a Tillman.

21 Q I mean Walter Kitchens?

22 A Yeah, I know him.

23 Q You know Tillman Smith, Jr?

24 A Yes, sir.

25 Q Did you see them out there that night?

Maurice Williams - Cross-Examination by Mr. Lyons

1 A I seen Walter after -- after I came back into the
2 yard, but I didn't see Tillman.

3 Q Well, when you first picked up Hamilton, you
4 weren't there but just a little minute were you? Just a
5 second or two?

6 A Yeah.

7 Q Okay. And then that's when you left and went down
8 the road, not very far --

9 A Uh-huh.

10 Q -- and got -- Mr. Hamilton went in the house?

11 A Yeah.

12 Q And came back out?

13 A Yeah.

14 Q And immediately when you pulled up into the
15 driveway or pulled up at the tree, you get out of the car,
16 that's when you hear shooting?

17 A Yeah.

18 Q Answer any questions --

19 **CROSS-EXAMINATION**

20 **BY MR. LYONS:**

21 Q Good morning, Mr. Williams.

22 Now, If I heard you right, you went by the drinking
23 tree, you had just left work?

24 A Yeah.

25 Q Okay. And had you talked to Reggie Hamilton that

Maurice Williams - Cross-Examination by Mr. Lyons

1 day?

2 A Earlier that day.

3 Q Okay. How early?

4 A It was early. It was in the morning time.

5 Q Okay. I'm going to ask you to keep your voice up
6 so we can hear you, okay?

7 A Okay.

8 Q Now, you came to my office at some point in time,
9 correct?

10 A Correct.

11 Q Now, did I ask you to come to my office?

12 A No.

13 Q Had I talked to you?

14 A No.

15 Q Did I ask you to say anything in particular?

16 A No.

17 Q Now, you testified about options. You said you had
18 some options.

19 A Uh-huh.

20 Q Correct?

21 A Correct.

22 Q Okay. Now, explain to us what you mean by these
23 options?

24 A Well, once my story, like I said, once my story
25 didn't go along with the stories they already had, they

Maurice Williams - Cross-Examination by Mr. Lyons

1 told me I could either become a codefendant, or I could
2 become a witness.

3 Q Now, you say they; who is they?

4 A That was Investigator Cain.

5 Q Now, at that point in time, when you were talking
6 to police, were you charged with anything?

7 A Not at all.

8 Q And, subsequently, you got charged?

9 A Yeah.

10 Q And is it correct that the first statement that you
11 gave to law enforcement, that statement did not implicate
12 Mr. Hamilton in the shooting?

13 A Yes.

14 Q And then shortly after, you gave another statement,
15 correct?

16 A Correct.

17 THE COURT: Speak into the mic. One more time.
18 I'm not going to tell you again.

19 BY MR. LYONS:

20 Q And so -- and in that statement, you implicated Mr.
21 Hamilton, didn't you?

22 A Oh, yes sir.

23 Q In that statement, you said that you gave him a
24 ride to his house, correct?

25 A Correct.

Maurice Williams - Cross-Examination by Mr. Lyons

1 Q And when he came back out, you saw a rifle between
2 his leg and the door; his right leg and the door, correct?

3 A Correct.

4 Q And when you came to my office, you indicated that
5 was not true, correct?

6 A Well, like I said, I don't recall exactly what was
7 said during that --

8 Q Okay. Well, here today, you're under oath. Did
9 you see Mr. Hamilton with a rifle when he got in your car?

10 A I didn't.

11 Q Did you see Mr. Hamilton shoot anybody?

12 A I didn't.

13 Q Did you see anybody do any shooting?

14 A I didn't.

15 Q And after the shooting, what did you do?

16 A Well, I went back into the yard to try to see if
17 everybody was all right. I mean, initially, I didn't know
18 what happened, so I went back over to see was everybody all
19 right.

20 Q Did you have a cell phone?

21 A I did.

22 Q Did you call 9-1-1 or anything like that?

23 A I didn't.

24 Q Do you recall who was there after the shooting?

25 A There was a number of people out there. I'm not

Maurice Williams - Cross-Examination by Mr. Lyons

1 sure who was out there at the time.

2 -Q Do you know if Mr. Hamilton has any brothers?

3 A Yes.

4 Q Did Mr. Hamilton call you to pick him up?

5 A No.

6 Q Okay. Now, how often do you go to this particular
7 spot?

8 A We -- it was -- it was a frequent spot.

9 Q Okay. And what happens at that spot?

10 A Just a bunch of just talking and mingling. Card
11 playing. Stuff like that.

12 Q What about drinking?

13 A Yeah.

14 Q A lot of drinking?

15 A Yeah.

16 Q Liquor?

17 A Yeah.

18 Q Beer?

19 A Yes, sir.

20 Q What about drugs?

21 A Yeah. Yes, sir.

22 Q Marijuana?

23 A Yes, sir.

24 Q Are you aware of anybody that'd been drinking out
25 there that day?

Joseph Williams - Redirect Examination by Mr. Weeks

1 A If they was out there, I'm pretty sure all of them
2 were drinking.

3 Q And when you say they, you mean the people who
4 consistently would hang around the drinking tree?

5 A Exactly.

6 Q Okay. And your testimony is that you were there a
7 very short time before you gave Mr. Hamilton a ride?

8 A Yeah, I had just pulled up.

9 Q All right. And so were you at the drinking tree
10 when police arrived?

11 A I wasn't.

12 Q Okay. Do you happen to know how long you stayed?

13 A I'd say probably no more than ten minutes.
14 Probably five minutes.

15 Q Did you see Mr. Miles?

16 A I did. I did.

17 Q Did you do anything, or?

18 A Well, there were people already gathered around,
19 so...

20 Q Thank you very much.

21 THE COURT: Mr. Weeks?

22 (State's Exhibit Number 51 and Number 52 was marked
23 for identification.)

24 REDIRECT EXAMINATION

25 BY MR. WEEKS:

Joseph Williams - Redirect Examination by Mr. Weeks

1 Q Mr. Williams, I'm going to show you a document
2 marked State's Exhibit Number 52 and ask you if you can
3 identify that document?

4 A Yes, I see my signature.

5 Q Speak into the --

6 A I said, yes, I see my signature.

7 Q Okay. You remember signing that at the Aiken
8 County Sheriff's office?

9 A I don't.

10 Q Were you up there giving an interview on March the
11 6th?

12 A Yes, sir.

13 Q All right. Have you seen the photographs that are
14 depicted in what's marked State's Exhibit 51?

15 A I know a little bit. I don't think I -- I can't
16 remember looking at them now.

17 Q You can't remember looking at those?

18 A I can't.

19 Q Do you recognize anybody in that lineup?

20 A Yes.

21 Q Who?

22 A Reggie.

23 Q Who?

24 A Reggie.

25 Q And which one is he?

Joseph Williams - Redirect Examination by Mr. Weeks

1 A Number 4.

2 Q All right. And what's marked State's Exhibit 52
3 that you say you signed, do you identify Reggie as being
4 Number 4 in that lineup?

5 A Yeah. Yes, sir.

6 Q And that was done on March the 6th, before you got
7 a lawyer, correct?

8 A Correct.

9 Q And before you went to Mr. Lyons office
10 voluntarily; is that right?

11 A Correct.

12 Q No further questions, Mr. Williams.

13 THE COURT: All right. Mr. Williams, you may step
14 down.

15 Ladies and gentlemen, y'all okay to do one more
16 witness or do you need a bathroom break? Everybody good?

17 MR. LYONS: Judge, can I have a second? I don't
18 know if I need, I have one more question.

19 THE COURT: Sir?

20 MR. LYONS: I need to cross examine the witness,
21 re-cross.

22 THE COURT: I don't -- my rules are -- fourteen
23 years -- direct, cross, redirect. That's discretionary of
24 the Court.

25 All right. Mr. Williams, may he be excused, Mr.

Walter Kitchings - Direct Examination by Mr. Weeks

1 Weeks? Mr. Lyons?

2 MR. LYONS: Yes, Your Honor.

3 THE COURT: Do you need him further?

4 MR. WEEKS: I would prefer him to stay.

5 THE COURT: All right, Mr. Williams, Mr. Joseph
6 Williams, you remain under subpoena. Sit outside the
7 courtroom. Don't leave.

8 Next witness.

9 MR. WEEKS: The State will call Walter Kitchings.

10 WALTER KITCHINGS,
11 having been duly sworn, testified as follows:

12 THE CLERK: Please be seated up in the witness box.
13 State your name for the Court and spell your last name.
14 And please be sure to speak into the mic, okay?

15 THE WITNESS: My name is Walter Kitchings.

16 **DIRECT EXAMINATION**

17 **BY MR. WEEKS:**

18 Q Walter, how old are you?

19 A 49.

20 Q And do you live in the Coat? Where do you live?

21 A North Silverton, Jackson.

22 Q North Silverton in Jackson?

23 A Uh-huh.

24 Q Are you married?

25 A Divorced.

Walter Kitchings - Direct Examination by Mr. Weeks

1 Q All right. You got any children?

2 A Three.

3 Q Do you, who do you work for?

4 A I work --

5 Q Do you work? You don't have to tell me who you
6 work for. Just do you have a job?

7 A Yeah, I work.

8 Q Is it a day job?

9 A Yeah.

10 Q I'm going to call your attention, Walter, back to
11 March the 3rd of 2014. Had you worked that day?

12 A Yeah.

13 Q And, the same job?

14 A Uh-huh.

15 Q When you got off work, what'd you do?

16 A Oh, went and got me a few beers and went down to
17 Old Green Road.

18 Q And Green Road, we've been calling it the drinking
19 tree. That's not a mystery. Everybody knows where the
20 drinking tree is down there, don't they?

21 A Yeah.

22 Q Is that where you went?

23 A Uh-huh.

24 Q And do you know what time you got down there?

25 A I'm not sure if it was five or six.

Walter Kitchings - Direct Examination by Mr. Weeks

1 Q Was it before dark?

2 A Uh-huh.

3 Q Yes?

4 A Yeah, uh-huh.

5 Q And while you were down there, do you recall some
6 of the people that might have been there?

7 A Talking about just standing around?

8 Q Yeah. At the tree. Who was there that night?

9 A Well, Me, Tillman --

10 Q Tillman Smith?

11 A Uh-huh.

12 Q Okay. Who else?

13 A Reggie.

14 Q Hamilton?

15 A Uh-huh.

16 Q All right. Who else?

17 A I can't think -- I can't think of his name.

18 Q Two more people. What about Isaiah Miles? Was he
19 there?

20 A Yeah.

21 Q Did you see Morris Williams?

22 A I can't remember.

23 Q How about Marlon Tutt?

24 A Uh-huh.

25 Q All right.

Walter Kitchings - Direct Examination by Mr. Weeks

1 A Yes.

2 Q Do you generally know who all the people are in
3 that area, Walter?

4 A Yes.

5 Q Talking about who all the people are who live in
6 the trailers around that tree?

7 A Uh-huh, Yes.

8 Q Did you happen to see Jimmy Williams? Do you know
9 Jimmy?

10 A Uh-huh.

11 Q Did you see him there that night?

12 A No.

13 Q Tell me, if you could, what happened that night
14 that brings you here today. What'd you see?

15 A Well, we was all out there talking and Reggie and
16 them went in the back and talked.

17 Q Reggie and who?

18 A I can't -- well they call her Tasha, I think.

19 Q You know Deandra --

20 A Yeah, uh-huh.

21 Q Okay. They went in the back and talked. When you
22 say the back, what are you talking about?

23 A Somewhere behind the trailers, I think, uh-huh.

24 Q Okay. They just got out of your sight and they
25 were talking?

Walter Kitchings - Direct Examination by Mr. Weeks

1 A Yeah.

2 Q All right. How long did that go on?

3 A I ain't sure.

4 Q Did you hear anybody arguing? Fighting?

5 A Huh-huh.

6 Q What happened next?

7 A Well, Poncho came back, but I didn't see him come
8 back.

9 Q You didn't see Reggie come back?

10 A Huh-huh.

11 Q All right. Where'd you see Poncho go?

12 A He stood there by Elroy and they was talking.

13 Q Elroy was another guy that was there that night?

14 A Uh-huh.

15 Q Okay. Were they talking by the tree? Or near the
16 tree?

17 A No.

18 Q Where were they talking?

19 A Kind of over there -- over there where Marlon's
20 trailer at.

21 Q All right. And you didn't see Reggie after they
22 had their conversation?

23 A Huh-huh.

24 Q All right. You know what time of day or night this
25 was, Walter?

Walter Kitchings - Direct Examination by Mr. Weeks

1 A It was getting evening time.

2 Q Okay. Now, what'd you see after that? What'd you
3 see with Isaiah after that? What happened next?

4 A Well, I seen a truck pull up and a guy got out and
5 was just shooting and that was it.

6 Q Who got out shooting?

7 A Reggie.

8 Q All right. Who was he shooting at? Could you
9 tell?

10 A I couldn't tell, huh-huh.

11 Q It didn't matter at that point, did it?

12 A I just took off running behind a trailer --
13 Marlon's trailer.

14 Q Okay. You went behind Marlon's trailer too?

15 A Uh-huh.

16 Q Did you see Isaiah get hit? Could you tell whether
17 he got hit?

18 A Huh-huh.

19 Q All right. Was anybody else in your truck at that
20 time?

21 A Well, Tillman was.

22 Q Tillman Smith, Jr.?

23 A Uh-huh.

24 Q And where was he in the truck?

25 A He said he was laying down.

Walter Kitchings - Direct Examination by Mr. Weeks

1 Q All right.

2 A Uh-huh.

3 Q Did you ultimately talk to the police about this?

4 A Uh-huh.

5 Q You give them a statement?

6 A Uh-huh.

7 Q Was it the same thing you're telling us here today?

8 A Uh-huh.

9 Q Did you stay until the police got there?

10 A Yeah, I was still there.

11 Q Did you ever see Reggie again?

12 A Huh-huh.

13 Q Walter, when you talked to the investigators, did
14 you go to the sheriff's office to talk to them?

15 A Yes.

16 Q All right. Do you remember talking to Chuck Cain,
17 the investigator there?

18 A Uh-huh.

19 Q Did you look at a lineup?

20 A Uh-huh.

21 Q Did you point out anybody in the lineup?

22 A Uh-huh.

23 THE COURT: Say yes or no for me.

24 BY MR. WEEKS:

25 Q And who did you identify in the lineup?

Walter Kitchings - Direct Examination by Mr. Weeks

1 A Reggie.

2 Q Okay. And when you say Reggie, just for the
3 record, we got to make it clear, you talking about the
4 defendant?

5 A Yes.

6 Q All right. How long have you known Reggie?

7 A I ain't for sure.

8 Q A year?

9 A A couple of years.

10 Q Okay. What did you tell the police Reggie was
11 doing with the gun when he got out of the car? Or truck?
12 Or whatever it was?

13 A He was shooting.

14 Q Was he running towards anybody? Or running up the
15 hill?

16 A I can't remember.

17 Q Okay. Is there a little incline there as you walk
18 up towards the tree? From the road?

19 A Yeah, up by the --

20 Q Where were you parked? Do you remember?

21 A Right in front of the tree.

22 Q Right in front of the tree, facing it?

23 A Uh-huh.

24 Q Okay. And I'm showing you a big blown-up State's
25 Exhibit Number 2. Do you recognize what's depicted there?

Walter Kitchings - Direct Examination by Mr. Weeks

1 That this is Green Road. Those trees there?

2 A Uh-huh.

3 Q Do you recognize that area?

4 A Yeah.

5 Q And what is that?

6 A You talking about that area? Green Road?

7 Q Okay. What do they call this little area right in
8 here between the trailers?

9 A You mean -- I'm confused.

10 Q Well, I asked you, you said you went to the
11 drinking tree?

12 A Oh. The drinking tree.

13 Q Is that where it's at?

14 A Yeah.

15 Q That's what's shown here?

16 A Uh-huh.

17 Q And when you say you went behind Marlon's trailer,
18 you went to the right?

19 A Uh-huh.

20 Q All right. And when you say you were parked facing
21 the tree, you were parked in the --

22 A Yeah.

23 Q -- the rear end of your truck was pointed toward
24 Green Road?

25 A No. Pointed toward Bea's trailer.

Walter Kitchings - Direct Examination by Mr. Weeks

1 Q Pointed up here towards Ms. Bea's trailer?

2 A Yes.

3 Q Okay. Ms. Bea's the one on the left?

4 A No.

5 Q The right?

6 A Yes.

7 Q You were still there when the police got there,
8 weren't you?

9 A Yes.

10 Q Just a second, Your Honor.

11 (There was a pause in the proceedings.)

12 BY MR. WEEKS:

13 Q Marlon (sic), at some point in time did you move
14 your truck from where it was parked?

15 A Yes, sir.

16 Q But you stayed there afterwards?

17 A Yes, sir.

18 Q And when you went to the sheriff's office to look
19 at a lineup, did you sign a statement saying which one you
20 picked out?

21 A I don't remember.

22 (State's Exhibit Number 53 was marked for
23 identification.)

24 BY MR. WEEKS:

25 Q I hand you what's marked for identification as

Walter Kitchings - Direct Examination by Mr. Weeks

1 State's Exhibit 53. Can you identify that document?

2 A Yes, sir.

3 Q Yes?

4 A Yeah.

5 Q Okay. Whose signature is on there?

6 A It's mine.

7 Q All right. And that's when you picked out Reggie
8 as the person who was pointing and shooting and running
9 with the long gun?

10 A Yes.

11 Q Did you do that on March the 7th of 2014? The date
12 is that date?

13 A Yes, sir.

14 MR. WEEKS: I'd move to introduce State's 53,
15 Judge.

16 MR. LYONS: No objection.

17 (State's Exhibit Number 53 was entered into
18 evidence.)

19 BY MR. WEEKS:

20 Q Walter, after you ran behind Marlon Tutt's
21 trailer -- by the way, do you know Marlon?

22 A Yes.

23 Q Is he ill right now?

24 A Yes.

25 Q What happened?

Walter Kitchings - Cross-Examination by Mr. Lyons

1 A He had a stroke.

2 Q All right. When you went behind the trailer, how
3 long did you stay back there?

4 A Maybe 30 seconds, something like that.

5 Q Until the shooting stopped?

6 A Yeah.

7 Q When you came back around, did you see Reggie
8 anywhere?

9 A No.

10 Q Did you see where he'd gone after he shot?

11 A No.

12 Q Walter, answer any questions that Mr. Lyons has for
13 you.

14 CROSS-EXAMINATION

15 BY MR. LYONS:

16 Q Good morning, Mr. Kitchings.

17 A Good morning.

18 Q What happened to the few beers that you had?

19 A They got drunk.

20 Q Okay. What's a few?

21 A Well, I used to drink the big 40 ounces.

22 Q Okay. So you had a few 40 ounces that day?

23 A Uh-huh.

24 Q And you worked that day?

25 A Uh-huh.

Walter Kitchings - Cross-Examination by Mr. Lyons

1 THE COURT: You have to say yes for my court
2 reporter.

3 THE WITNESS: Yes.

4 BY MR. LYONS:

5 Q How many hours had you worked?

6 A I ain't for sure. Probably six or seven.

7 Q So after working six or seven hours, you head to
8 the drinking tree?

9 A Yes.

10 Q With your few beers?

11 A Yes.

12 Q Hadn't done any drugs that day, had you?

13 A Had any drugs.

14 Q Yes, sir?

15 A Yes.

16 Q What kind of drugs had you done?

17 A A little marijuana.

18 Q A little marijuana?

19 A Yes.

20 Q Did you tell the investigators that you'd been
21 doing a little marijuana when you talked to them?

22 A No.

23 Q At any point in time did you talk to them about the
24 little marijuana you had smoked?

25 A No.

Walter Kitchings - Cross-Examination by Mr. Lyons

1 Q Don't you think that would have been important for
2 them to know that you had smoked a little marijuana?

3 A No.

4 Q Because that wasn't important to you, was it?
5 Correct?

6 A No. At the time, no.

7 Q And did you tell them about the few beers you'd
8 had?

9 A Yes, I told them that.

10 Q So that was important? Correct?

11 A Yes, sir.

12 Q You didn't want to get yourself in a bind talking
13 about that marijuana, did you?

14 A No.

15 Q And anything else you may have done, correct?
16 Correct?

17 A Say that again.

18 Q And anything else you may have done, Correct?

19 A That's all I did.

20 Q Just a little marijuana?

21 A Uh-huh.

22 Q And where was the rest of the little marijuana when
23 the police got there?

24 A It was gone.

25 Q You smoked it all?

Walter Kitchings - Cross-Examination by Mr. Lyons

1 A Uh-huh.

2 Q You had smoked it all by yourself?

3 A No.

4 Q Some old friends out there, smoking with you, didn't
5 they?

6 A Yes.

7 Q And who were the friends?

8 A I don't know.

9 Q Some of your witnesses?

10 A Well, no. I can't think right now.

11 Q That, slips your mind, doesn't it? Correct?
12 Correct?

13 A Yes, sir.

14 Q And you didn't think one time about calling 9-1-1,
15 did you?

16 A No.

17 Q You had a phone, didn't you?

18 A Yes.

19 Q And so you said the person that did the shooting
20 jumped out the truck?

21 A Yes.

22 Q Can you describe the truck to us?

23 A It was like a SUV.

24 Q SUV or a pick up truck?

25 A SUV.

Walter Kitchings - Redirect Examination by Mr. Weeks

1 Q What was the color?

2 A It was kind of gold.

3 Q Okay. And did you drink all of your beers out
4 there at the drinking tree?

5 A Yes, sir.

6 Q You didn't have anything to drink before you got
7 there?

8 A No.

9 Q You didn't smoke none of that marijuana before you
10 got there?

11 A No.

12 Q I don't have anything else. Thank you.

13 THE COURT: Mr. Weeks, anything?

14 **REDIRECT EXAMINATION**

15 BY MR. WEEKS:

16 Q Did police ask you if you'd been smoking any pot?

17 A No.

18 Q And did it affect your ability to identify and see
19 Reggie Hamilton?

20 A No.

21 Q Did the beers affect your ability to identify and
22 see Reggie Hamilton?

23 A No.

24 Q And all those other people you named, they were in
25 and out of there. Had some of them left before the

1 shooting? Or do you know?

2 A I think so.

3 Q Thank you. I don't have any further questions.

4 THE COURT: All right. Mr. Kitchings, you may step
5 down.

6 May he be released? Or should he stick around?

7 MR. WEEKS: The State will release him from our
8 subpoena, Judge.

9 MR. LYONS: I will release him.

10 THE COURT: Okay. Mr. Kitchings, you may go back
11 to wherever you want to go. Thank you for coming. Be
12 careful stepping down. All right. Let's take our morning
13 break.

14 We are going to take our morning break. About ten
15 or fifteen minutes, let you need to stretch your legs or
16 use the restroom. Please select a foreperson for me from
17 the twelve of you. And either Ms. Jimmy or Mr. Bill will
18 be back there.

19 Give them a choice of what they would like for
20 lunch and go ahead and get the order placed. We will
21 probably break for lunch about one o'clock. So whoever you
22 talk to, get it here about one.

23 Please do not discuss the case. Don't start any
24 deliberation. And I'll see y'all back in about fifteen
25 minutes.

1 Everybody else remain seated, please.

2 Careful. There's two or three steps down. Thank
3 you, ladies.

4 (The jury left the courtroom at 11:05 a.m.)

5 Anything for the record before we break for lunch
6 by the State?

7 MR. WEEKS: You just breaking for a short break.

8 THE COURT: Fifteen.

9 MR. WEEKS: Okay. You said break for lunch.

10 THE COURT: Anything for the record before we
11 take our short break before lunch.

12 MR. WEEKS: No.

13 THE COURT: All right. We're going to come back in
14 about fifteen and we'll go until around one o'clock if that
15 suits everybody.

16 MR. LYONS: What time, Judge?

17 THE COURT: One o'clock and then we'll start back
18 about two fifteen. Thank you.

19 (A short break was observed.)

20 THE COURT: The State ready to proceed?

21 MR. WEEKS: State's ready.

22 THE COURT: Mr. Lyons?

23 MR. LYONS: Yes, Your Honor.

24 (The jury entered the courtroom at 11:27 a.m.)

25 THE COURT: Okay. Call your next witness.

Tillman Smith - Direct Examination by Mr. Weeks

1 MR. WEEKS: The State will call Tillman Smith, Jr.

2 THE COURT: Mr. Smith, come around, please.

3 TILLMAN SMITH, JR:

4 having been duly sworn, testified as follows:

5 THE CLERK: Thank you. Please be seated in the
6 witness box stating your name for the Court and spelling
7 it, please.

8 THE COURT: Good morning, Mr. Smith.

9 THE WITNESS: Good morning.

10 THE COURT: How you doing?

11 THE WITNESS: I'm doing good.

12 THE COURT: You all right?

13 THE WITNESS: Yes, sir.

14 THE COURT: I can't hear you.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. You need to speak into that
17 microphone so that we can all hear you. Pull it down.

18 There you go. Speak into it.

19 THE WITNESS: Tillman Smith. T-I-L-L-M-A-N-
20 S-M-I-T-H.

21 **DIRECT EXAMINATION**

22 **BY MR. WEEKS:**

23 Q Tillman, what do you do for a living?

24 A I work with asphalt.

25 Q And where do you live?

Tillman Smith - Direct Examination by Mr. Weeks

1 A Petticoat Junction.

2 Q How long have you lived down there?

3 A Oh, about I know at least from the sixth grade.

4 Q And how old are you now?

5 A 44.

6 Q You know pretty much everybody in the Coat?

7 A Yes.

8 Q All right. You know where Green Road is.

9 A Yes.

10 Q You know where the drinking tree is?

11 A (Laughter.)

12 THE COURT: Answer it.

13 THE WITNESS: Yes.

14 BY MR. WEEKS:

15 Q Been there a few times? Had you been there a few
16 times?

17 A Yes.

18 Q I'm going to call your attention back to March the
19 3rd of 2014. Were you there that night? At the drinking
20 tree.

21 A I don't know exactly what date and time or
22 whatever, but when all this went on --

23 Q Yeah, when all this happened?

24 A Yes.

25 Q All right. Who were you there with.

Tillman Smith - Direct Examination by Mr. Weeks

- 1 A Walter Kitchings.
- 2 Q And what kind of vehicle does Walter have?
- 3 A A white S10.
- 4 Q A white S-10 truck?
- 5 A Yes.
- 6 Q Okay. And were you -- did he give you a ride
7 there, or did you get in that truck after you got there?
- 8 A We rode there together.
- 9 Q Okay. You and Walter pretty good friends?
- 10 A Yes.
- 11 Q All right. Did you have other friends around the
12 tree that night.
- 13 A Yes. All of them that were there.
- 14 Q All of them that were there?
- 15 A Yeah.
- 16 Q You've known them for a long time, hadn't you?
- 17 A Yes.
- 18 Q Did you know Isaiah Miles? Poncho?
- 19 A Yes. I know him. I know him as Poncho.
- 20 Q Okay. How long had you known Poncho?
- 21 A I'd known for a good while.
- 22 Q Okay. Did you know he had just come back?
- 23 A Yeah.
- 24 Q Did you know where he'd gone?
- 25 A Say that? New York.

Tillman Smith - Direct Examination by Mr. Weeks

1 Q New York? Is that what you said?

2 A (Witness nodded head.)

3 Q On the night of March the 3rd, you said Walter gave
4 you a ride there?

5 A Yes.

6 Q So you went there after Walter got off work? And
7 after you got off work?

8 A I wasn't working then -- during that time.

9 Q Okay. So he came by your house and picked you up?

10 A Yes.

11 Q All right. Tell me what you saw happen that night,
12 Tillman. Sit up. Speak into that mic.

13 A I was, well, they had a few words.

14 Q Who had a few words?

15 A Reggie and Poncho.

16 Q Reggie and Poncho?

17 A Yes.

18 Q Okay. And where did they have those words at? Did
19 they go anywhere to have them?

20 A Well, I'm not sure.

21 Q All right.

22 A And then they walked off for a good little minute.

23 I don't know what was said then. It was them talking.

24 Q You could hear them by the truck at some point
25 talking?

Tillman Smith - Direct Examination by Mr. Weeks

1 A At first.

2 Q Okay.

3 A And then they walked off and just talked a bit.

4 What they was talking about, I don't know.

5 Q All right. Did you see them come back closer to
6 the tree at some point?

7 A Yes.

8 Q And what did you notice about them if anything
9 then?

10 A They was hanging around like everything alright.
11 Then I looked around and Reggie grabbed the bookbag and
12 left.

13 Q Who's that? Who grabbed the bookbag?

14 A Reggie.

15 Q And where'd he go?

16 A I don't know where he went.

17 Q Did Poncho or Isaiah stay there?

18 A Yes.

19 Q Okay. And what'd you do?

20 A I got in the truck and I knocked out cold.

21 Q Okay. What woke you up, if anything? Or what got
22 you up if anything out of the truck?

23 A I think I woke up when I heard the shooting.

24 Q All right. Where'd you hear the shooting coming
25 from?

Tillman Smith - Direct Examination by Mr. Weeks

1 A From -- sounded close by me.

2 Q Say that again.

3 A Sounded close by me.

4 Q It was close by you?

5 A Yeah. Sounded like that.

6 Q On the outside of the truck, obviously?

7 A Yes.

8 Q All right. What'd you do then?

9 A I stayed laying down.

10 Q All right. Did you ever look up?

11 A After -- after I heard shots.

12 Q All right. And when it stopped, what'd you do?

13 A I opened my door and went to get out.

14 Q And what'd you see?

15 A Some Timberland boots.

16 Q Some Timberland boots?

17 A Yes.

18 Q All right.

19 A I gots back in the truck.

20 Q All right. Did you see anybody during the
21 shooting?

22 THE COURT: All right. Take a deep breath and tell
23 us what happened.

24 THE WITNESS: I seen him come around.

25 BY MR. WEEKS:

Tillman Smith - Direct Examination by Mr. Weeks

1 Q Who'd you see come around?

2 A Do I have to?

3 THE COURT: Yes, sir.

4 THE WITNESS: Reggie come around and looked at him.

5 BY MR. WEEKS:

6 Q Looked at who?

7 A Poncho.

8 Q Where was Poncho?

9 A In front of the truck on the ground.

10 Q Okay. And what'd he do when he looked at him?

11 A He shot him.

12 Q Did he do anything else to him while he was laying
13 on the ground?

14 A He shot him and left.

15 Q All right. When he left did you see what he had
16 with him? What'd Reggie have with him?

17 A A gun --

18 Q What? Did you see Morris Williams that night.

19 A Yes.

20 Q How long you known Morris?

21 A All his life.

22 Q Is he kin to Reggie?

23 A I don't know.

24 Q Are you?

25 A Supposed to be.

Tillman Smith - Direct Examination by Mr. Weeks

1 Q Did you see Morris that night?

2 A Yes.

3 Q And what'd you see him do?

4 A I didn't see him do nothing.

5 Q And where did you see him?

6 A On Green Road.

7 Q Huh?

8 A On Green Road.

9 Q On Green Road. What was he doing? How was he How
10 did he get there?

11 A Drove.

12 Q All right. And what kind of car does he have? If
13 you remember?

14 A I don't quite know.

15 Q Okay. Tillman, do you remember talking to
16 Investigator Chuck Cain with the sheriff's department right
17 here, up at the sheriff's department?

18 A Yes.

19 Q And do you remember looking at a photographic
20 lineup? Some pictures?

21 A I think I did.

22 Q I didn't understand the answer?

23 THE COURT: He said he did.

24 BY MR. WEEKS:

25 Q Did you pick out the person you identified as

Tillman Smith - Direct Examination by Mr. Weeks

1 Reggie, and who shot at Poncho out of that lineup? I'll
2 show it to you in a second. Just answer that question.

3 A I'd have to see.

4 Q Okay. I'm going to hand you what's marked as
5 State's 54 and ask you if you can identify that document;
6 and more importantly, your signature, if your signature is
7 on it.

8 A That's my signature, but I can't understand this
9 writing.

10 Q Is that your signature? Is that what you said?

11 A Yes.

12 Q Okay. Do you recall seeing this document? What's
13 marked State's Exhibit 51. Do you recall seeing this with
14 the pictures?

15 A It's been so long --

16 Q Okay.

17 THE COURT REPORTER: I didn't hear him, I'm sorry.

18 THE COURT: What'd you say, sir?

19 THE WITNESS: I don't know whether I saw that or
20 not, but I know who that is.

21 BY MR. WEEKS:

22 Q Do you know somebody in this lineup?

23 A Yes.

24 Q Who is it?

25 A Reggie.

Tillman Smith - Direct Examination by Mr. Weeks

1 Q Reggie. Do you remember whether or not the
2 document, which is marked State's Exhibit 54, you signed
3 identifying him as Reggie? Do you remember that?

4 A That's my signature.

5 Q Okay. Tillman, do you know Jimmy Williams?

6 A Yes.

7 Q Was Jimmy there that night after the shooting?

8 A Yeah. He the one that called --

9 Q He what?

10 A He the one that called the ambulance.

11 Q All right. And was he over there with Poncho, or
12 Isaiah after they got shot? Or he got shot?

13 A Well he stood back in the bushes.

14 Q He stood back? Were you there when the police got
15 there?

16 A Yes.

17 Q Did you stay there after that?

18 A Yes.

19 Q And this statement is dated, looks like three days
20 after March the 3rd. Is that when Investigator Cain caught
21 up with you?

22 A I don't remember the date or nothing.

23 Q But it was after that night.

24 A Yes.

25 Q Okay. Did I ask you what kind of car Walter had?

Tillman Smith - Direct Examination by Mr. Weeks

1 Or what kind of truck he had? You know what kind Walter
2 had?

3 A Yes.

4 Q What kind was it? What color was it?

5 A White.

6 Q Was it a --

7 A S-10.

8 Q Okay. At what point did you look up and see
9 Reggie? You said something about after the shots had
10 stopped.

11 A Yes.

12 Q But all the shots hadn't stopped, had they?

13 A I thought they had all stopped.

14 Q Did you see Reggie point a gun at Poncho?

15 A Yes.

16 Q Did you see him shoot him?

17 A Yes.

18 Q What kind of gun was it?

19 A I don't know.

20 Q I mean, was it a pistol? Or was it long gun?

21 A It was a long gun.

22 Q A long gun. It wasn't a pistol?

23 A No.

24 Q Answer any questions Mr. Lyons has for you,

25 Tillman?

Tillman Smith - Cross-Examination by Mr. Lyons

CROSS-EXAMINATION

BY MR. LYONS:

Q Good morning, Mr. Smith.

A Good morning.

Q So you had worked this day?

A No. I was raking straw that day --

Q You were raking straw?

A Uh-huh.

Q Had you raked straw that day?

A Yeah.

Q What --

A I don't remember. It's been so long.

Q You don't remember. It's been so long?

A Yeah. It -- I know I worked with straw.

Q Okay. Well, at some point in time, you were with Mr. Kitchings, correct?

A Yes.

Q Okay. So at what point in time did you catch up with Mr. Kitchings?

A It was earlier that day.

Q Earlier that day?

A Yes.

Q How early?

A I can't be specific on that.

Q In the morning?

Tillman Smith - Cross-Examination by Mr. Lyons

1 A I couldn't tell you. It wasn't early in the
2 morning, but it was early that day, but it wasn't early
3 morning.

4 Q Afternoon?

5 A I can't tell you what time.

6 Q So you didn't work that day?

7 A No.

8 Q And so Mr. Kitchings didn't work that day?

9 A I don't know if he worked or not.

10 Q Well --

11 A I wasn't early morning like that.

12 Q Say it wasn't?

13 A No, it wasn't that early in the morning.

14 Q Would it have been early that day?

15 A I don't -- We was down there for a while.

16 Q So y'all was down where for a little while?

17 A Green Road.

18 Q So you were down at the drinking tree for a little
19 while?

20 A Yes.

21 Q Okay. And --

22 A But I wasn't drinking, I was broke.

23 Q You were what?

24 A I was broke.

25 Q You didn't have any King Cobra that day?

Tillman Smith - Cross-Examination by Mr. Lyons

1 A No.

2 Q Because you was broke?

3 A Yeah.

4 Q And Mr. Kitchings didn't have anything to drink
5 either, did he?

6 A He did have one.

7 Q He had one?

8 A Yeah.

9 Q He didn't offer you none?

10 A No.

11 Q Because you was broke?

12 A That ain't why. He just didn't offer me any. I
13 guess I didn't want to drink that day.

14 Q Did you smoke any marijuana with him that day?

15 A No.

16 Q Okay. You saw him smoking?

17 A Not that I know of. If he did, I wasn't around
18 him.

19 Q Okay. So he had one beer?

20 A I know he had one beer.

21 Q Okay. What size beer was it?

22 A I think it was a 32 ounce.

23 Q 32 ounce? And y'all had been down at the drinking
24 tree for quite a while, hadn't you?

25 A No. It wasn't quite a while. It was before the sun

Tillman Smith - Cross-Examination by Mr. Lyons

1 went down.

2 Q Well, then what'd y'all do? You said you were with
3 him earlier. You were just riding around?

4 A No, we was -- he came got me and we went down to
5 Green Road. We just standing out there talking.

6 Q Okay. Standing out there talking and that's it?

7 A Just standing around talking.

8 Q No drinking?

9 A I didn't say -- I didn't have none.

10 Q Okay. And no smoking?

11 A If he did, I didn't see him smoke.

12 Q Okay. And you saw Joseph Williams in a blue car?

13 A I think it was blue.

14 Q Okay. It was a car, wasn't it?

15 A Yeah.

16 Q And you weren't smoking?

17 A No. I only smoked cigarettes.

18 Q Okay. Now, you remember when you got arrested?

19 A I remember when they come and get me -- but I come
20 out the house -- I come out of the red room and two
21 sheriffs pulled up.

22 Q They were looking for you, weren't they?

23 A Yeah. I told them I stayed there -- I stayed out
24 there.

25 Q And this was a few days after the shooting, wasn't

Tillman Smith - Cross-Examination by Mr. Lyons

1 it?

2 A Yeah. It wasn't long after, yeah.

3 Q Okay. And do you remember what kind of shape you
4 were in?

5 A Yeah.

6 Q What kind of shape were you in?

7 A I been told them I was going to try to get there.

8 Q You'd been drinking, hadn't you?

9 A I didn't have a chance to which I think.

10 Q You'd just started drinking, hadn't you?

11 A I hadn't had a chance -- I put it up --

12 Q So you weren't drunk at all?

13 A No. I wasn't drinking anything.

14 Q So the police officers that picked you up, they
15 will say you were just fine, correct?

16 A They told me I was under arrest.

17 Q And at that point, you know, you started talking
18 about the shooting, didn't you?

19 A No.

20 Q You didn't talk about the shooting?

21 A No, I didn't start talking about the shooting.

22 They came for child support -- they were going to hold me
23 until the investigators got there.

24 Q And you hadn't been drinking?

25 A No, not that day. I didn't get a chance to drink.

Tillman Smith - Redirect Examination by Mr. Weeks

1 Q Okay. And you didn't talk about that incident that
2 day, did you?

3 A Not that I remember talking about it at the police?

4 Q Okay. Did you say anything at all about any
5 shooting when you got picked up that day for child support?

6 A No --

7 Q Okay. And then the next day is when you talked to
8 them again. You talked to the investigators the next day,
9 didn't you?

10 A Yes. They came over to my holding cell.

11 Q And you were in that holding cell because you
12 needed to sober up; isn't that correct?

13 A No, I was in the holding cell to make sure I didn't
14 say -- they didn't say nothing to me.

15 Q Is that what it is?

16 A They didn't say anything to me.

17 Q All right. I don't have anything else.

18 **REDIRECT EXAMINATION**

19 **BY MR. WEEKS:**

20 Q Tillman, they picked you up because you had a
21 family court bench warrant for child support?

22 A Yes.

23 Q Okay. But you weren't drinking or nothing, were
24 you?

25 A No.

Chris Johnson - Direct Examination by Ms. Hammack

1 Q And whether or not you told them anything about the
2 shooting as they were arresting you, you don't remember
3 telling them anything about the shooting?

4 A No.

5 Q Okay. Isn't it possible you did? You weren't
6 trying to hide it, were you?

7 A No.

8 Q Okay. Thank you. I don't have anything else.

9 THE COURT: All right. You may step down.

10 May he be released, please.

11 MR. WEEKS: Yes.

12 MR. LYONS: Yes, sir.

13 THE COURT: All right. You're free to go.

14 Next witness.

15 MS. HAMMACK: The State calls Chris Johnson.

16 THE COURT: Chris Johnson.

17 CHRIS JOHNSON

18 having been duly sworn, testified as follows:

19 THE CLERK: Thank you. Please be seated in the
20 witness box, stating your name and spell it for the Court.

21 THE WITNESS: My name is Chris Johnson. C-H-R-I-S
22 J-O-H-N-S-O-N.

23 DIRECT EXAMINATION

24 BY MS. HAMMACK:

25 Q Investigator Johnson, can you tell the jury what it

Chris Johnson - Direct Examination by Ms. Hammack

1 is you do for a living?

2 A I'm a forensic investigator for the Sheriff's
3 Office in Aiken County, South Carolina.

4 Q And how long have you been doing that?

5 A I've been in forensics since 2006.

6 Q How long have you been in law enforcement?

7 A I've been in law enforcement since May of 1998.

8 Q And as it relates to your specialty in forensics,
9 what does that mean that you do every day.

10 A Forensics is the technical term for crime scene
11 processing, CSI, what you see on TV; you go out to the
12 crime scene, you document it; you collect evidence; process
13 evidence.

14 THE COURT: Speak up for me, please.

15 THE WITNESS: Yes, sir.

16 You go out to the scene and process the scene for
17 evidence.

18 BY MS. HAMMACK:

19 Q Now, were you working back on March 3rd of 2014?

20 A Yes, I was.

21 Q And were you called out to get involved in this
22 case?

23 A Yes, ma'am.

24 Q And where did you go when you got called out?

25 A Green Road. I don't remember the address.

Chris Johnson - Direct Examination by Ms. Hammack

1 Q What part of Aiken is Green Road in?

2 A Silver Bluff Area, Petticoat Junction.

3 Q Is that here in Aiken County?

4 A Yes, ma'am, it is.

5 Q And do you remember about what time you got called
6 out there that day?

7 A I remember it was late night or in the morning.
8 I'm not sure on the times.

9 Q And when you get called out to a scene, what's the
10 first thing you do when you get there?

11 A Typically, I survey the scene, take a look around,
12 see what I have. Then I'll document the scene. I'll
13 photograph it and capture it on photographs.

14 Q And is that what you did in this case?

15 A Yes, ma'am.

16 Q When you got to the scene that night, or say the
17 scene, we're talking about Green Road, right?

18 A Yes, ma'am.

19 Q When you got out to Green Road that night, had the
20 incident location been secured in any way?

21 A Yeah. There was barrier taped around the area
22 where the incident took place.

23 Q And why does law enforcement put barrier tape up at
24 crime scenes?

25 A Barrier tape is a method they use to secure the

Chris Johnson - Direct Examination by Ms. Hammack

1 scene. It's a physical barrier to keep people out so that
2 the scene is not contaminated anymore.

3 Q And you said when you got there, this scene already
4 had that barrier tape up.

5 A Yes, it did.

6 Q So what was the first thing you did when you got
7 there?

8 A Met with the investigator, or whoever was in charge
9 of the scene. Went over what incident took place. Took a
10 brief survey of what the scene looked like. And then
11 started to document the scene as I responded as I saw.

12 Q And do you speak to the lead investigator to get an
13 idea about what happens, so you know what to look for?

14 A Yes.

15 Q Was there anything in particular you were looking
16 for in this case?

17 A I was made aware there was a shooting
18 investigation. I do believe I received a call from the
19 investigator letting me know that the victim was pronounced
20 deceased, so when I get out there, I know that I'm
21 looking -- it's a shooting incident. I know what to be
22 looking for is shell casings, firearms, projectiles,
23 bloodied items. So that's - -

24 Q And you stated just a second ago that before you
25 start processing the scene, that you document it. How do

Chris Johnson - Direct Examination by Ms. Hammack

1 you document the scene?

2 A We use a digital camera and take photographs all
3 the way around. In this particular case, I took
4 photographs outside of the tape to get a general sense of
5 the incident location and then I would focus in on more
6 direct items and areas at the scene.

7 Q And Investigator Johnson, I'm going to show you a
8 whole stack of pictures. And I'm going to ask you to go
9 through all of these and see if you recognize them. I'm
10 going to be handing you what's been pre-marked as State's
11 Exhibit 5 through 15, 17, 18, 19, 21, 24, 25, 26, 28, 30,
12 31, 32, 34, and 36. Will you take a look at these pictures
13 and tell me if you recognize them.

14 A (Looking through the pictures.)

15 Yes, ma'am. I recognize these photographs.

16 Q In each of those photographs, what do they depict?

17 A They depict the scene as I responded. The scene --
18 the incident location the night I responded.

19 Q And did you take those pictures of the incident
20 location?

21 A Yes, I did.

22 MS. HAMMACK: Your Honor, at this time we will move
23 the following exhibits into evidence. State's Exhibit 5
24 through 15; State's 17, 18, and 19; State's 21, 24, 25, 26;
25 State's 28, 30, 31, 32; and State's 34, and 36 into

Chris Johnson - Direct Examination by Ms. Hammack

1 evidence.

2 THE COURT: Any objections?

3 MR. LYONS: No, Your Honor.

4 THE COURT: Without objection, admitted.

5 (State's Exhibit Number 5, Number 6, Number 7,
6 Number 8, Number 9, Number 10, Number 11, Number 12, Number
7 13, Number 14, Number 15, Number 17, Number 18, Number 19,
8 Number 21, Number 24, Number 25, Number 26, Number 28,
9 Number 30, Number 31, Number 32, Number 34, and Number 36
10 was entered into evidence.)

11 BY MS. HAMMACK:

12 Q Now, Investigator Johnson, I'm going to show you a
13 blown up picture of what's already been entered into
14 evidence as State's Exhibit 2. Are you familiar with
15 what's in this picture? I'll let you look at it first.

16 A It kind of looks like the area. Looks like an
17 overview, an overhead shot of the area.

18 Q An overview of the area. Is this the area that you
19 processed for that evidence?

20 A Yes, kind of looks like it, yeah.

21 Q Now, Investigator Johnson, I want to go through
22 each of those pictures with you. So I'm going to try to do
23 this without messing it up.

24 MS. HAMMACK: And, Your Honor, I will ask
25 permission for Investigator Johnson to step down.

Chris Johnson - Direct Examination by Ms. Hammack

1 (The witness stepped down in front of the jury.)

2 BY MS. HAMMACK:

3 Q Investigator Johnson, let's begin with State's
4 Exhibit 5. Maybe. All right. And I apologize. I'm not
5 very good at technology. I probably should stick to the
6 paper and cardboard over there.

7 Can you tell the jury what State's Exhibit 5 shows?

8 A This is a photograph of the incident location. I
9 believe this out here is going to be Green Pond Road.
10 There's going to be a trailer back over here and another
11 trailer here. And this is what our reports referred to as
12 the common area between the trailers.

13 Q And Investigator, I'm going to have to ask you to
14 speak louder so she can hear you, as well as the jury.
15 State's Exhibit 6.

16 A State's Exhibit Number 6, I had just moved more
17 towards, if I'm looking at the scene, more towards my
18 right. You can see, this is Green Road. Of course, the
19 barrier tape you can see. And this is a better picture of
20 the common area between the trailers.

21 Q And when you're documenting the scene, do you
22 typically take photographs of the scene from different
23 directions?

24 A Yes. I try and take photographs all around so that
25 when you're looking at photographs as a jury, it gives you

Chris Johnson - Direct Examination by Ms. Hammack

1 more of a reference point. So you see this grill here.

2 And in another picture, you see that grill, you'll know,

3 Hey, I'm on this side of that grill now; and this is the

4 other side. So I try to go around the scene.

5 Q Let's look at State's Exhibit 7. Is this an
6 example of you doing the same thing, moving around the
7 scene to take photographs from different locations?

8 A Yes, once again, I'm outside this barrier tape. So
9 everything that's taped off in this photograph you can see
10 is going to be part of the incident location of the scene
11 that is being processed. Once again, this is that tree.
12 The prior photographs were taken from this side, shooting
13 this way, this is the grill that you saw in the last one.
14 Green Road is going to be over here. And this is the area
15 that I was processing that night.

16 Q Now, when you document the scene, before you go in
17 that tape and actually start processing the scene for
18 evidence, do you take these pictures around the edge
19 first?

20 A Yes. Unless it's a physical impossibility. And
21 what I mean by that, is there could be barriers keeping me
22 from going around. Could be a fence. Could be a locked
23 gate. So I try to go around as best as possible to get
24 more overall photographs.

25 Q Let's take a look at State's Exhibit 8. Is this

Chris Johnson - Direct Examination by Ms. Hammack

1 another point of view of the scene that night?

2 A Yes, it is. This, I'm inside the barrier tape.

3 Once again this is Green Road. This is that one tree where
4 you have evidence scattered around. This is more of the
5 common area where they have bon fires. And the grills are
6 actually going to be back behind over here, but yes.

7 Q State's Exhibit 9?

8 A 9 is similar to the ones you saw earlier. The only
9 difference is I am inside the barrier tape. I'm trying to
10 see all of this area. Once again, this chair right here is
11 that blue chair that was in the last photograph and the
12 grill will be back behind me. I am giving you more of the
13 reference point of this side, surveying the whole area
14 here.

15 Q And then State's Exhibit 10, is that another
16 picture of the overall scene?

17 A Yes, it is. Once again, I'm outside of the barrier
18 tape on this one. And you can see kind of where the road
19 is. We can look at how close this tree is to the road
20 verses back here; it gives you a different perspective of
21 the area. This would be where the grills are. This would
22 be the other tree.

23 Q Now, after you've photographed the scene from the
24 outside of the barrier tape, and then the scene as a whole
25 just inside the barrier tape, what do you do next?

Chris Johnson - Direct Examination by Ms. Hammack

1 A Typically, We'll go through and start marking the
2 evidence. Anything that appears to be of evidentiary
3 value, we'll mark it with an evidence marker and then we'll
4 re-photograph.

5 Q So in the time that you marked something for
6 evidence, you're marking it as something that could be
7 helpful, that could be evidence, but you're not touching it
8 or doing anything with it at that time?

9 A Yes, ma'am. We're just marking it, we're putting
10 markers down.

11 Q Let's look at State's Exhibit 11. Is this closer
12 up before you start marking your evidence?

13 A Yes, yes, ma'am it is. It's more of a close up of
14 the area with some conglomerate group of evidence is and
15 you can see clothing here. You can see shoes. So this is
16 an area where -- we collected some items from this area,
17 yes.

18 Q Now, in this case, after you took these photos, did
19 you then mark items of evidence?

20 A Yes.

21 Q Let's look at State's Exhibit 12. Can you describe
22 that picture for the jury?

23 A Yes. This is around the same tree. Of course, the
24 clothes are not in it. You can't see the clothes, they are
25 behind the tree or off over this way. But you can see

Chris Johnson - Direct Examination by Ms. Hammack

1 evidence markers 4, 5, 6, 8, 9, 14, 16, 10. So this is how
2 I will mark my evidence, and I'll photograph it. This
3 gives you, now that you've seen them incident location,
4 this gives you visual cues where the evidence is placed in
5 that scene.

6 Q Well, let's look at State's Exhibit 13. Can you
7 describe that picture for the jury?

8 A Yes, this is from the opposite direction. The
9 chairs and the grills are behind me. So in between the two
10 little areas, and of course, you may see the evidence
11 markers put back in for that. Not put back in, but the
12 evidence markers were in this photograph marking the
13 evidence and stuff that I'm going to be collecting.

14 Q Now, after you take pictures, kind of step back
15 from the scene of all those markers, do you then take
16 pictures of each of the markers up close?

17 A Yes. This picture is helpful to you guys as far
18 as, all right, something in this area's going to be
19 collected. So typically, what I'll do is I'll get a close
20 up of the item that's going to be collected. If it's a
21 shell casing, it's going to be, you'll see on the close up
22 picture how these have like a scale built in. That will --
23 I will take the photograph closer to this marker and then
24 directly over the top of this marker so that you can see
25 exactly what it is that is going to be collected.

Chris Johnson - Direct Examination by Ms. Hammack

1 MS. HAMMACK: And Ms. Brenda, can you still hear?

2 THE COURT REPORTER: Yes, ma'am.

3 BY MS. HAMMACK:

4 Q Let's look at State's Exhibit 14. Does this fit in
5 the same context as far as where any of these markers are?

6 A Yes. If you looked at all the photographs that
7 you've seen so far, you'll recognize that this is like
8 clump of clothing or something here, you can see numbers,
9 start to see numbers. This is 5. I'm not sure what that
10 says. And this is 3. So then, if you just go back, then
11 you can say, well okay, 3's over in this area. So I know
12 exactly where I'm at when I'm when I'm starting to zoom in
13 on the evidence markers.

14 Q Let's look at State's Exhibit 15. Can you describe
15 that for the jury?

16 A Yes. This is Marker Number 3, and it is marking,
17 as you clearly see, a spent cartridge. And this is the
18 scale that I was telling you about. This would be a piece
19 of evidence that this number is marking.

20 Q So after you take these pictures, when you say
21 collecting, what does that mean?

22 A Physically picking it up and putting it in a bag to
23 take back to the office for further analysis or
24 examination, whatever is needed.

25 Q And do you have to take any special precautions

Chris Johnson - Direct Examination by Ms. Hammack

1 when you pick up evidence?

2 A Yes. I wear gloves, the rubber gloves, nitrile
3 gloves, everybody calls them rubber gloves. And then you
4 put them into a coin envelope. And that coin envelope is
5 marked with the date, and usually the time is marked.

6 Sometimes I forget, but it's marked as what item it is and
7 where I picked it up from.

8 Q And when you're talking about rubber gloves, are we
9 talking about these kind of rubber gloves?

10 A Yes. Yes. Those purple nitrile gloves.

11 Q And Investigator Johnson -- actually, give me one
12 second.

13 A Sure.

14 Q I'm handing you what's been pre-marked as State's
15 Exhibit 16. Will you take a look at that and tell me if
16 you know what that is?

17 A Yes, Ma'am. This is actually the shell casing I
18 got -- it says on the package, Item Number 683, spent shell
19 casing HS, which stands for head stand Winchester 7.62 by
20 39 from ground at Marker Number 3. And this is actually a
21 piece of evidence.

22 Q And did you collect that from that ground right
23 there on March 3rd of 2014?

24 A Yes, I did.

25 MS. HAMMACK: Your Honor, at this time we admit

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1 State's Exhibit 16 into evidence.

2 MR. LYONS: No objections.

3 (State's Exhibit Number 16 was entered into
4 evidence.)

5 BY MS. HAMMACK:

6 Q And Investigator Johnson, is that the packaging
7 that you put it in when you collected it?

8 A Yes, this is my handwriting, yes.

9 Q Now, tell me -- not everybody may be familiar with
10 that type of shell casing. When you were describing that
11 head stamp and what it said, what does that mean?

12 A I'm not an expert, but a head stamp is the marking
13 that the manufacturer puts on each round that says
14 manufacturer, and is -- lets you know what caliber it is.
15 And it lets you know who the manufacturer is. Head stamps
16 are common -- well, they're on every shell casing or every
17 ammunition.

18 Q Investigator Johnson, let's take a look at State's
19 Exhibit 17. Can you describe that for the jury?

20 A Yes. State's Exhibit 17. Once again, you can see
21 the barrier tape, the grills and stuff are behind me. I
22 believe Number 3 is down here. Number 5 is directly up
23 here. And you can see this trailer in the background and
24 this vehicle, and once again, here's the clothing and this
25 tree.

Chris Johnson - Direct Examination by Ms. Hammack

1 Q And is this Green Road over here behind that tree?

2 A Yes. Green Road would be behind the tree. So this
3 piece of tape right here is basically the barrier between
4 the incident location and Green Road.

5 Q All right. Investigator Johnson, let's take a look
6 at State's Exhibit 18. Is that a closer up photo of the
7 items that you just described, or the markers you just
8 described in the last picture?

9 A Yes. That's Number 4 and Number 5. Number 5 is a
10 wrist watch; a broken wrist watch. I believe Number 4 --

11 Q Would you like to see a closer picture of Number 4?

12 A Yes. That would, that would be great.

13 Q This is State's Exhibit 19. Can you describe that
14 for the jury?

15 A I would list it as suspected projectile. It is a
16 projectile from a fire cartridge from a gun.

17 Q Investigator Johnson, I'm showing you what's been
18 pre-marked as State's Exhibit 20. Will you take a look at
19 that and tell me if you recognize it?

20 A Yes. I recognize this.

21 Q What is that?

22 A This is the suspected projectile from the ground at
23 Marker Number 4. This is Marker Number Four. This is the
24 projectile. This is the projectile right here. This is my
25 handwriting. Then you have March 3rd and the time that I

Chris Johnson - Direct Examination by Ms. Hammack

1 collected it from [REDACTED] Green Road, with the case number on
2 it.

3 Q Give me just a second.

4 And Investigator, you stated that is actually the
5 suspected projectile in this picture that you collected
6 from the scene that night?

7 A Yes. It is.

8 MS. HAMMACK: Your Honor. At this time, we would
9 move State's Exhibit 20 into evidence.

10 THE COURT: Any objections?

11 MR. LYONS: No objections, Your Honor.

12 (State's Exhibit Number 20 was entered into
13 evidence.)

14 BY MS. HAMMACK:

15 Q Now, let's look at State's Exhibit 21. Can you
16 tell the jury about that?

17 A Yes. This is Marker Number 6, Marker Number 8.
18 This is a spent cartridge or spent shell casing. And this
19 is also a spent shell casing or cartridge; however you
20 would like to name it.

21 Q Investigator, I'm going to show you what's been
22 pre-marked as State's Exhibit 22 and 23. If you will take
23 a look at those items and tell me if you recognize them.

24 A Yes. Exhibit 22 is a shell -- spent shell casing.
25 It is listed as CJ6, spent shell casing. The head stamp is

Chris Johnson - Direct Examination by Ms. Hammack

1 Winchester 7.62 by 39.

2 Q And if you could keep speaking up for me.

3 A Okay. From the ground at Marker Number 6, so it's
4 this one right here.

5 Can I take it out and look at the envelope?

6 Q (Nodded head.)

7 A And this is Item CJ7, spent shell casing. It's
8 stamped Winchester 7.62 by 39 from the ground at Marker
9 Number 8, which is this one right here. And it also has
10 the dates and the times that I collected them.

11 Q And those are the items you collected?

12 A Yes.

13 MS. HAMMACK: Your Honor, we would move State's 22
14 and 23 into evidence?

15 MR. LYONS: No objection.

16 THE COURT: Without objection.

17 (State's Exhibit Number 22 and Number 23 was
18 entered into evidence.)

19 BY MS. HAMMACK:

20 Q And Investigator, when you keep saying this CJ
21 number, is that just an internal number that y'all use for
22 keeping things organized?

23 A No, that's more of a personal thing. My name is
24 Chris Johnson, so when I collect something, I try to
25 distinguish that I collected it by putting my initials with

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1 it. So CJ1, first thing I collected and CJ2 and so on.

2 Q Let's take a look at State's Exhibit 24. Can you
3 describe that for the jury?

4 A Yes. You can see Marker Number 12 and Marker
5 Number 11. 12 I believe is going to be a shell casing
6 right here. And 11 is these boots right here.

7 Q Are you familiar with what type of boots those are?

8 A No, but from the looks of these, they appear to be
9 Timberlands.

10 Q Let's look at State's Exhibit 25. Could you
11 describe that for the jury?

12 A 25, you can see Marker Number 12. 11 is back here.
13 Marker Number 12 right here. And then you also see 13 up
14 here. 13 is kind of obscuring whatever it's marking, but
15 you can see a spent shell casing here as 12.

16 Q State's Exhibit 25. Is this a closer picture of
17 what you were just describing?

18 A Yes. This is Item Number 12 -- or not Item Number
19 12, Marker Number 12 and a spent shell casing.

20 Q I'm showing you what's pre-marked as State's
21 Exhibit 27. Can you look at that and let me know if you
22 recognize it?

23 A Yes, ma'am. Yes. I do recognize this. It is
24 CJ10, spent shell casing, head stamp Winchester 7.60 by 39
25 from the ground at Marker Number 12. So this is going to

Chris Johnson - Direct Examination by Ms. Hammack

1 be this shell casing right here that's from the ground.

2 MS. HAMMACK: Your Honor, at this time, we would
3 move State's Exhibit 27 --

4 MR. LYONS: No objection.

5 THE COURT: Without objection.

6 (State's Exhibit Number 27 was entered into
7 evidence.)

8 BY MS. HAMMACK:

9 Q Investigator, let's look at State's 28. Can you
10 describe that for the jury?

11 A Marker Number 13 and a spent shell casing from the
12 ground Marker 13.

13 Q I'm showing you what's been pre-marked as State's
14 Exhibit Number 29? Is this the corresponding shell casing
15 that was recovered there?

16 A Yes, ma'am. It is. The package is marked with
17 CJ11, spent shell casing, head stamp Winchester 7.62 by 39
18 from Ground Marker 13 with my date and time.

19 MS. HAMMACK: And, Your Honor, we move to add
20 State's 29.

21 MR. LYONS: No objection.

22 THE COURT: Thank you.

23 (State's Exhibit Number 29 was entered into
24 evidence.)

25 BY MS. HAMMACK:

Chris Johnson - Direct Examination by Ms. Hammack

1 Q Investigator Johnson, let's look at State's Exhibit
2 30. Can you explain to the jury what we're looking at
3 there?

4 A Yes. These are the markers for items of evidence
5 that are going to be collected. 8 and 6, we've already
6 seen these. That's 9, 16, 15, 14. There's a projectile,
7 or spent shell casing right here by that 14 is marking.

8 Q Now, let's look at State's Exhibits 31 and 32 that
9 have been entered into evidence. That's 31 and then this
10 is 32. Are these closer pictures of that shell casing
11 marked 14?

12 A Yes. Yes, it is. The reason why this scale is not
13 up against or right here, is the tree and the cinder block
14 were hindering me from being able to put this right here
15 where the -- all the other ones have been. So it's close,
16 so we can see 14 is going to be this item.

17 Q And what does that scale on the marker do for you?

18 A It allows you to photograph your evidence with a
19 scale when it's on the ground. It doesn't do anything
20 scientific other than photograph your item with the scale
21 in it.

22 Q Does it give you a point of reference to any
23 amount? How big that item is? This isn't just a zoomed in
24 picture.

25 A Yes.

Chris Johnson - Direct Examination by Ms. Hammack

1 Q Investigator Johnson, I'm showing you what is
2 pre-marked as State's Exhibit 33. Is this the shell casing
3 that was collected and that's shown in this picture?

4 A Yes. It is. Ground Marker Number 14. Item is
5 marked in my handwriting, the date and time, CJ12, spent
6 shell casing, head stamped Winchester 7.62 by 39 from
7 Ground Marker 14. Yes, ma'am. It is.

8 Q And just like all the other shell casings with this
9 pattern, that CJ number, does that mean that you collected
10 this item?

11 A Yes.

12 MS. HAMMACK: Your Honor, we move State's Exhibit
13 33.

14 MR. LYONS: No objections.

15 THE COURT: Without objection.

16 (State's Exhibit Number 33 was entered into
17 evidence.)

18 BY MS. HAMMACK:

19 Q Just a couple more for you, Investigator.

20 A Yes, ma'am.

21 Q Let's look at State's Exhibit 34. Can you describe
22 that for the jury?

23 A Yes. Marker Number 15. Once again, with a -- or a
24 spent shell casing.

25 Q I'm showing you State's Exhibit -- what's been

Chris Johnson - Direct Examination by Ms. Hammack

1 pre-marked as State's Exhibit 35. Is that the shell casing
2 in this picture?

3 A Yes, it is. The package says -- I can see on the
4 package just moving it around, it says CJ13, spent shell
5 casing head stamp Winchester 7.62 by 39 from Ground Marker
6 Number 15. Number 15 and this is it. Yes, ma'am.

7 MS. HAMMACK: Your Honor, at this time we'd move
8 State's 35.

9 MR. LYONS: No objections.

10 THE COURT: Without objection.

11 (State's Exhibit Number 35 was entered into
12 evidence.)

13 BY MS. HAMMACK:

14 Q Investigator Johnson, let's look at State's Exhibit
15 36. Could you describe that for the jury?

16 A This is Marker 17. I can't really see the big
17 number. You can see 17 right here upside down. This is
18 also a spent shell casing.

19 Q I'm showing you what's been pre-marked as State's
20 Exhibit 50. Is that the shell casing in that picture?

21 A Yes.

22 Q And did you collect that?

23 A Yes. I did.

24 Q And is it head stamped Winchester 7.62 by 39 on
25 there?

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1 A Yes. Winchester 7.62 by 39 from the Ground Marker
2 17. Yes, ma'am.

3 MS. HAMMACK: Your Honor, I move State's Exhibit 50
4 into evidence.

5 MR. LYONS: Without objection.

6 (State's Exhibit Number 50 was entered into
7 evidence.)

8 Q Now, Investigator Johnson, we just went through all
9 of the shell casings that you recovered from the scene that
10 night. You named those head stamps out to the jury. Did
11 you recover any shell casings that's different than that?

12 A No, I did not.

13 Q Now, after processing the scene did you go anywhere
14 else as far as collecting evidence in this case?

15 A I did to the autopsy in Newberry.

16 Q And tell me, when you went to the autopsy, what was
17 your job there?

18 A My job was to document the victim's injuries, and
19 also collect any evidence that's recovered from the victim.

20 Q And did you do that in this case?

21 A Yes. I did.

22 Q Investigator Johnson, I'm going to show you what's
23 been pre-marked as State's Exhibits 37, 38, 39 and 40.
24 Would you take a look at those and tell me if you recognize
25 those pictures?

Chris Johnson - Direct Examination by Ms. Hammack

1 A Yes, ma'am. I recognize these.

2 Q And what are those pictures of?

3 A These are photographs of suspected projectiles that
4 were removed from the victim.

5 Q And did you do anything with those suspected
6 projectiles that were removed from the victim at autopsy?

7 A After they were removed and packaged by the
8 pathologist, I took them with me and submitted them to our
9 evidence.

10 MS. HAMMACK: Your Honor, at this time, we're going
11 to move State's Exhibit 37, 38, 39 and 40 into evidence.

12 MR. LYONS: No objection.

13 THE COURT: Very well.

14 (State's Exhibit Number 37, Number 38, Number 39,
15 and Number 40 were entered into evidence.)

16 BY MS. HAMMACK:

17 Q And Investigator Johnson, you stated that you did
18 take those items from the autopsy back to evidence for
19 processing; is that correct?

20 A Yes, that is.

21 Q I'm going to show you what's been pre-marked as
22 State's Exhibit 41, 42, 43, and 44. Will you take a look
23 at those items and let me know if you recognize those?

24 A Yes, ma'am. I recognize these projectiles,
25 suspected projectiles that were removed from autopsy that

Chris Johnson - Direct Examination by Ms. Hammack

1 were all in the picture and heat sealed in one bag and then
2 sealed again into another bag. And this is the package
3 that I placed it in and then submitted it into our
4 evidence.

5 Q. And when you say heat sealed, what's that about?

6 A. A heat sealed bag is, they'll take one out, put it
7 in a plastic bag and seal it. Put their initials across it
8 as a way to secure the item. And also so that if it's ever
9 been tampered with or messed with, you can see it; see if
10 it's been messed with or the bottom of the bag had been cut
11 open. So that is how they secure the item and give it to
12 us for transport.

13 Q. And was that done in this case?

14 A. No, ma'am. It was not. It was heat sealed, but it
15 was not tampered with.

16 Q. Right, thank you. Thank you for clarifying that.

17 MS. HAMMACK: Your Honor, at this time, we would
18 move State's Exhibits 41, 42, 43, and 44 into evidence.

19 MR. LYONS: No objection.

20 THE COURT: Without objection.

21 (State's Exhibit Number 41, Number 42, Number 43,
22 and Number 44 was entered into evidence.)

23 BY MS. HAMMACK:

24 Q. And by way of showing the jury, Investigator
25 Johnson, let's look briefly at State's Exhibit 37, 38, 39,

Chris Johnson - Cross-Examination by Mr. Lyons

1 and 40. Are these the photographs of those projectiles
2 that you took into evidence?

3 A Yes, ma'am.

4 Q Are these the projectiles that were recovered --
5 the projectiles and the fragments that were recovered from
6 the body at autopsy?

7 A Yes, ma'am, it is.

8 Q And all this time, we've been talking about the
9 autopsy and evidence recovered. Who was this autopsy of?

10 A The victim, Isaiah Miles; Isaiah Devon Miles.

11 Q Give me one second, Investigator.

12 A Sure thing.

13 Q Investigator Johnson, please answer any questions
14 that Mr. Lyons has for you.

15 THE COURT: Mr. Lyons.

16 **CROSS-EXAMINATION**

17 **BY MR. LYONS:**

18 Q Yes, sir. Good afternoon.

19 A Good afternoon.

20 Q So part of your duties, you went out and you
21 photographed the scene. Correct?

22 A Yes.

23 Q You gathered this evidence that you talked about
24 here today?

25 A Yes, sir.

Chris Johnson - Cross-Examination by Mr. Lyons

1 Q And you submitted it to whoever you submit it to in
2 order for it to be examined?

3 A Yes. Yes, sir.

4 Q Did you do anything else?

5 A Not other than writing a report and doing the
6 evidence sheets.

7 Q You weren't involved in any type of scientific
8 analysis of any of this evidence?

9 A No, sir, I was not.

10 Q And the determination that has been made is that
11 these projectiles were fired from the same weapon, correct?

12 A I --

13 Q Or you don't know?

14 A I don't know. I collected the evidence. I was, I
15 don't know what the results were from that point.

16 Q Okay. And as far as you know then, there's been no
17 further scientific analysis done on this evidence?

18 A Not that I have done. No, sir.

19 Q Were you involved in any other aspect of processing
20 any other evidence? Vehicles? Anything like that?

21 A Yes, sir. A vehicle was brought in and I did
22 process, or execute the search on that vehicle.

23 Q What kind of vehicle was that?

24 A I don't have that information with me. I can't
25 recall what type of vehicle it was.

Chris Johnson - Cross-Examination by Mr. Lyons

1 Q What did you do as far as processing it?

2 A I would photograph it, swab the interior front
3 passenger door handle. I collected a swab from the front
4 passenger exterior door handle. Collected a cigarette butt
5 from the front passenger door pocket. Also, collected a
6 partially smoked marijuana joint from a pineapple clippers
7 cigarillos pack that was down in the center console. And
8 then I collected three blatant lifts from the vehicle.

9 Q And as a result of that evidence collection, did
10 you receive any information back that was of any
11 significance in this case?

12 A I did not receive anything back from any of the
13 testing of that stuff.

14 Q Do you recall if that vehicle that you processed
15 was a SUV?

16 A I don't believe it was an SUV.

17 Q Pick-up truck?

18 A No, I believe it was a sedan.

19 Q Okay. All right. Thank you very much. Do you
20 recall who it belonged to?

21 A No, sir.

22 Q Thank you.

23 MS. HAMMACK: No redirect, Your Honor.

24 THE COURT: You may step down.

25 Two o'clock suit everybody? Mr. Lyons?

Chris Johnson - Cross-Examination by Mr. Lyons

1 MR. LYONS: Yes, yes, sir.

2 THE COURT: Two o'clock.

3 All right. We're going to -- every now and then
4 you get into a situation where you can't go quite to where
5 you want to. We've got, I guess, a pathologist coming
6 after lunch.

7 Who can tell me? Dr. Ross?

8 MR. WEEKS: Dr. Ross, Your Honor.

9 THE COURT: Dr. Ross is a pathologist from
10 Newberry. To coordinate her schedule with our schedule,
11 we're getting it pretty close. But anyway, we're not going
12 to go to one o'clock. We're going to break now. Food
13 should be here in about ten minutes. You're welcome, I
14 don't know what the weather's like outside, you're welcome
15 to take it outside and picnic. You can eat back there.
16 You can take it to your car and do with it; however you
17 want to.

18 We're going to start back at two o'clock. So when
19 you finish eating if you'll meet up here. You're welcome
20 to spend the rest of your lunch hour however you want to.
21 You're on your own, with food furnished. So we'll start
22 back right at two. We'll probably go to five this
23 afternoon. I'm not sure. We'll have all the technical
24 people here this afternoon. May have one witness early in
25 the morning, but we'll see where we stand and go as long as

1 we can.

2 So enjoy your lunch. Start back at two. Don't
3 discuss the case and don't deliberate.

4 Everybody else, please remain seated.

5 (The jury left the courtroom at 12:33 p.m.)

6 THE COURT: All right. Anything for the record
7 before we break for lunch? Mr. Weeks? Ms. Hammack.

8 MR. WEEKS: Not from the State, Your Honor.

9 THE COURT: Mr. Lyons?

10 MR. LYONS: No, Your Honor.

11 THE COURT: All right. We'll stand at ease until
12 two o'clock.

13 (A recess was observed for lunch.)

14 THE COURT: Are they getting your client?

15 MR. LYONS: Yes, sir, Your Honor.

16 THE COURT: Anything for the record Mr. Weeks?

17 MR. WEEKS: No, Your Honor.

18 THE COURT: All right. Bring them in.

19 (The jury entered the courtroom at two o'clock.)

20 THE BAILIFF: Jury present, Your Honor.

21 THE COURT: Call your next witness.

22 MS. HAMMACK: The State calls Investigator Chuck
23 Cain.

24 CHUCK CAIN,

25 having been duly sworn, testified as follows:

Chuck Cain - Direct Examination by Ms. Hammack

1 THE CLERK: Please be seated in the witness box,
2 stating your name for the Court.

3 THE WITNESS: Investigator Chuck Cain, C-A-I-N.

4 **DIRECT EXAMINATION**

5 BY MS. HAMMACK:

6 Q And Investigator Cain, what do you do for a living?

7 A I'm an investigator with the Aiken County Sheriff's
8 Office.

9 Q And how long have you been doing that?

10 A Investigating for over 14 years.

11 Q And how long have you been in law enforcement.

12 A Almost 28.

13 Q And were you working on March the third of 2014?

14 A Yes, ma'am.

15 Q Did you have a chance to become involved in this
16 case.

17 A Yes, ma'am.

18 Q How did you first get involved in this case?

19 A I was telephoned from our communications division.

20 They notified me of the shooting incident. I responded to
21 Medical College of Georgia.

22 Q And when you say Medical College of Georgia is that
23 the same thing as GRU or Augusta whatever it is this week?

24 A Yes, ma'am.

25 Q Did you go to the hospital over there?

Chuck Cain - Direct Examination by Ms. Hammack

1 A Yes, ma'am.

2 Q And why did you go to the hospital over there?

3 A My first question upon notification was the status
4 of the victim. I was informed that he was still alive. My
5 initial response is to get to the victim to see if I can
6 gather any information.

7 Q And when you say the victim, who are you talking
8 about?

9 A Isaiah Miles.

10 Q And when you got to the hospital, was Mr. Miles at
11 the hospital?

12 A No, ma'am. He followed a minute after I arrived.

13 Q And how did he get to the hospital?

14 A Ambulance.

15 Q And upon arrival at the hospital, what happened?

16 A A minute after his arrival, he was pronounced dead.

17 Q Did you have a chance to see Mr. Miles at the
18 hospital?

19 A Yes, ma'am.

20 Q Can you tell the jury what you saw?

21 A When I looked upon the victim, I saw multiple
22 gunshot wounds, so I photographed them.

23 Q After you photographed the victim, what did you do
24 next?

25 A I made contact with Depu -- Assistant Coroner Jeff

Chuck Cain - Direct Examination by Ms. Hammack

1 Smith. Provided the information I had to him. And then I
2 departed and relocated to the incident location.

3 Q And when you say the incident location, where were
4 you talking about?

5 A [REDACTED] Green Road, Aiken, South Carolina.

6 Q And where in Aiken is that?

7 A It's in the Petticoat Junction Community off of
8 Silver Bluff Road.

9 Q Is that, like, you're headed over towards Jackson,
10 Beech Island area?

11 A As a matter of fact, it's situated between the town
12 of Jackson and Beech Island.

13 Q Investigator Cain, I'm going to show you what's
14 been pre-marked as State's Exhibit 1. Will you look at
15 that and tell me if you recognize it?

16 A Yes, ma'am. That is the area of Petticoat Junction
17 and Green Road and Silver Bluff Road.

18 Q And is that an overhead satellite image of that
19 area?

20 A Yes, ma'am.

21 Q Is that to scale?

22 A To scale?

23 Q Yes. Will you review the picture and see if
24 there's a scale located on it?

25 A Yes, ma'am. There's a scale on the lower right.

Chuck Cain - Direct Examination by Ms. Hammack

1 I'm guessing one inch is a thousand feet. So...

2 MS. HAMMACK: Your Honor, at this time, we'd move
3 State's Exhibit 1 into evidence?

4 THE COURT: Any objections?

5 MR. LYONS: I think I've seen that -- no
6 objections, Thank you.

7 THE COURT: No objection. Thank you, move along.

8 (State's Exhibit Number 1 was entered into
9 evidence.)

10 BY MS. HAMMACK:

11 Q Investigator Cain, I want to direct your attention
12 to a blown-up version of State's Exhibit 1. And last time
13 I did this there was kind of a mess. I'm going to let you
14 hold it up so the jury can see it. And will you indicate
15 for the jury kind of our main road so they know where we're
16 talking about here?

17 A The main road in the area is Highway 278, Williston
18 Road. You also have Silver Bluff Road, Highway 302. And
19 you have Green Road. This road here that runs between
20 Silver Bluff Road and Highway 278.

21 Q And if you keep traveling down Silver Bluff Road
22 going south, where do you eventually get to?

23 A Traveling south? Takes you to Highway 278. This
24 way takes you to Atomic Road.

25 Q Okay. Thank you.

Chuck Cain - Direct Examination by Ms. Hammack

1 Now, can you show us on that map where on Green
2 Road you responded for our incident location?

3 A This is the incident location here.

4 Q Thank you, Investigator Cain. And when you got to
5 the incident location, what was the first thing you did?

6 A Make contact with the patrol supervisor on the
7 scene who had already spoken to me on the telephone and he
8 explained to me what had happened in my absence, and gave
9 me a briefing of -- that forensics had arrived, the scene
10 was secure, and that potential witnesses were available.

11 Q Okay. Investigator Cain, I'm going to show you
12 what's been pre-marked as State's 3 and 4. Will you take a
13 look at those and tell me if you recognize them?

14 A Yes, ma'am. Those are photographs of the incident
15 location.

16 Q Now, when you arrived at the incident location on
17 March 3rd, 2014, was it day time?

18 A No, ma'am.

19 Q Are those pictures in the daytime?

20 A Yes, ma'am.

21 Q It a little bit easier to see what you're looking
22 at with the picture being taken in the daytime.

23 A Yes, ma'am.

24 MS. HAMMACK: Your Honor, at this time we move
25 State's Exhibits 3 and 4 into evidence.

Chuck Cain - Direct Examination by Ms. Hammack

1 MR. LYONS: No objections?

2 THE COURT: Without objections.

3 (State's Exhibit Number 3 and Number 4 was entered
4 into evidence.)

5 BY MS. HAMMACK:

6 Q Now, Investigator Cain, you say that when you
7 arrived on scene that you were briefed about what had
8 happened; that there were some witnesses to talk to. When
9 you got out there, first of all, tell me what time did you
10 get out on the scene.

11 A I believe I arrived some time, some time after nine
12 o'clock that evening.

13 Q And this was in March so tell us, was the sun out?

14 A No, ma'am. It was dark.

15 Q What was the weather like?

16 A It was raining that evening.

17 Q When you got there, did you take any statements
18 from anybody on the scene?

19 A Yes ma'am. I took the statement -- I received the
20 statement from Marlon Tutt.

21 Q And when you say Marlon Tutt, who is Marlon Tutt?

22 A Marlon Tutt is a local citizen who lives at [REDACTED]
23 Green Road.

24 Q And directing your attention to the blown up
25 version of State's Exhibit 2, can you show the jury where

Chuck Cain - Direct Examination by Ms. Hammack

1 Marlon Tutt lives?

2 A Marlon Tutt lives in this residence here.

3 Q And is the incident location depicted in that blown
4 up picture as well?

5 A Yes, ma'am. It is. That location is here.

6 Q Thank you, Investigator. Now while you were on
7 scene, you stated you spoke with Marlon Tutt. Did you
8 direct forensics to do anything on the scene?

9 A Not so much a direction. I spoke with them and
10 they gave me a briefing of what they were doing and what
11 they had collected and where they stood in their processing
12 of the crime scene.

13 Q Now tell me this. After forensics was doing their
14 thing, did you reach out to the victim's family in this
15 case?

16 A Yes, ma'am.

17 Q And again, when we say victim, we're talking about
18 Isaiah Miles?

19 A Yes, ma'am.

20 Q Do you know how old Isaiah Miles was when he was
21 killed?

22 A Mid 30's, 35, 36; in that area.

23 Q Do you know where Isaiah was from?

24 A After speaking with the family, he was originally
25 from this area, Aiken area, Beech Island, Petticoat

Chuck Cain - Direct Examination by Ms. Hammack

1 Junction area. But for the last year or so he had lived in
2 New York. And most recently before the incident, several
3 weeks he had lived in the city of Boston.

4 Q Do you know when he came back to town?

5 A He came back to town the day before the incident.
6 I believe that would have been the second of March.

7 Q Now, Investigator Cain, during the course of your
8 investigation, did you speak with any other witnesses in
9 this case?

10 A Yes, ma'am.

11 Q Who all did you speak to in this case?

12 A Mr. Jimmy Williams from Augusta. It was a Tillman
13 Smith. There was Joseph Morris Williams, Jr., a few other
14 names.

15 Q Now, and let me ask real quick, when you spoke with
16 these witnesses?

17 A Yes, ma'am.

18 Q Where did you speak to them at?

19 A I spoke with all of the witnesses at the Aiken
20 County Sheriff's Office except for one and I believe that
21 might have been Tillman Smith. But I interviewed him out
22 in the field.

23 Q And when you spoke with each of these witnesses -
24 actually let me stop and back up a second. During the
25 course of your investigation, were you able to determine a

Chuck Cain - Direct Examination by Ms. Hammack

1 potential suspect in this case?

2 A Yes, ma'am.

3 Q And who was that?

4 A Reggie Hamilton.

5 Q Now, in order to identify Reggie Hamilton as the
6 suspect in this case, did you have a photo lineup created?

7 A Yes, ma'am.

8 Q Who creates those photo lineups?

9 A State Law Enforcement Division in Columbia.

10 Q And when you say State Law Enforcement Division in
11 Columbia, is that otherwise known as SLED?

12 A Yes, ma'am.

13 Q Did they send you a photo lineup in this case?

14 A Yes, ma'am.

15 Q Investigator Cain, I'm going to show you what's
16 been pre-marked as State's Exhibit 51. Do you recognize
17 that?

18 A Yes, ma'am.

19 Q What is it?

20 A That is the copy of the photo lineup that I
21 received from SLED.

22 Q And is that the photo lineup that you showed to the
23 witnesses in this case?

24 A Yes, ma'am.

25 Q And Investigator Cain, I want to show you what's

Chuck Cain - Direct Examination by Ms. Hammack

1 been pre-marked as State's Exhibit 52. Do you recognize
2 that?

3 A Yes, ma'am.

4 Q What is that?

5 A That is a standard form, a photo line-up form from
6 the Aiken County Sheriff's Office. When we present a photo
7 line-up to any potential witness or anyone, this form
8 accompanies the line-up. It is a statement form specific
9 for line-ups.

10 Q So when you show someone a line-up, you have this
11 standard form. And what is the purpose of this form?

12 A Well, the purpose of this form is to qualify when
13 they choose a photograph from a photo line-up, this form
14 qualifies it with their signature, and with their
15 statement.

16 Q And when you show a witness, a potential -- or when
17 you show a witness a photo line-up, do you tell them which
18 picture to pick?

19 A No, ma'am.

20 Q What do you tell witnesses when you show them the
21 photo line-up?

22 A I present the photo line-up to them. My only
23 condition is that they be 100 percent accurate.

24 Q If someone is not 100 percent sure when trying to
25 select someone from a photo line-up, do you fill out one of

Chuck Cain - Direct Examination by Ms. Hammack

1 these sheets?

2 A I do fill it out, but it is not filled out as a
3 positive identification. They're either 100 percent or
4 nothing when I present this form.

5 Q Now, drawing your attention back to State's Exhibit
6 52, or proposed State's Exhibit 52, whose signature form is
7 that?

8 A That is the signature of Joseph Morris Williams,
9 Jr.

10 Q And did you show him that photo lineup?

11 A Yes, ma'am.

12 Q Was he able to identify anybody in that lineup?

13 A Yes, ma'am.

14 Q Did -- was he 100 percent sure in your mind when he
15 did that?

16 A Yes, ma'am.

17 Q And did he sign that form stating that he
18 identified somebody out of that lineup?

19 A Yes, ma'am.

20 MS. HAMMACK: Your Honor, at this time, we would
21 like to move State's Exhibits 51 and 52 into evidence?

22 MR. LYONS: No objections?

23 (State's Exhibit Number 51 and Number 52 was
24 entered into evidence.)

25 BY MS. HAMMACK:

Chuck Cain - Direct Examination by Ms. Hammack

1 Q Investigator Cain, I also want to show you State's
2 Exhibit 53. I believe this is already in evidence. Do you
3 recognize that?

4 A Yes, ma'am.

5 Q And what's that?

6 A That is the same photo lineup form that we had at
7 the Sheriff's office from one of the witnesses, Walter
8 Kitchings.

9 Q And did you show Walter Kitchings that same photo
10 lineup?

11 A Yes, ma'am.

12 Q Was he able to identify anyone out of that lineup?

13 A Yes, ma'am.

14 Q Was he sure without implication?

15 A Yes, ma'am.

16 Q Did he sign indicating he had identified someone
17 out of that lineup?

18 A Yes, ma'am.

19 Q And I should have asked you this about 52 as well.
20 Do you sign those forms? Witnessing that you were a part
21 of this?

22 A Yes, ma'am.

23 Q Lastly, I want to show you State's Exhibit 54. Do
24 you recognize that?

25 A Yes, ma'am.

Chuck Cain - Direct Examination by Ms. Hammack

1 Q What's that?

2 A Again, this is the standard photo lineup
3 identification form presented to witnesses or people
4 associated with the lineups?

5 Q And specifically, who's form is that?

6 A This was the one presented to Tillman, witness
7 Tillman Smith.

8 Q Did you present that to Tillman Smith?

9 A Yes, ma'am. I did.

10 Q Did he make an identification from that photo
11 lineup?

12 A Yes, ma'am.

13 Q Was he sure of his identification?

14 A Yes, ma'am.

15 Q Did he sign that form indicating such?

16 A Yes, ma'am.

17 Q And did you witness it?

18 A I did.

19 MS. HAMMACK: Your Honor, I move, State moves
20 State's Exhibit 54?

21 MR. LYONS: No objection?

22 (State's Exhibit Number 54 was entered into
23 evidence.)

24 BY MS. HAMMACK:

25 Q Investigator Cain, when you showed each of those

Chuck Cain - Direct Examination by Ms. Hammack

1 witnesses that photo lineup, you indicated they all were
2 able to identify someone out of that lineup. Who did they
3 identify?

4 A Reggie Hamilton.

5 Q Each one of those witnesses? Did they identify
6 Reggie Hamilton?

7 A Yes, ma'am.

8 Q When these witnesses met with you, and specifically
9 in this case, Morris Williams, Tillman Smith, Walter
10 Kitchings, and you showed them that photo lineup that made
11 those identifications, did they also give you a statement?

12 A Yes, ma'am.

13 Q Did each of them give you a statement?

14 A Yes, ma'am.

15 Q And specifically, we'll go one by one. When you
16 spoke with Morris Williams, did he appear to being under
17 the influence of anything when he talked to you?

18 A No, ma'am.

19 Q Had he appeared to be under the influence of
20 anything, would you have taken a statement from him?

21 A I would not have even started one.

22 Q When you met up with Walter Kitchings, did you take
23 a statement from him?

24 A Yes, ma'am.

25 Q Do you remember what day you took a statement from

Chuck Cain - Direct Examination by Ms. Hammack

1 him?

2 A Not the exact date, but it was within a day or two
3 of the incident.

4 Q It was not on March 3rd, 2014?

5 A No, ma'am.

6 Q And when you spoke with Walter, did he appear to be
7 under the influence of anything when he gave you a
8 statement?

9 A No, ma'am.

10 Q If he had appeared to be under the influence of
11 anything, would you have let him tell you what happened?

12 A No, ma'am.

13 Q Did you also get a statement from Tillman Smith?

14 A Yes, ma'am.

15 Q And when you got a statement from Tillman Smith, do
16 you remember when that was?

17 A Days after the incident. It wasn't on the date of
18 the incident, two or three days afterwards.

19 Q And did Tillman Smith tell you what he saw that
20 night?

21 A Yes, ma'am.

22 Q And when he told you, had he appeared to be under
23 the influence of anything?

24 A No, ma'am.

25 Q Would you have let him talk to you if he appeared

Chuck Cain - Direct Examination by Ms. Hammack

1 to be under the influence of anything?

2 A No, ma'am.

3 Q Let me ask you this, Investigator Cain. During the
4 course of your investigation, did you ultimately get a
5 search warrant for a vehicle in this case?

6 A Yes, ma'am.

7 Q And what vehicle did you get a search warrant for?

8 A That was the vehicle, the 2007 Nissan Altima that
9 Joseph Morris Williams, Jr. had, was driving the night of
10 the incident and that he brought to the Sheriff's Office a
11 few days later.

12 Q He brought that vehicle to you?

13 A Yes, ma'am.

14 Q And when did he bring that vehicle to you?

15 A I believe it was on the 6th, three days after the
16 incident. I believe that's right.

17 Q And what's your understanding of whose car that
18 actually is?

19 A That was Joseph Morris Williams, Jr.'s girlfriend's
20 car.

21 Q But that's the car he was driving that night?

22 A The night of the incident, yes, ma'am.

23 Q What was the purpose of getting the search warrant
24 for that vehicle?

25 A To search for any trace evidence that would link

Chuck Cain - Direct Examination by Ms. Hammack

1 the defendant inside, place the defendant inside the
2 vehicle with physical evidence.

3 Q And did y'all do anything to try to secure any
4 evidence from that vehicle?

5 A The vehicle was processed by forensics division
6 pursuant to the search warrant, and whatever they collected
7 was sent to SLED for forensic testing.

8 Q And to your knowledge, Investigator Cain, was SLED
9 able to do anything with this car that was brought up to
10 you days after the incident?

11 A Not that I can recall. I don't recall receiving
12 any positive results from the processing.

13 Q Investigator Cain, after you interviewed the
14 witnesses, collected evidence, and as a result of your
15 investigation, did you ultimately seek warrants charging
16 someone in this case?

17 A Yes, ma'am.

18 Q Who did you get warrants for?

19 A I sought and received warrants for Reginald
20 Hamilton.

21 Q And do you know when he was eventually arrested on
22 those warrants?

23 A I believe it may have been August of 2014 he was
24 arrested.

25 Q Give me just a second, Investigator.

Chuck Cain - Direct Examination by Ms. Hammack

1 Investigator Cain, you talked about taking
2 statements from witnesses that were at the scene that
3 night. You said you got one statement there that night,
4 and then the rest of them you got at the Sheriff's Office.
5 When you got statements from Morris Williams and Walter
6 Kitchings and Tillman Smith, how'd they get to the
7 Sheriff's Office?

8 A They all arrived on their own except for one. I
9 gave one a -- I picked him up and brought him to the office
10 myself, but everybody else arrived on their own.

11 Q How did Morris Williams get to the Sheriff's
12 Office?

13 A He voluntarily arrived on his own.

14 Q And each of those witnesses, when they were done
15 giving you a statement, did they have to stay at the
16 Sheriff's Office?

17 A No, ma'am.

18 Q Where'd they get to go?

19 A Home. Wherever they wanted to go.

20 Q Did Morris Williams go home after giving you a
21 statement?

22 A He left the office. I'm not exactly sure where he
23 went, but he did leave.

24 Q And when you take statements from these witnesses,
25 do you threaten them to get them to say anything in

Chuck Cain - Cross-Examination by Mr. Lyons

1 particular?

2 A No, ma'am.

3 Q You make anybody promises to make them say anything
4 in particular?

5 A I'm not allowed to do that. No, ma'am.

6 Q Now, during the course of this investigation, you
7 had forensics collect evidence at the scene. To your
8 knowledge, was a gun ever located during this
9 investigation?

10 A No, ma'am.

11 Q I don't have any further questions. Please answer
12 any questions that Mr. Lyons has for you.

13 A Yes, ma'am.

14 **CROSS-EXAMINATION**

15 BY MR. LYONS:

16 Q Good afternoon, Investigator.

17 A Good afternoon, sir.

18 Q Now, one thing that as an investigator that you
19 want to make sure of in the course of an investigation that
20 you're involved in is that the information that you have
21 gathered, and the information that you've relied on is
22 accurate.

23 A Yes, sir.

24 Q Because when you get it in court like you're in
25 court here today, you want to make sure that what you're

Chuck Cain - Cross-Examination by Mr. Lyons

1 telling the jury is accurate.

2 A Yes, sir.

3 Q One of the reasons that you have training and you
4 go to schools in record keeping and making investigative
5 files and that type of things, correct?

6 A Yes, sir.

7 Q Because it may be years before you get into a
8 situation like this.

9 A Yes, sir.

10 Q Your memory gets bad and you want to refer back to
11 something to make sure that you got the information
12 correct.

13 A Yes, sir.

14 Q Now, you testified a few minutes ago that Mr.
15 Hamilton was arrested in August.

16 A To my recollection, it was August of 2014, but I
17 would have to look at my notes to get the actual date.

18 Q Are you sure he wasn't arrested in March 2014.

19 A I believe that it was late --

20 THE COURT: You got your notes there, look at them.
21 Let's get it right. You're welcome to look at your notes.

22 THE WITNESS: Thank you, sir.

23 Honestly, that was July 29th of 2014.

24 BY MR. LYONS:

25 Q July 29th?

Chuck Cain - Cross-Examination by Mr. Lyons

1 A Yes, sir. July 20th.

2 Q Okay.

3 A According to my notes.

4 Q Did you have the official record? I see you're
5 looking at something.

6 A Yes, sir. I have my case file with me.

7 Q Yes, sir.

8 A If you'll let me, I'll look in that and give you
9 the exact date.

10 Q Yes.

11 A I'm sorry. I was off by the year. These warrants,
12 I'm sorry. I'm sorry. Let me get to the right one. You
13 are correct, sir. That was March 18th, 2014 is when the
14 warrants were served.

15 Q We just want to be sure.

16 A Yes, sir.

17 Q Were there any witnesses that you talked to the
18 night of the incident?

19 A I spoke with Marlon Tutt that night, sir.

20 Q Outside of Marlon Tutt, was there anyone else?

21 A Not that I can recall. No, sir. Not that night.

22 Q Now, you said that you subsequently spoke at the
23 Sheriff's Office, I think, to the Williams?

24 A Mr. Jimmy Williams and Mr. Joseph Morris Williams,
25 yes, sir.

Chuck Cain - Cross-Examination by Mr. Lyons

1 Q Did you ever talk to Tillman Smith?

2 A Yes, sir.

3 Q Where did you talk to him at?

4 A He may have been the one that I spoke to in the
5 field.

6 No, sir. I spoke with Tillman Smith at the
7 Sheriff's Office.

8 Q In fact, Mr. Smith was in custody.

9 A I believe he was in custody for a family court
10 bench warrant.

11 Q Yes. You can't testify here today that he actually
12 left after you talked to him; isn't that correct?

13 A That's correct. Once the conversation was over, he
14 was transported back to the detention center.

15 Q And do you have any information as to what his
16 condition was at the time of his arrest?

17 A No, sir. I don't believe I have that in my file
18 anywhere. I was not there for his arrest, or for his
19 booking.

20 Q And you don't know what time he was arrested, the
21 day he was arrested? Just off the top of your head.

22 A Top of my head, no sir. I know it was the date
23 before I spoke with him.

24 Q So you don't have any information as to whether or
25 not he would have been in any type of condition to be

Chuck Cain - Cross-Examination by Mr. Lyons

1 talked to the day he was arrested.

2 A Not at that -- not on the day of arrest. No, sir.

3 Q But your testimony is if any of these witnesses
4 that you spoke to, if they were under the influence of any
5 drugs or alcohol you would not have interrogated them,
6 correct?

7 A Well, sir, I don't interrogate witnesses.

8 Q Interview.

9 A I interview. That is correct. If someone is
10 impaired by anything I will not interview them. I will
11 wait for that impairment to pass for a logical interview.

12 Q And why is that?

13 A If someone is intoxicated or impaired by anything,
14 the statement has no value to it. So it's not hard to wait
15 for 24 hours to get a good interview; or however long it
16 takes.

17 Q Well, the -- and you didn't have the opportunity to
18 interview any of these people on the day of the incident,
19 did you?

20 A Only Marlon Tutt, sir.

21 Q And you don't know what type of condition they were
22 in on the day of the incident?

23 MS. HAMMACK: Your Honor, I'm going to object.

24 THE WITNESS: No, sir.

25 THE COURT: Hold on. What's the objection?

Chuck Cain - Cross-Examination by Mr. Lyons

1 MS. HAMMACK: Outside of the knowledge of the
2 witness. He's asking him to speculate.

3 THE COURT: Well, no, he said do you know. He said
4 he didn't.

5 I mean, don't speculate. You don't know what
6 condition they were in that day, do you?

7 THE WITNESS: No, sir.

8 THE COURT: All right. Move along.

9 BY MR. LYONS:

10 Q Because if they were under the influence, that
11 might affect their ability to recollect correctly?

12 A Yes, sir.

13 Q When you interview them?

14 A Yes, sir.

15 Q Because you want to make sure that these witnesses
16 are clear minded.

17 A Yes, sir.

18 Q Did you ask any of these witnesses if they had been
19 involved in the abuse of drugs at the time they alledgedly
20 witnessed what they witnessed?

21 A I don't recall asking that question. What I do ask
22 of each one, and what I do observe is are they currently,
23 at the moment of interview, are they under the influence of
24 anything.

25 Q None of these witnesses came into your office and

Janice Ross - Direct Examination by Ms. Hammack

1 said anything about being involved in any type of drugs the
2 day of the incident?

3 A They did not tell me that, no, sir.

4 Q And none of these witnesses came in your office and
5 said nothing to you about having consumed any alcohol the
6 day of this incident, did they?

7 A No, sir. If they had I would have documented that.

8 Q Thank you very much.

9 THE COURT: Redirect?

10 MS. HAMMACK: No, Your Honor.

11 THE COURT: You may step down.

12 THE WITNESS: Thank you, Sir.

13 THE COURT: Next witness.

14 MS. HAMMACK: The State calls Dr. Janice Ross.

15 JANICE ROSS,

16 having been duly sworn, testified as follows:

17 THE CLERK: Please take your seat in the witness
18 box and state your name and spell that, please.

19 THE WITNESS: Janice Edwards Ross, R-O-S-S.

20 **DIRECT EXAMINATION**

21 BY MS. HAMMACK:

22 Q Good afternoon, Dr. Ross.

23 A Good afternoon.

24 Q Can you tell the jury, what do you do for a living?

25 A I'm a forensic pathologist. I'm a hospital

Janice Ross - Direct Examination by Ms. Hammack

1 pathologist so I do autopsies for the coroners of the State
2 of South Carolina at their authorization. I also cover
3 hospital laboratory and look at tissue under the
4 microscope.

5 Q And where are you based out of?

6 A Newberry, South Carolina, at the Newberry County
7 Memorial Hospital.

8 Q And I think you just indicated, but do you do
9 autopsies for agencies all across the State?

10 A Yes.

11 Q And tell me, Dr. Ross, what kind of education do
12 you have to get in order to be a forensic pathologist?

13 A I had four years of college and a bachelor's degree
14 from the University of South Carolina. I went through
15 medical school for four years and received my M.D. from
16 Upstate Medical Center in Syracuse, New York, where I did
17 the training in pathology, which is another four plus
18 years.

19 Pathology is a part of a discipline of medicine,
20 like surgery and pediatrics, where we learn how to diagnose
21 a diseases by looking at tissues in a microscope and by
22 using laboratory work. We also learned how to do an
23 autopsy to find the cause of death. I did further training
24 in the area of forensic pathology, which trains us to
25 identify patterns of injury, gun shot wounds, knife wounds,

Janice Ross - Direct Examination by Ms. Hammack

1 whatever in order to identify causes of death in homicides,
2 suicides, accidents, rapes. And then to also take tissue
3 and solutions for toxicology and document the patterns of
4 injury for the court of law.

5 Q And tell me Dr. Ross, how long have you been doing
6 autopsies for the State?

7 A I've been in Newberry since May of 2000.

8 Q And this may be a silly question, but do you have
9 any idea how many autopsies you've done in that time?

10 A Over 11,000.

11 Q Do you have to keep track of any medical updates or
12 anything like that?

13 A You mean, to maintain and continuing medical
14 education, yes.

15 MS. HAMMACK: Your Honor, at this time --

16 BY MS. HAMMACK:

17 Q Well, let me ask you just a couple more questions.
18 Have you ever testified here in court before?

19 A Yes.

20 Q Have you testified throughout the State?

21 A Yes.

22 Q Have you ever been qualified as an expert before?

23 A Yes.

24 Q Any idea how many times you've been qualified as an
25 expert?

Janice Ross - Direct Examination by Ms. Hammack

1 A In South Carolina, over 200 times.

2 Q And are you typically qualified as an expert in the
3 field of forensic pathology?

4 A Yes.

5 MS. HAMMACK: Your Honor, at this time we would
6 proffer --

7 MR. LYONS: No Objections.

8 MS. HAMMACK: -- Dr. Ross as an expert in Forensic
9 Pathology?

10 THE COURT: Thank you.

11 Madame Forelady and ladies and gentlemen of the
12 jury, what that means is Dr. Ross will be allowed to give
13 opinion testimony in the field of forensic pathology. And
14 I will discuss with you when I charge you on how you can
15 handle expert opinion testimony and the weight you can and
16 cannot give it.

17 BY MS. HAMMACK:

18 Q Dr. Ross, did you have an opportunity to perform an
19 autopsy on Isaiah Miles?

20 A Yes, I did.

21 Q When did you perform an autopsy on Isaiah Miles?

22 A That was on March 4th, 2014.

23 Q Are you aware of when he was pronounced dead?

24 A The coroner gave me the announcement at, as the
25 date forward March 3rd, of 2014 at 7:49 PM.

Janice Ross - Direct Examination by Ms. Hammack

1 Q Now when you do an autopsy, how do you go about
2 doing that?

3 A The patient is brought to us in a body bag in the
4 morgue at Newberry Memorial County Hospital where we unzip
5 the bag. We identify and inventory the clothing, take
6 photographs externally and then take clothing off; and take
7 photographs of the nude body.

8 In a case like this that's multiple gunshot wounds,
9 we do x-rays to see if there are any bullets remaining in
10 the person. Then we continue with the usual autopsy,
11 looking at each organ internally.

12 Q Now, you mention a case like this, where we're
13 dealing with multiple gunshot wounds. When you perform an
14 autopsy, do you have a diagram that helps you document all
15 the things that you observe during the autopsy.

16 A Yes.

17 Q And can you describe that document for the jury?
18 Or the diagram?

19 A Yes. It's a basic diagram of a person, the front
20 and the back. And then we make marks where we find
21 different identifying marks: Tattoos, whatever identify
22 the color or hair, et cetera. And then identify where the
23 entrance and exit wounds are, for instance, in a case like
24 this.

25 Q And did you do that in this case?

Janice Ross - Direct Examination by Ms. Hammack

1 A Yes.

2 (The attorneys were looking at a document.)

3 MR. LYONS: No objections.

4 BY MS. HAMMACK:

5 Q Dr. Ross, I'd like to show you what's been
6 pre-marked as State's Exhibit 49. Will you take a look at
7 that for me and tell me if you recognize it?

8 A Yes. That's the diagram I made from my findings of
9 Mr. Miles, the gunshot wounds. Just the gunshot wounds.
10 Not identifying anything else.

11 Q And do you typically produce diagrams like that
12 when you do your autopsies?

13 A Yes.

14 Q And did you produce that diagram in this case?

15 A Yes. I did.

16 Q Is it true and accurate?

17 A Yes. It is.

18 Q Any changes, additions or deletions?

19 A No, ma'am.

20 MS. HAMMACK: Your Honor, at this time we would
21 move State's Exhibit 49 into evidence.

22 MR. LYONS: No objection.

23 (State's Exhibit Number 49 was entered into
24 evidence.)

25 BY MS. HAMMACK:

Janice Ross - Direct Examination by Ms. Hammack

1 Q And Dr. Ross, what I'd like to do now is kind of
2 take you step by step through what you documented and
3 observed during your autopsy of Mr. Miles.

4 Now --

5 MS. HAMMACK: Permission for Dr. Ross to step down?

6 THE COURT: Yes, you can.

7 BY MS. HAMMACK:

8 Q And Dr. Ross, using this, would this help you,
9 would this assist you in demonstrating to the jury what all
10 you documented in this case?

11 A Yes, it will.

12 Q Now, this first slide, can you tell the Jury what
13 they're looking at here?

14 A This is the diagram I described before. It's
15 showing the front of a person and the back of a person so I
16 can mark where I find different objects.

17 Q Is that the standard form that you use? The blank
18 standard form that you use on every autopsy?

19 A It's standard all across the United States, yes.

20 Q Well, let's go step by step through what you
21 documented in this case?

22 A Yes, ma'am.

23 Q I'd like to direct your attention to the next
24 slide. And specifically, can you tell the jury, is this
25 your marking here?

Janice Ross - Direct Examination by Ms. Hammack

1 A Yes.

2 Q And can you explain to the jury what that is?

3 A This person was shot 11 times, so when we try to
4 describe -- to organize the wounds, you start from the top
5 to bottom. So I go through these one to eleven. This is
6 my Gunshot Wound Number 1 is the tip of -- the top of the
7 left shoulder and it goes backwards, slightly downward and
8 it comes out -- it stays underneath the skin.

9 Q Let me direct your attention to the second injury.
10 Specifically these markings here on the arm of the diagram.
11 Can you explain to the jury what they're looking at here?

12 A Yes. This is the back of the left arm close to the
13 elbow. It goes slightly upward and comes out the front of
14 the arm. So that's what you call a perforating wound. It
15 goes all the way through.

16 Q And when you say perforating, that means that the
17 bullet goes in and then goes out somewhere?

18 A It goes out. And when I talk about a penetrating
19 wound, the bullet's still inside.

20 Q Okay. Dr. Ross, can you explain to the jury what
21 they're looking at with what you've marked as Number 3?

22 A Number 3, again, just going top to bottom. Number
23 three is just a graze wound, a wound on the skin. The
24 bullet just grazes the skin. It doesn't go inside. So
25 there's no bullet available to look at.

Janice Ross - Direct Examination by Ms. Hammack

1 Q Okay.

2 A This wound is what we call Number 4. It goes in
3 the left groin area and comes out the right groin area. It
4 hits the major blood vessel and causes a lot of hemorrhage.
5 So that basically is the bigger wound. It's going left to
6 right.

7 Q Thank you, Dr. Ross. And let me ask you real
8 quickly. When you say a lot of hemorrhaging, in layman's
9 terms are we talking about just somebody bleeding bad?

10 A Yes.

11 Q Okay. Can you explain to the jury about Number 5?

12 A Number 5 goes downward into the front of the left
13 thigh. It goes in, goes down, and comes out. Again, it's
14 a perforated wound where there's no bullet left inside.

15 Q Number 6?

16 A Number 6 is in the right thigh. Again, it's coming
17 in at the upper thigh, going downward. And this time, we
18 did find a bullet and it was right underneath the skin. So
19 we took the bullet out. We take photographs and we seal it
20 and we send it to SLED.

21 Q Number 7?

22 A Number 7 is in the back. You see it goes in the
23 left back. It goes slightly upward. And again it stays
24 right underneath the skin. And we retrieved a bullet from
25 that one also underneath the skin. It didn't hit any major

Janice Ross - Direct Examination by Ms. Hammack

1 blood vessels or anything. We took photographs of the
2 bullet and sealed it for evidence.

3 Q Okay. And Number 8?

4 A Number 8 comes in the back and it's hard to diagram
5 because it just kind of goes from back to front. We found
6 a bullet underneath the skin of the abdomen. We
7 photographed that and sealed it for evidence. That one hit
8 some of the intestines and the mesentery which is a
9 supporting tissue of the intestines that has a lot of blood
10 vessels in it.

11 Q Is there something significant about the parts of
12 the body that that bullet struck?

13 A That could be potentially fatal in itself.

14 Q Okay. Number 9?

15 A Number 9 goes in the left buttock and comes out
16 really close to the left groin. It's going back and
17 downward.

18 Q And is that the one that was perforating? Meaning
19 it came out? Or --

20 A It came out. Yes.

21 Q Dr. Ross, Number 10?

22 A Number 10 was in the back of the right thigh. It
23 was slightly upward and it comes out just underneath the
24 left scrotum area. So that's perforated too and there's no
25 bullet there.

Janice Ross - Direct Examination by Ms. Hammack

1 Q Is there anything significant about where that
2 injury is located on the body as far as severity?

3 A I guess it could be potentially fatal if it hits
4 some blood vessels in the groin area. There's a lot of
5 blood vessels going down on the major artery to the legs.

6 Q And then Number 11?

7 A Number 11 is just a superficial wound again. It's
8 perforating and goes in the mid-left -- right, I'm sorry,
9 right thigh and comes out -- it just goes underneath the
10 skin and comes out the right thigh.

11 Q And now, Dr. Ross, when you documented each of
12 those, did you do that on one single diagram?

13 A No. I had multiples. This is a compilation of
14 just the gunshot wounds.

15 Q Okay. And when you refer to a compilation of just
16 the gunshot wounds, is that what we're looking at in this
17 picture?

18 A Yes.

19 Q So ultimately, those are all of the injuries that
20 you cataloged during the autopsy of Mr. Miles?

21 A Correct.

22 Q Thank you, Dr. Ross.

23 (The witness returned to the stand.)

24 BY MS. HAMMACK:

25 Q Dr. Ross, as we went through that, you indicated

Janice Ross - Direct Examination by Ms. Hammack

1 that when you identified bullets that were still located
2 within the victim's body, that you retrieved those and you
3 documented them and then turned them over to SLED for
4 processing. I would like to show you what's been
5 pre-marked as State's Exhibits 45, 46, 47, and 48. Will
6 you take a look at this and let me know if you recognize
7 those?

8 A These are x-rays taken at the time of the autopsy
9 showing where the bullets are found.

10 Q And did you take those photos?

11 A Yes.

12 Q And those were the bullets that were found in the
13 body of Isaiah Miles at the time of his autopsy?

14 A Correct.

15 MS. HAMMACK: Your Honor, at this time we move
16 State's Exhibit --

17 MR. LYONS: No objection.

18 MS. HAMMACK: -- into evidence.

19 THE COURT: State for the record.

20 MS. HAMMACK: I believe it's 45, 46, 47 and 48.

21 THE COURT: Thank you.

22 (State's Exhibit Number 45, Number 46, Number 47,
23 and Number 48 was entered into evidence.)

24 BY MS. HAMMACK

25 Q And Dr. Ross, I'm actually going to get you to hold

Janice Ross - Direct Examination by Ms. Hammack

1 those pictures up and describe them for the jury. I don't
2 want to mess with this thing again after I put it up.

3 Starting with Number 45, will you show the jury
4 what's in that picture?

5 A Do you want me to come down?

6 Q Sure. That'd be great.

7 (The witness stepped down in front of the jury.)

8 THE WITNESS: This is hard to see. It's a little
9 bit light, but our number is the number of the autopsy.
10 And it always -- is positioned such that the head is
11 upward. Okay? These are the left and right legs and this
12 is the bullet found in the groin area. This is the thighs.
13 Both thighs left and right. It's the right marker. And
14 these are bullets. A little piece of bullet. A fragment
15 that we found in the right leg. I'm sorry, I'm not showing
16 it right.

17 This is the one that's actually -- the one that was
18 found underneath the skin in the back. It looks like it's
19 in the right chest, but it's underneath the skin in the
20 right back. This is the one that was found near the hips.
21 This is the one found underneath the skin of the abdomen.

22 BY MS. HAMMACK:

23 Q Thank you, Dr. Ross.

24 (The witness returned to the stand.)

25 BY MS. HAMMACK:

Janice Ross - Direct Examination by Ms. Hammack

1 Q Now, when you perform an autopsy, in addition to
2 cataloging all of the injuries, do you make any
3 determinations as a result of your exams?

4 A Yes.

5 Q And what exam are they, excuse me. What
6 determinations do you make as a result of your exam?

7 A I make a determination of the cause of death. What
8 caused the death. Just like it says. Along with the
9 manner of death. The manner of death is how the cause of
10 death came about being. There are five categories:
11 Natural, where there like, a heart attack; suicide;
12 homicide; accident; and sometimes we can't determine, so
13 it's undetermined.

14 Q Were you able to make a determination as to the
15 cause of death in this case?

16 A Yes.

17 Q Were you able to make that determination to a
18 reasonable degree of scientific certainty?

19 A Yes.

20 Q And what was your determination as to the cause of
21 death in this case?

22 A It's called exsanguination, which means to bleed
23 out due to the laceration of blood vessels, due to the
24 gunshot wounds of the back, pelvis, and legs.

25 Q And were you able to make a determination as to the

Janice Ross - Cross-Examination by Mr. Lyons

1 manner of death in this case?

2 A Yes.

3 Q Was that determination to a reasonable degree of
4 scientific certainty?

5 A Yes.

6 Q And what was your determination as to the manner of
7 death for Isaiah Miles?

8 A Homicide.

9 Q Give me just a second, Dr. Ross?

10 I don't have any further questions for you. Please
11 answer any questions Mr. Lyons may have?

12 **CROSS-EXAMINATION**

13 **BY MR. LYONS:**

14 Q Good afternoon, Doctor?

15 A Good afternoon.

16 Q Doctor, your role in this process is to determine
17 the manner of death, right?

18 A Cause and manner of death, yes.

19 Q And that ends your role, correct?

20 A Yes. As the document was stated.

21 THE COURT: Anything else?

22 MS. HAMMACK: No, Your Honor.

23 THE COURT: All right. May Dr. Ross be released
24 and able to go back to Newberry. Any objections?

25 MR. LYONS: No.

1 MS. HAMMACK: None from the State.

2 THE COURT: Dr. Ross, it was good to see you again.
3 Be safe going back to Newberry. Thank you.

4 THE WITNESS: Thank you very much.

5 THE COURT: Be careful stepping down.

6 MR. WEEKS: Your Honor, as I stated earlier, due to
7 some scheduling issues with the guy from SLED, that will be
8 all the witnesses we could prepare for today?

9 THE COURT: Madame Forelady, ladies and gentleman,
10 we had a discussion while y'all were eating your steaks or
11 whatever y'all ordered. I had a Reuben sandwich. It was
12 pretty good.

13 One more?

14 We've got one more witness and unfortunately, he's
15 with SLED and he's testifying on another case today
16 somewhere else in the upper part of the State, which made
17 it impossible for him to be here today. He is scheduled to
18 be here at 9:30 in the morning. I think that will be our
19 last witness in the trial, but we won't know for sure until
20 in the morning. He is about a 30 minute witness.
21 Somewhere --

22 MR. WEEKS: Yes.

23 THE COURT: Somewhere in that neighborhood. A
24 short witness. And if things go according to plan, we'll
25 do that one witness and then we'll do arguments and I'll

1 charge you and the case will be turned over to you for your
2 deliberations. So you get a little bit of an early break
3 today. So you get paid for a full day, but you don't have
4 to work but until three o'clock. So we'll start at 9:30.

5 Since you're my spokesperson, what do you want for
6 breakfast?

7 THE JUROR: I'll defer to the rest of the team.

8 THE COURT: Oh, you're so political.

9 A JUROR: Fruit.

10 THE COURT: Fruit?

11 A JUROR: Bananas and apples.

12 THE COURT: Ms. Jimmie, bananas, apples,
13 strawberries, grapefruit, tangerines.

14 We'll have you some fruit here and we're going to
15 start right at 9:30 with some hot coffee. I'm going to
16 release you now. Please don't discuss the case. Don't let
17 anyone discuss it with you. Please don't do any
18 independent research. And I thank you. You all paid close
19 attention today and I appreciate it. We will be through,
20 unless really something I don't know about comes up
21 tomorrow, should be through and y'all will have it for your
22 deliberations, probably more than mid morning, early
23 morning. And we'll see how we're doing for lunch if it
24 gets to that point. Fair enough?

25 A JUROR: Thank you.

1 THE COURT: Y'all have a wonderful evening and
2 thank you very much.

3 Everybody else, remain seated please.

4 (The jury left the courtroom at 2:53 p.m.)

5 THE COURT: All right, gentlemen. Anything for the
6 record before we break for the evening?

7 MR. WEEKS: Not from the State, Your Honor.

8 MR. LYONS: No.

9 THE COURT: All right. We'll start at 9:30 in the
10 morning with the last witness and Mr. Lyons informed me
11 that if you don't anticipate putting up any defense, but
12 we'll cross that bridge tomorrow. You'll obviously have
13 you the evening to make that decision. And --

14 MR. LYONS: We're certain on that.

15 THE COURT: Sir?

16 MR. LYONS: We're certain on that, Your Honor.

17 THE COURT: Then you will have the last argument, I
18 assume under the rules and --

19 MR. LYONS: Yes, Your Honor.

20 THE COURT: We'll go into that tomorrow. I'll go
21 over with your client his right to testify, et cetera.

22 Anything else I can do for anyone?

23 THE CLERK: Judge, we have four bondsmen off bonds
24 scheduled for 9:30 in the morning.

25 THE COURT: We'll have to wait or -- we'll get to

1 it. They're normally consent and I can knock one of them
2 out, knock two of them out.

3 (Schedule discussions were held).

4 THE COURT: All right. Thank y'all. See you in
5 the morning.

6 (Court was in recess until the following morning.)

7 WEDNESDAY, DECEMBER 6, 2017

8 THE COURT: All right. Is the State ready?

9 MR. WEEKS: The State's ready, Your Honor.

10 MR. LYONS: We're ready to hand up proposed
11 charges.

12 THE COURT: All right. You want to hand those up
13 so that I can be looking at them while.

14 MR. LYONS: Sure.

15 THE COURT: Thank you, Mr. Lyons.

16 MR. LYONS: Thank you, Judge.

17 THE COURT: All right. Bring the Jury in.

18 (The jury entered the courtroom at 9:42 a.m.)

19 THE COURT: Good morning.

20 THE JURY: Good morning.

21 THE COURT: I'm sorry, we're running just a few
22 minutes late. I had a quick settlement hearing at 9:30,
23 And then when I got out of here, we had some bondsmen that
24 were requesting to come off bond, so it knocked us back
25 about 13 minutes. Did you enjoy your sausage -- what did

James Green - Direct Examination by Mr. Weeks

1 y'all have?

2 THE JURY: Fruit.

3 THE COURT: I saw what you had. They brought me
4 some in there. Everybody's on a diet.

5 Okay. As I understand, we have one witness left.
6 Mr. Weeks will call that witness now. When we conclude
7 that witness, I'll have a few minutes I'll have to spend
8 with the lawyers and then we'll go into the closing
9 arguments and we'll be able to just let y'all start
10 deliberating.

11 Mr. Weeks, you may call your next witness.

12 MR. WEEKS: Thank you, Your Honor. The State will
13 call James Green?

14 THE COURT: Mr. Green, please.

15 JAMES GREEN,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. WEEKS:

19 Q Mr Green, where are you employed?

20 A I'm employed by the South Carolina Law Enforcement
21 Division, commonly referred to as SLED.

22 Q And what do you do for SLED?

23 A I'm a forensic firearms examiner.

24 Q How long have you been doing that?

25 A Since June of 2005.

James Green - Direct Examination by Mr. Weeks

1 Q That'd be twelve years?

2 A Yes, sir.

3 Q Could you give us your educational background and
4 your job background?

5 A I have a Bachelor of Arts degree from Charleston
6 Southern University. I also hold a Masters degree of
7 Science and Criminal Justice, also from Charleston
8 Southern. And when I began working at SLED, I started the
9 approximately three to three-and-a-half year SLED fire and
10 tool mark course of instruction. It's course instruction
11 designed in an apprentice type fashion, studying under
12 course qualified firearms examiners learning to do what I
13 do now.

14 Q And you've been doing what you're doing now since
15 2005?

16 A Yes, sir.

17 Q Does doing what you're doing now involve testifying
18 in court?

19 A Yes, sir. It does.

20 Q Have you been qualified in firearms identification
21 in certain courts in this state?

22 A Yes, sir.

23 Q Do you have any idea of how many times?

24 A Sixty times state and twice federal.

25 Q All right. Do you have any idea how many times

James Green - Direct Examination by Mr. Weeks

1 you've done firearm identification comparisons?

2 A On average, I work about 170 per year. So if you
3 multiply that by twelve, you get a fairly high number. And
4 each case has multiple microscopic comparisons in it. In
5 one case I worked in particular, I had roughly 3- to 4,000
6 microscopic comparisons in one case. So they quickly add
7 up based on the number of items in one case.

8 Q So it's safe to say thousands of comparisons?

9 A Yes, sir.

10 Q Okay. And how long has firearms identification
11 been a science?

12 A It's been around since the 1880's, but it's really
13 been in its current form since the 1920's, looking at the
14 microscopic marks left by a firearm. The technology is
15 changing with better microscopes and better cameras, but
16 the science is still the same since the 1920's.

17 Q And does firearms identification include
18 identifying bullets, cartridges fired from rifles? Does it
19 involve comparison of those?

20 A Yes, sir. Firearms identification involves looking
21 at fired cartridge cases that fired cartridge cases. Fired
22 bullets that fired bullets. Or if there's a firearm
23 submitted, you can compare the cartridge cases and the
24 bullets to a firearm or firearms if they are submitted.

25 Q Do you receive legal education or continued

James Green - Direct Examination by Mr. Weeks

1 training with your position at SLED?

2 A Yes, sir.

3 Q Do you attend those?

4 A Yes, sir.

5 Q Do you teach at any of them?

6 A I do not teach at any of the continuing education
7 because simply, I don't have enough time to present a paper
8 or do something outside of what my normal work duties are.
9 However, I am a firearms instructor, firearms
10 identification instructor. I am the person who is teaching
11 many trainings now.

12 MR. WEEKS: Your Honor, I move to qualify Agent
13 James Green as an expert in firearms identifications?

14 THE COURT: Any --

15 MR. LYONS: No, Your Honor.

16 THE COURT: Cross-Examination on his
17 qualifications?

18 MR. LYONS: No, Your Honor.

19 THE COURT: All right. Madam Forelady, ladies and
20 gentlemen, he'll be allowed to give opinion testimony in
21 this particular area and I will instruct you on that in the
22 conclusion of the case.

23 BY MR. WEEKS:

24 Q Agent Green, were you asked to conduct any or were
25 you submitted any items to examine in the case of we're

James Green - Direct Examination by Mr. Weeks

1 here for today?

2 A Yes, sir.

3 Q And what were you submitted?

4 A I was submitted fired cartridge cases and fired
5 bullets.

6 Q And those fired cartridge cases and fired bullets,
7 can you tell us what type of analysis you did on those
8 items?

9 A Once I received the evidence, I took a photograph
10 of it and the condition it was received. And I looked at
11 the -- just under a stereo microscope with very low
12 magnification, looking at the characteristics on the
13 cartridge cases and then on the bullets, making sure they
14 were the same approximate caliber because usually different
15 calibers means different guns. So I already know right
16 there I have two guns.

17 But in this case, all the cartridge cases were the
18 same caliber. Had the same general shape of firing pin.
19 So I set those aside to look at the bullets. Looked at the
20 rifling, which is left on the bullets as it goes down the
21 barrel of the firearm. They all had the same number of
22 lands and grooves, had the same rifling specifications.

23 Once I did those, I started looking at them
24 microscopically on a comparison microscope. And that's two
25 microscopes connected by a single optical bridge, that lets

James Green - Direct Examination by Mr. Weeks

1 us look at two optics simultaneously. So I started
2 examining the cartridge cases to each other. I was looking
3 at firing pin impressions, the bridge faced markings, the
4 extractor and injector markings, and possible chamber
5 marks.

6 Q Let me interrupt you there before you get too
7 technical. You've already gotten too technical probably
8 for some of them. You're going to have to go over that
9 again a little bit for me. Show us how a firearm makes
10 marks on a gun. Tell us how it makes marks on the bullets?
11 How it makes marks on the cartridges? What a head stamp
12 is. All that sort of stuff.

13 Let me take you back to kindergarten a little bit.
14 Some of these folks will know it, but some won't.

15 A Okay. When a firearm is produced, the working
16 surface of the firearm that touches the ammunition is made
17 by tools. And those tools wear over use. One tool doesn't
18 make one firearm; one tool could make hundreds or thousands
19 of firearms. And based on that metal on metal contact
20 hanging microscopic striations or scratches are left on
21 that working surface. It differs from one to the next to
22 the next.

23 An example would be if I go to Lowe's and I buy a
24 rake and I take us all to the beach and we all rake a three
25 foot section of sand with the same rake, on the outside,

James Green - Direct Examination by Mr. Weeks

1 it's going to look the same because it's the same rake, the
2 same size, the same general shape. But when we start
3 looking at it microscopically, the grains of sand are going
4 to fall differently on everybody based on force, height,
5 the angle of the rake.

6 The same thing with firearms. Metal has a grain
7 structure. When that grain structure is interrupted, it's
8 going to differ and leave tiny striations or scratches that
9 make that firearm identifiable. Makes it able to do what I
10 do now. I can look at the breech face markings on a
11 cartridge case - -

12 Q What's the breech face?

13 A The breech face is the working surface of the
14 firearm on the bolt or the slide where the firing pin
15 protrudes from. Glocks for instance have a broach breech
16 face, which means they just take a metal broach and pull
17 the metal down to create that working surface. When it
18 pulls that metal, the metal on metal contact removes metal
19 and leaves the striations we're looking for. So when I say
20 breech face, that's what I'm referring to.

21 The primer of the cartridge when it's fired with
22 firing pin it's the primer and it makes an indentation in
23 the primer, causing the cartridge to fire. So the bullet
24 will go down the barrel. When that happens, the cartridge
25 case which is just the component that holds the bullet, the

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1 gunpowder and everything, is forced up against the breech
2 face of the firearm, which will then leave those markings
3 impressed onto the cartridge case.

4 As that's happening, the bullet is going down the
5 barrel. And the lands and grooves are the rifling in the
6 barrel. It's what makes the bullet spins. Think about
7 football. The quarterback throws and makes that spiral,
8 you see the football spin in air. That's what rifling does
9 to a bullet. It makes it spin on it's axis so it's more
10 accurate and it goes further. Without the rifling the
11 bullet will just hit the air and tumble. The bi-product of
12 that rifling is not only does it make the bullet spin, it
13 makes it more accurate, but it also leaves impressed marks
14 on the bullet as it's sliding down the barrel, creating
15 friction. Those are the marks we're looking for.

16 Q And do you use those comparisons to render an
17 opinion as to whether a bullet was fired from a particular
18 gun if you're asked to compare it to a gun? Or whether
19 they were fired from the same gun? Or whether they were
20 not fired from the weapon?

21 A Yes, sir.

22 Q All right. And in this case, what opinions were
23 you able to render if any with regards to the cartridges
24 and bullets that were submitted to you?

25 A All the 7.62 by 39 millimeter soviet caliber

James Green - Direct Examination by Mr. Weeks

1 cartridge cases were all fired by the same gun.

2 Q Tell me -- let me stop you right there. 7.62 times
3 39 millimeter, I've been hunting all my life and I've never
4 seen one of those creatures used for hunting. I'm sure
5 they can be, but tell me what that bullet is and what the
6 origin of it is. And how does it come into existence in
7 Aiken County, South Carolina?

8 A The 7.62 by 39 millimeter soviet caliber cartridge
9 is probably the most popular cartridge world wide for the
10 simple fact that that cartridge was designed by Mikhail
11 Kalashnikov, of Kalashnikov, however you want to say it for
12 use in his rifle he designed, which is the AK47. That is
13 the most popular firearm on the face of the earth and that
14 has been since it's been invented because of the mass
15 production in the Soviet Socialist Public in Russia and
16 their former republics. They mass produced those during
17 the height of the Cold War and after that. And then when
18 Russia fell, they were just liquidated and they were sold
19 throughout the world, basically. Everybody has them in
20 every country.

21 So that cartridge can be used for hunting purposes,
22 but it was originally designed for military application.

23 Q And the AK47 weapons you described, has it flooded
24 the US markets? Or is it a common weapon in the United
25 States?

James Green - Direct Examination by Mr. Weeks

1 A Yes, sir. It is.

2 Q I know it had the Brady Bill and some of these
3 folks might not have even been born when all of that was
4 going on, but the assault weapons that they banned, did
5 they include the AK47?

6 A Yes, sir. The Brady Bill and the assault weapons
7 ban, it was originally call assault weapons ban, that's
8 another story, that they would be included in that. Yes,
9 sir.

10 Q Okay.. Tell me about the types of the different
11 brand names of the AK47?

12 A Yes, sir. There are Chinese made Norinco. Which
13 is N-O-R-I-N-C-O. Stands for North Shiner Company. Maadi.
14 M-A-A-D-I. Remington actually makes a pulse action hunting
15 rifle. There's some just labeled Russia. Some just
16 labeled China. Yugoslavia. All the soviet socialist
17 republics have their names on them.

18 Q Would it be correct to say that there are dozens of
19 variations of the AK47 type of rifle?

20 A Yes, sir. At least.

21 Q And the cartridges and the bullets that you
22 examined. Is it possible for them to have been fired from
23 any of those type weapons?

24 A Yes, sir.

25 Q Now, tell me about the specific findings about the

James Green - Direct Examination by Mr. Weeks

1 cartridges. Were you able to reach an opinion as to
2 whether or not those cartridges were fired from the same
3 weapon?

4 A Yes, sir. All the cartridge cases I received in
5 this case were all fired from the same firearm.

6 Q And now the bullets that were recovered both from
7 the body of the victim in this case and from the crime
8 scene. Do you have an opinion about those bullets?

9 A Yes, sir. They were all fired by the same firearm
10 as well.

11 Q But you can't say the bullet, the little pointing
12 object at the end of it and the cartridge were fired by the
13 same weapon because you don't have the weapon to compare it
14 to, do you?

15 A No, sir. No weapon was submitted. If one had been
16 I could have said possibly these cartridge casings and
17 these bullets were all fired by this firearm if one had
18 been submitted.

19 Q But the bullets and the cartridge cases, clearly
20 were they the type that could have been fired from the AK47
21 type of weapon?

22 A Yes, sir. The same caliber.

23 Q And whatever type that was, the cartridges were
24 fired from the same?

25 A Yes, sir.

James Green - Direct Examination by Mr. Weeks

1 Q And the bullets were fired from the same?

2 A Yes, sir.

3 Q Okay. I asked you to produce a photograph of a
4 type of AK47 type of rifle. Are they different sizes and
5 lengths of these type rifles?

6 A Yes, sir.

7 Q Are there some with collapsible stocks?

8 A Yes, sir.

9 Q And there are some with wooden stocks that don't
10 collapse, right?

11 A Yes, sir.

12 Q I asked you to provide me with a picture of a
13 collapsible stock. Were you able to do that?

14 A Yes, sir. I was.

15 Q And that's from y'all's firearms at SLED?

16 A Yes, sir.

17 Q Reservoir of firearms?

18 A Yes, sir. We have about 55 or 5,600 firearms at
19 SLED in our firearms collection. For instance, such as
20 this, or if we need parts or something when we're working a
21 case.

22 Q Tell me, can a firearm firing these type weapons be
23 as small as two foot?

24 A Yes, sir.

25 Q As long as three foot?

James Green - Direct Examination by Mr. Weeks

1 A Yes, sir.

2 Q It depends on the stock structure most of the time.
3 Is that accurate?

4 A Yes, sir.

5 Q Okay. I'm going to show you a photograph here and
6 ask you if you can identify this. Now the lights are
7 probably going to go out in the courthouse. I'm just going
8 to tell you.

9 MR. WEEKS: You know, I'm dangerous with these
10 things, Judge.

11 (Raising the projector.)

12 BY MR. WEEKS:

13 Q I call it the Beast, so I mean that tell you.

14 Agent Green, I asked you to produce one that has a
15 collapsible stock just for demonstration purposes. Is that
16 what is depicted on the screen there?

17 A Yes, sir. That's a picture from the SLED firearms
18 collections I took. It's an AK47 variant and it shoots
19 7.62 by 39 millimeter soviet caliber cartridge with the
20 stock folded under.

21 Q And the button that makes that magic happen is
22 located right at the end of the stock? Or right at the end
23 of the receiver?

24 A Yes, sir. You push that in and it locks the stock.
25 And you can, either from this position, you would open it

James Green - Direct Examination by Mr. Weeks

1 up and it would expand to the full length.

2 Q Okay. Thank you.

3 Agent Green, the items that you examined at SLED,
4 that were submitted in this case. I'm going to hand you
5 what's marked, there's a bunch of markings on it. I'm
6 going to hand you a number of items there. And ask you if
7 you can identify those items?

8 A Ladies and gentleman of the jury, you see me
9 rolling the evidence around in my hands, when we get
10 evidence at SLED, particularly the firearms department,
11 like cartridge cases or bullets, if they're big enough,
12 we'll actually take an electric pencil or a Dremel tool and
13 inscribe our lab number, our ID number and our initials on
14 them. So that's just what I'm doing. I'm just making sure
15 that the stuff in this container is actually what I
16 examined in this case.

17 State's Exhibits 35, 33, 50, 16, 22, 29, and 27 are
18 some of the fired cartridge cases I looked at in this case.
19 And State's Exhibits 20 and 42 are some of the bullets I
20 looked at in this case.

21 Q How about State's 41?

22 A Yes, sir. State's 41 is another one of the bullets
23 I looked at in this case.

24 Q State's 43?

25 A Yes. State's 43 is also bullets I looked at.

James Green - Direct Examination by Mr. Weeks

1 Q And State's 23?

2 A Yes sir. State's 23 is a fired cartridge case I
3 examined in this case.

4 Q Okay. Some of those items were submitted from the
5 results from an autopsy?

6 A Yes, sir.

7 Q James, sometimes, I don't hear the answer to the
8 questions that I ask you. So I want to ask you a question
9 maybe you covered, maybe you didn't. But the bullet for
10 example in State's 43 could have been attached to and been
11 a part of State's Exhibit 35 or one of the similar
12 cartridges here. But you just can't say that because you
13 don't have the weapon that fired this to say that?

14 A Correct.

15 Q They had sufficient markings on them, that had you
16 had a weapon, you would have been able to say that it
17 matched or it didn't match.

18 A Correct.

19 Q Okay. So if the bullets for example in State's 43
20 all matched one another, and the cartridges all matched
21 having been fired from the same weapon?

22 A Correct.

23 Q Those bullets were fired from the same weapon and
24 the cartridges were fired from the same weapon. But
25 because you don't have that weapon, you are not here to say

James Green - Cross-Examination by Mr. Lyons

1 that they were a hundred percent fired from that?

2 A Correct.

3 Q Mr Green, answer any questions Mr. Lyons has.

4 CROSS EXAMINATION

5 BY MR. LYONS:

6 Q Good morning, Agent Green.

7 A Morning.

8 Q Now, Agent, you can't tell us exactly what kind of
9 weapon, what weapon fired those bullets and shells?

10 A Correct. Without the firearm, I cannot.

11 Q And so the picture that you were shown and the jury
12 was shown this morning, you can't say that the weapon was,
13 that type of weapon was involved?

14 A Correct. What was the same caliber as the
15 evidence. But that was the same caliber and it could have
16 been that type of weapon, but I can't say that it wasn't
17 that type of weapon without the weapon. Does that make
18 sense?

19 Q You can't say that it wasn't, but you can't say it
20 was?

21 A Correct.

22 Q Now, were you given any dimensions as far as
23 backpacks?

24 A I'm sorry?

25 Q Were you given, you were asked if that type of

James Green - Cross-Examination by Mr. Lyons

1 weapon could fit into a backpack?

2 A No, I was asked to get a picture of a firearm if we
3 had one of one with a collapsible stock.

4 Q Okay. I thought you were asked by Mr. Weeks if it
5 would fit into a backpack?

6 A I may have been. I don't remember that. I just
7 heard picture of a collapsible stock.

8 Q But you weren't given any dimensions for any
9 backpack or anything like that?

10 A No. There definitely were no dimensions.

11 Q No description of a backpack?

12 A No, sir.

13 Q Did you speak to any of the witnesses in this case?

14 A No, sir. I may have spoken to an investigator, but
15 no witnesses. That's not what I do in my job.

16 Q So no witnesses in this case gave you any
17 description of what they felt the weapon looked like?

18 A No, sir. I was given those cartridge cases and
19 those bullets and asked to provide a picture of a type of
20 firearm.

21 Q I was looking at the -- this is your resume that
22 was given to me by the solicitor's office?

23 A Yes, sir.

24 Q And one of the things that I -- in your job
25 description or your duties, you conduct microscopic

James Green - Cross-Examination by Mr. Lyons

1 comparison of firearms, tool marker related evidence,
2 serial number restoration, multiple target, distance
3 determination for shot pellet patterns, physical fracture
4 matches. So on and so on?

5 A Yes, sir.

6 Q So in -- one of your qualifications and one of the
7 duties that you are qualified to carry on is determining
8 shot distances from muzzle to target?

9 A Involving shotguns. Yes, sir.

10 Q Involving shotguns?

11 A Yes.

12 Q Okay. What about any other kind of weapons?

13 A No, sir.

14 Q Pistols?

15 A No, sir. Shotguns. We only do it for the shot
16 pellet patterns of dispersal based on how they expand.
17 Based on the choke of the firearm. That's it -- that's all
18 we do. We don't do distance for pistols, rifles,
19 revolvers, none of that stuff, only shotguns.

20 Q Do you have people who worked for SLED who are
21 capable of doing that?

22 A The trace department used to but they no longer do.
23 Those types of requests are forwarded to the FBI.

24 Q Okay. So the FBI can make determinations as far as
25 distance from muzzle to target?

James Green - Cross-Examination by Mr. Lyons

1 A Yes, sir.

2 Q Okay. Do you know what that's called?

3 A They call it muzzle distance determination. I
4 mean, they may have some fancy term they call it in court,
5 but when our trace department calls them, they say they
6 want a muzzle-to-target distance, or something along those
7 lines.

8 Q You're not familiar with stippling and that type of
9 thing?

10 A I've read about it but that's not my area of
11 expertise so it's just reading for recreation.

12 Q Okay. Do you know if anybody in SLED is qualified
13 to testify in court about stippling?

14 A No, sir. We leave that up to the pathologists or
15 the coroner.

16 Q Thank you very much.

17 THE COURT: Mr. Weeks, anything else?

18 MR. WEEKS: No, Your Honor.

19 THE COURT: All right. You can step down.

20 MR. WEEKS: He can be excused, and go anyplace he
21 wants to.

22 THE COURT: Any problem for anyone?

23 MR. LYONS: No, Your Honor.

24 THE COURT: Any additional witnesses.

25 MR. WEEKS: Not from the State, Your Honor. The

1 State rests.

2 THE COURT: Madame Forelady, and ladies and
3 gentlemen of the jury, I'm going to need to spend about ten
4 minutes, maybe fifteen at the most with the lawyers and see
5 where we are. But I anticipate based on yesterday, on
6 yesterday's representation, we'll come back in and do the
7 final arguments. So give me about ten or fifteen minutes
8 to get that squared away. I can't do it until we get to
9 this point in the game. So I'll be with you as quickly as
10 I can and we'll move from there. That will put us at about
11 10:20, 10:30, argue and charged, 10:30, 11, 11:15 -- so
12 you'll get the case about 11:30. Somewhere in that
13 neighborhood. You want me to order you some lunch?
14 Discuss that back there and if you want some, knock on the
15 door and Mr. Whittle will get your orders.

16 We can order it and if you get through, you can
17 take it home and eat it. Don't give up the opportunity.

18 (The jury left the courtroom at 10:17 a.m.)

19 MID-TRIAL MOTIONS

20 THE COURT: All right. Any motions by the State in
21 conclusion of the State's case?

22 MR. WEEKS: No, Your Honor.

23 THE COURT: By the defense?

24 MR. LYONS: Judge, we would at this time move for a
25 directed verdict based on the sufficiency of the evidence,

1 that it's not sufficient for the jury to consider whether
2 the State has proved it's case beyond a reasonable doubt.
3 We would submit to the Court the State has not proved this
4 beyond a reasonable doubt.

5 THE COURT: Thank you. That is respectfully
6 denied. Obviously at this stage in the game, it's not the
7 sufficiency of the evidence, it's whether or not there's
8 any evidence to support the verdict. If the jury were to
9 believe the same and, obviously there's testimony in this
10 case that several of the witnesses pointed out your client
11 on the photo ID's.

12 There's testimony that Joseph Williams heard four
13 or five shots.

14 There's testimony that Walter Kitchings testified
15 that the defendant got out of the truck shooting and he
16 ID'd him in the lineup as the shooter.

17 Tillman Smith saw the defendant come around, look
18 at the defendant. He shot him; shot him and left with the
19 gun.

20 So there's evidence in the record there. I mean,
21 it's there. Whether or not the jury believes it, that's
22 their -- for them to determine the credibility of these
23 witnesses, whether they believe them or not. But if they
24 do, then there's sufficient evidence to support a verdict
25 and I respectfully deny your motions.

1 Anything else?

2 MR. LYONS: No, Your Honor.

3 THE COURT: All right. Do you intend to call any
4 witnesses?

5 MR. LYONS: No, Judge, we would just rest upon the
6 jury --

7 THE COURT: Thank you, sir.

8 All right. Mr. Hamilton, if you would please stand
9 and raise your right hand.

10 REGINALD HAMILTON,

11 having been duly sworn, testified as follows:

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

13 Mr. Hamilton, we've reached the stage of the trial
14 where you have the opportunity to present your side of the
15 story, present your defense. And in doing that, you have
16 the absolute right to get on this witness stand under oath
17 and to answer questions from your lawyer to you, if you
18 choose to do so. If you do that, obviously, you would be
19 subject to cross-examination like any other witness would
20 be.

21 Mr. Weeks, does he have a record for impeachment?

22 MS. HAMMACK: Your Honor, he's got one conviction
23 for carrying a concealed weapon. I don't believe that it
24 carries a potential penalty such to use for impeachment.

25 THE COURT: Okay. So you would be subject to the

1 rules of cross-examination just like everybody else. You'd
2 be cross-examined, if you testify.

3 Now, on the other side of the coin is, you have the
4 absolute right under the Constitution of the United States
5 and the Constitution of the State of South Carolina that
6 you do not have to testify. You have the right to remain
7 silent is what they call it. And if you exercise that
8 right to remain silent because you have absolutely nothing
9 to prove, you don't have any burden of proof in this case,
10 it's all on the State.

11 So if you choose not to testify, when I instruct
12 the jury or charge the jury, I have a charge dealing in
13 situations where the defendant does not wish to take the
14 stand and exercise his constitutional right. And basically
15 what I tell the jury is that you have the absolute right to
16 remain silent under the constitution. And you have no
17 obligation or no burden of proof, so you don't have to
18 prove anything. The burden's on the State. And I will
19 tell them further that if you do exercise your right to
20 remain silent, they can't consider that when they
21 deliberate whether or not you are guilty or not guilty.
22 And in fact, I will tell them they can't even consider the
23 fact that you didn't testify when they deliberate your
24 guilt or innocence. And I will tell them that this
25 situation is not to be mentioned in the jury room. It's

1 not to be held against you in any manner whatsoever. And
2 they can't consider it at all. You have that absolute
3 constitutional right.

4 So my question to you is do you understand your
5 right to remain silent? And do you understand your right
6 to testify?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Understanding that your lawyer tells me
9 that you do not wish to testify; is that correct?

10 THE DEFENDANT: Yes, sir, that's correct.

11 THE COURT: Do you need any additional time to
12 discuss that with your lawyer or with your family?

13 THE DEFENDANT: No, sir.

14 THE COURT: You've made that decision?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions you'd like to
17 ask me about?

18 THE DEFENDANT: No.

19 THE COURT: So then I've assume that y'all -- the
20 defendant's not going to testify, you don't have any
21 witnesses; is that correct?

22 MR. LYONS: No, Your Honor?

23 THE COURT: All right. Any other questions you
24 want to ask me about that situation?

25 THE DEFENDANT: No, sir.

1 THE COURT: Now, I have read, Mr. Lyons, your
2 proposed jury charges.

3 MR. LYONS: And Your Honor, I withdraw the
4 manslaughter request. And I left out an ID charge. I'd
5 ask that you charge that.

6 THE COURT: Well, I will charge -- everything
7 you've given me is in my general charge.

8 MR. LYONS: Yes, Your Honor?

9 THE COURT: So I will charge most of this that you
10 have here. I will charge the arrest and charge in the
11 indictment is not evidence, presumption of innocence,
12 reasonable doubt, the kind of doubt that would cause a
13 person to hesitate, and firmly convinced charge.

14 I'll charge the duties of the judge and the jury.
15 I'll charge credibility, failure of the defendant to
16 testify, expert witness, mere presence, prior inconsistent
17 statements. And I'll charge the intent and murder charge.
18 Possession of a weapon during the commission of a violent
19 crime, Unanimous verdict; anything I'm leaving out?

20 MR. LYONS: The witness identification, Your Honor?

21 THE COURT: Sir?

22 MR. LYONS: The witness identification?

23 THE COURT: Witness identification?

24 MR. LYONS: Yes, sir.

25 THE COURT: Mr. Weeks, do you have a problem with

1 it?

2 MR. WEEKS: I don't know what he's referring to.

3 THE COURT: I guess when somebody identifies and
4 witness as having the gun and shooting it, they have to - -

5 MR. LYONS: The opportunity to observe.

6 THE COURT: Mr. Weeks?

7 MR. WEEKS: I still don't know what --

8 MR. LYONS: I don't have the charge. I left it
9 out.

10 THE COURT: It basically says in this case
11 identification of the defendant is the person who committed
12 the crime charged. The State has the burden of proving his
13 identity beyond a reasonable doubt. Must be satisfied with
14 the accuracy of the identification of the defendant before
15 you may convict. Identification testimony is an expression
16 of belief or impression by a witness. You must determine
17 the accuracy of the identification of the defendant. You
18 must consider the believability of each identification
19 witness in the same way as any other witness. Such forth
20 and so on.

21 MR. WEEKS: I object to it. I think it's a comment
22 on the facts of this case.

23 THE COURT: All right. I note your objection.
24 I'll charge it. Anything else?

25 MR. LYONS: No, Your Honor.

1 THE COURT: All right. Verdict form on the murder,
2 we find the defendant not guilty, guilty. On the
3 commission of a -- possession of a weapon during the
4 commission of a violent crime, obviously, I'll tell the
5 jury if they find him not guilty on murder, then I would
6 say they can't consider that. If they find him guilty on
7 the murder, they must consider that and I'll charge that
8 under that section that a gun is a weapon and murder is a
9 violent crime. Pretty simple. Anything else?

10 MR. WEEKS: Nothing from the State, Your Honor.

11 MR. LYONS: No, Your Honor.

12 THE COURT: Y'all need the bathroom quick -- quick
13 bathroom break? I'm going to give my court reporter one.

14 MR. WEEKS: That's fine. I need to get an easel
15 too.

16 THE COURT: When I say I'm going to give my court
17 reporter one, that means the judge needs one.

18 All right. We'll stand at ease for about ten
19 minutes and let's everybody --

20 (A brief recess was observed.)

21 THE COURT: Everybody ready to proceed?

22 MR. WEEKS: The State's ready, Your Honor.

23 MR. LYONS: Ready, Your Honor.

24 THE COURT: Bring the jury in please.

25 (The jury entered the courtroom at 10:42 a.m.)

1 THE COURT: Now, Madame Forelady, ladies and
2 gentlemen, we are now going to do the final arguments. The
3 State will go first, followed by the defendant. Please
4 bear in mind the final arguments is not evidence. You've
5 already heard all the evidence. Obviously, these lawyers
6 are being advocates for their own particular side. So
7 they'll be arguing the evidence in the light most favorable
8 to their position. So please pay close attention.

9 Once we conclude the final arguments, then I'll
10 instruct you on the law and you'll be in a position to
11 start your deliberations.

12 Before I do that, I forgot one thing. Thank you.

13 MR. LYONS: Your Honor, we would rest our case.

14 THE COURT: Which means they will not put up any
15 testimony. So now we will go into the final arguments.

16 **CLOSING ARGUMENTS**

17 MR. WEEKS: Thank you, Your Honor.

18 Mr. Lyons, Madame Forelady, members of the jury, by
19 all intents and purposes, it hasn't been a long case. It
20 hasn't taken weeks, multiple days. It might have seemed
21 long to y'all because a lot of this stuff is kind of
22 tedious, it's what we do every day, but you don't get a
23 chance to. You're probably thanking the Good Lord for
24 that. This is the stage in the game where I come back
25 before you, somebody from the State comes back before you

1 and kind of summarizes what we believe, what the State
2 believes, what the State contends is the evidence in this
3 case that proves beyond a reasonable doubt that Reggie
4 Hamilton killed this man on March the 3rd, 2014.

5 This, as I told you in the beginning was not a case
6 where you need a medical degree or an engineering degree or
7 a surveyors license, or anything else. This is a common
8 sense case. It's a plain vanilla common sense case with
9 eyewitnesses. And when I'm talking to twelve people that
10 don't know me, I realize that I watch way too much TV, it
11 makes me stupider than I really am. Please try to
12 abandoned the concept of television or movies or you know
13 maybe one day people will fly around the earth and be super
14 heros, but it hasn't happened yet. And maybe one day
15 they'll get DNA out of, you know, smoke; or they'll get DNA
16 out of the air when we breath or something, I don't know.
17 But it ain't here yet.

18 And it ain't necessary. I've been doing this now a
19 long time, 35 plus years and the concept of what a strong
20 case is hasn't changed from the first time I stood in front
21 of an Aiken County jury in 1981. A strong case is when
22 you've got eyewitness testimony that sees an act occur.
23 They know the actor. They know the victim. There is no
24 reason given why they should make up a lie. Or if there is
25 a reason given why they should make up a lie, it's a

1 reasonable reason.

2 We ask jurors to be reasonable. Use your common
3 sense that you brought into that jury box with you. It's
4 not a question of education. It's not a question of
5 experience. It's a question of at this time in your life
6 y'all have that general thing called common sense. I
7 started out in this case by telling you this was, you know,
8 we give the cutesy names to all of our serious cases and
9 one could hang around for a little while. And this was the
10 drinking tree case.

11 Although it became very obvious real quick why it
12 was called the drinking tree, the witnesses called it the
13 drinking the tree. That's where they -- that's how they
14 referred to the gathering place where they went every day
15 after work to hang out, to do whatever. But you know it
16 wasn't nicknamed the murder tree. It wasn't nicknamed the
17 killing tree. It was called the drinking tree because
18 that's all that's supposed to be placed there. This murder
19 that happened there is not something that's happened there
20 before. Not something that's happened on a regular basis.

21 But it was the drinking tree. And it was just a
22 name. It doesn't mean that all of the witnesses were
23 plastered. It doesn't mean that the defendant was in any
24 way plastered or anything. It was just a congregation
25 place. And I'm going to attempt at some point here, you

1 know, I've had through the years looked at pictures, go to
2 the scene, do all that, y'all haven't. So we put up these
3 aerial photographs to kind of give you a little bit of a
4 photographic view of it. But when listening to testimony
5 for the first time you don't have that vacuum, you can't
6 think about this case until now, until the end.

7 And I'm going to draw you a few diagrams here. It
8 may be helpful, it may not be helpful, but it will help me.
9 It helped me early on to go to the scene, look at the
10 pictures and that sort of stuff. In this case, this area
11 is, I believe State's Exhibit Number 2 indicates this area
12 right here was the drinking tree. And if you look at that
13 picture, you think, well, that looks like about three
14 drinking trees there, or four or five. But here's one kind
15 of here in the middle. And you'll see pictures, or you've
16 seen pictures of the debris and everything that was around
17 the drinking tree at the time.

18 This was Marlon's trailer. And you heard Marlon's
19 had a stroke and he's not with us today. This up here is,
20 Jimmy said was Thelma's trailer where he was doing some
21 work in, but he saw two individuals talking there. One of
22 them he identified only by yellow Timberland boots or gold
23 Timberland boots, which became relevant later on. The
24 other one, he didn't know. He didn't really know this one
25 either.

1 Why is that important in the litany of events in
2 this case? Because Jimmy up here didn't know what -- I've
3 got invisible ink here -- what Tillman and Walter were
4 seeing down here where they are sitting. He didn't know
5 what Morris was going to testify to. He didn't know any of
6 that when he gave a statement to the police a couple of
7 days after this, or a day after this. He just knows what
8 he heard, what he saw, what he did.

9 But what you need to compare with these different
10 witnesses is that they weren't all in the same room. They
11 weren't telling all the exact same TV-scripted,
12 cut-and-paste story. They were telling how they
13 remembered. And remarkably, most of it was the same. Most
14 of it was exactly the same. But he didn't ID these two
15 guys, but what he did say is that he came down to the tree
16 here. The guy was laying down on the ground bleeding. He
17 calls 9-1-1. He grew up in there. Knows most of the
18 people. But even out of there, you can tell he's a little
19 older than the crowd that was up here. Served in the Navy;
20 knew what gunshots were. You think, well why does the
21 State call him. Well, maybe you don't catch it, but him
22 identifying these two people right up here having a
23 conversation, him speaking to them going in. A short while
24 later, all the gunshots erupt. He comes out; a brave move.
25 A lot of people would have gone out the back door of that

1 trailer and done like some of these other witnesses did.

2 But the -- he came on down, looked, participated and called
3 the police, or called 9-1-1.

4 It's important that you put in perspective that the
5 drinking tree where the body was is right there -- maybe,
6 no, it's a little further down. It's right here. And cars
7 were parked right here. And I believe Walter said he
8 pulled up to the tree. He's standing on the passenger
9 side. It's cold and rainy that night as y'all remember the
10 testimony. Tillman gets in the car. Tillman don't know
11 what Walter's going to say. Walter don't know what
12 Tillman's going to say. Neither one of them got a clue in
13 the world what Morris is going to say. Morris is going to
14 say that he pulls up here, sees his uncle, talks to him
15 about a cigarette.

16 The defendant comes up to his car right here, gets
17 in the car. He three points it, goes back down Highway 302
18 here. Somewhere between the tree right here he goes 302
19 somewhere between Green Bush Road and here, pulls in.
20 Hamilton gets out of his car. Goes in his house. Comes
21 back in and gets in his car and he comes immediately back
22 up here. And immediately upon pulling up to -- see he was
23 near Marlon's trailer here. He pulls up, he goes to walk
24 up the hill. There's a slight incline. And over his left
25 shots start booming out. That kind of gives you a little

1 bit of the dynamics or the layout.

2 For other purposes, after Tillman sees Hamilton put
3 a killing shot, or put a deadly shot right at the front of
4 this vehicle, sees Poncho laying there at the front of the
5 vehicle, he sees Reggie Hamilton running away, toting a
6 gun.

7 Now, it kind of puts a little bit more perspective
8 on it. This over here is Ms. Bea's. You heard about that.
9 That's where some of them went after the shooting and all
10 occurred. But that's generally the essence of what went
11 on.

12 And an interesting thing. When you start doing
13 investigations and talking to different people is that I
14 think you're experiences in life would -- if you have
15 kids, if you ask them both what happened, if you separate
16 them into different rooms, you get a little variations;
17 whether it's attitude or memory or whatever it is, it ain't
18 going to be the same. If you get four people in four
19 different rooms -- and I suggest to you it's common sense.
20 You're not going to get exactly the same message; exactly
21 the same memory. And that's what happens in criminal
22 investigations.

23 Chuck Cain gets called to the emergency room over
24 there. Mr. Miles dies about the time, just after he gets
25 there. He ain't getting nothing from that. Photograph or

1 a bunch of bullet holes in him. It really isn't until Mr.
2 Miles's autopsy the next day that we know what killed him.
3 And you know he's obviously got what looks like a bunch of
4 bullet holes in him, could have been a shotgun. That's
5 what Officer Hicks thought when he first arrived. It
6 wasn't a shotgun, it was an AK47.

7 So you think, well, why does the State bring down
8 this expert from Columbia to tell us something that's
9 obvious. Why did they bring down the pathologist to tell
10 us something that's obvious. Because those are elements we
11 have to prove, that he was unlawfully killed. And they
12 also corroborate with what the officers found that night on
13 the scene. It corroborates what they found and what they
14 didn't find.

15 They didn't find any other weapons. They didn't
16 find any other cartridge cases. They didn't find any other
17 bullets that had gone through anybody. They found only the
18 7.69 (verbatim) times 39 millimeter shell casings,
19 cartridge cases, the metal part, and the jacketed bullets
20 that or a jacketed bullet that went through. They have to
21 call the pathologist to say, see these x-rays. These are
22 those bullets in the body of Isaiah Miles. The eleven
23 holes that she documented as entry holes means that he was
24 shot eleven times.

25 Now, I don't think anybody needs to prove or needs

1 to argue about how many times it takes to form an intent to
2 kill, but I'd be willing to say most of you would say
3 somebody shot eleven times by the same person, they
4 intended to kill them. And that's what he did. He killed
5 him right here by the tree. And those eleven holes were
6 produced, general estimation, eighteen holes in the body.
7 Some of them went through, some of them didn't. But
8 suffice it to say Mr. Miles was shot to pieces, right in
9 front of two people that have known him for a long time;
10 right in front of two people who knew the defendant for a
11 long time.

12 The things that corroborate, you know, at this
13 stage in the game, I'm always up here trying to corroborate
14 eyewitness testimony, it's always a little different. And
15 the things that corroborate it in this case are on March
16 the 6th, Morris Williams gives the statement identifying
17 Reggie Hamilton as the person who was in my car on Green
18 Road with us and shooting a long gun on March the 3rd.
19 Signed by him. Says he was given a couple options, be a
20 defendant or be a witness. Well, I introduced him as a
21 defendant yesterday, he's a defendant. I'll let you decide
22 if he's telling the truth or a lie about there being a gun
23 in the car or a gun in the backpack, but ladies and
24 gentlemen, there was a gun somewhere in the car brought
25 there by that man right over there. Right over there.

1 Nobody else at the drinking tree that night had an AK47.
2 And how he got it is corroborated by other witnesses who
3 saw the car come back up.

4 Every story that Morris Williams has told involved
5 him giving a ride to Reggie to his mama's house right down
6 the road. The difference in the stories he's telling is
7 one of them makes him guilty of accessory before the fact.
8 Oh, but that's what he's charged with. So his testimony on
9 the stand ain't going to be I'm guilty of accessory before
10 the fact. He's going to hedge it; I didn't see a gun. He
11 could have had one, I guess. He had a backpack. Well, why
12 do we know the backpack is kind of BS of there being a gun
13 in the backpack. Even though we brought you a picture just
14 to show you. There could have been a gun in the backpack.
15 There very easily could have been a weapon that killed this
16 man in the backpack. But he brings the car up there two
17 weeks later, two weeks after this, and there ain't no
18 backpack in the car. Reggie's backpack, it ain't there no
19 more.

20 Ain't nobody saying Reggie rolled out of the car
21 shooting a weapon with one hand and toting a backpack in
22 the other. Ain't nobody said Reggie was running down the
23 road after he shot with his gun and the backpack. The
24 backpack would have had to have been left in the car. Well
25 that doesn't make a lot of sense. But if it was left in

1 the car, guess what happens in two weeks. Reggie's
2 arrested two weeks later.

3 What happens later that night, as far as you can
4 say. That backpack ain't in the car. That gun ain't going
5 to be in the car. There ain't going to be no bullets in
6 the car. The car's going to be cleaned up. Or the ten
7 year old car with every -- you know, with kids and wife and
8 mother-in-law and everybody else going in and out of the
9 car, ain't going to produce any evidence. It helps in this
10 trial. It was relevant in this trial.

11 What happens -- what evidence two weeks later ain't
12 relevant. You know, I'm certain Charles is going to talk
13 about no DNA and no fingerprints. Well, it ain't that kind
14 of case, ladies and gentlemen. Because any they found two
15 weeks later would have been, oh well, you know, me and
16 Reggie have coffee every morning before I go to work. Or
17 me and Reggie, I give him rides everywhere. Just like his
18 testimony was in cross-examination. I talked to him that
19 morning, but they buddies.

20 So none of this would have been relevant. If it'd
21 been here, if I'd put in fourteen experts that said there
22 was DNA all over the car of Reggie Hamilton, the defense
23 would be, okay, so what? Reggie rides in that car. DNA is
24 for identification. We don't have the need for it. We
25 have that guy identified by his relatives. By his friends.

1 He is identified. So all of that is what I would call
2 smoke. It doesn't have any weight. It doesn't give you
3 anything. If I had it, it wouldn't give you anything.

4 So what we have are essentially four eyewitnesses.
5 And I can't remember, it hadn't been 30 years ago when I
6 put up my first video case at Walmart shopping. Now,
7 pretty much, when I go in Walmart, I've got my head combed.
8 Because there's video everywhere. There ain't at the
9 drinking tree. So I may not have video. The TV shows
10 where you see somebody running across the parking lot from
11 outer space, that ain't going to happen in Aiken County for
12 a few decades probably. I ain't going to guess when we'll
13 launch our own satellite in Aiken, but it ain't going to
14 happen at the drinking tree. So that kind of evidence is
15 not available.

16 So does that mean murder doesn't occur at the
17 drinking tree? Does that mean murder doesn't occur in
18 Aiken County because we can't produce that kind of
19 evidence? You do not want to set the standard for Aiken
20 County by saying you've got to have DNA, video, satellite
21 imagery on every case because then there will be no justice
22 in Aiken County. There will be no fairness in Aiken
23 County, to the State or to the defense because it can't be
24 expected to be there.

25 The Judge is going to tell you the law in the case

1 at the end of it, at the end of the arguments by Mr. Lyons.
2 And he's going to talk about reasonable doubt. He's going
3 to talk about the presumption of innocence. I've lost
4 count of how many times we've already talked about that.
5 But it's the law in this state. I am firmly convinced it
6 is the standard.

7 Now, how do I firmly convince you on behalf of the
8 State that eyewitnesses that grew up or knew Reggie
9 Hamilton, not anybody else, come up here and shoot this man
10 right at their feet. Tillman clearly gets out of the truck
11 and sees the feet of Isaiah Miles laying there, his yellow
12 Timberland boots are in the photographs. You know, I go
13 back to the times that the eyewitness testimony. They do
14 these little skits and everything, you've probably seen
15 them on 60 Minutes or whatever. They do tests that show a
16 stranger running into a room and holding up a guy in the
17 room, and they're all sitting there at some seminar and
18 then they try and get descriptions of him and those are
19 valid tests.

20 But that's not what this case is. If their mother
21 ran into a room or their cousin ran into the room and arm
22 robbed someone, didn't have a mask on, didn't have any
23 other disguise, they are going to be dead on identifying
24 who it was. And that's what this is. It isn't one of
25 those ID cases where some stranger runs in the room and

1 takes everybody by surprise. No. That ain't. It's
2 Reggie. Reggie who lives right down the road. Reggie,
3 who's from the Coat, is the one who shot this man up. It's
4 important and really -- well let me just say it's
5 important.

6 Morris parked here. He pulls out of the car here.
7 Starts running up the hill shooting at Isaiah. Isaiah
8 heads for anywhere opposite. Well follow the line of
9 cartridge casings because they eject out of this rifle as
10 you go along. Ends up literally running around the white
11 truck where he's trying to get some distance. He kills --
12 or finalizes shooting right in the front of that truck.
13 And the evidence, the police don't know what the story is
14 at that point. They're just collecting cartridge cases
15 when lo and behold those cartridge cases running right that
16 way. And they follow that track. And the thing that's
17 kind of amazing is there ain't no other kind of cartridge
18 casings out there. There ain't no other bullets out there.
19 There are no other weapons out there of any type. The one
20 weapon which we don't have, arguably, that was used.
21 There's no question a weapon was there.

22 There's no question for possession of a weapon
23 during the commission of a violent crime that the
24 defendant, if you believe it was the defendant, and I
25 suggest to you that all the evidence says it was the

1 defendant; it doesn't say it was anybody else. It doesn't
2 say there was any motive for anybody else. Doesn't say
3 there was any conversation that it was anybody else, with
4 Reggie Hamilton.

5 Now what you're not going to hear the Judge say is
6 the State doesn't have to prove the motive. Makes for a
7 nice story in the paper, or it makes for a nice TV show,
8 but we don't have to prove motive. It's insanity for this
9 guy to run up and shoot this guy eleven times. I'd be the
10 first to concede that. But we don't have to show why he
11 did it. But we can show that Isaiah Miles didn't bring it
12 on that night. He comes back from the conversation that he
13 has with him for thirty minutes to an hour and says to his
14 buddies, All's okay. But apparently Mr. Hamilton didn't
15 think so, because he hitches a ride. It was right down the
16 street, gets his AK and he comes back.

17 When you get back in your jury room, there are a
18 number of pictures and they are kind of redundant, but
19 these things I find very important. So you may not believe
20 everything Morris Williams says, including his idea the
21 defendant's shooting a long gun. You may not believe
22 everything Walter Kitchings says. Including him saying who
23 I saw pointing and shooting and running with the long arm
24 on Green Road when he identified Reggie.

25 May not believe all or everything that Tillman

1 says. That all -- I've known him all his life as Reggie
2 Hamilton that had a long rifle and shot at Poncho. This
3 was on March the 6th. Morris is on March the 6th. Walter
4 is on March the 7th. But the commonality is you may not
5 believe any of those, but you'd have to call that man right
6 there a liar to say that those three young men didn't come
7 in here and admit what they put down on paper and signed
8 their name to on those days. Because his name is right
9 beside it. And have you heard anybody impinge the
10 reputation of Chuck Cain? Have you heard anybody give
11 these witnesses particularly Walter and Tillman, any reason
12 to tell a lie? Any reason to misidentify anybody? Have
13 you heard any testimony about that in cross-examination.
14 You haven't. You're not going to.

15 Of course, this is kind of overkill because they
16 all know him to pick him out of a photographic lineup.
17 Certainly ain't -- it shouldn't be hard. It's really not a
18 stranger picking somebody out of a photographic lineup.
19 I've been trying him for three days and had lots of
20 opportunities to see him. I haven't grown up with him, I
21 don't think I could pick him out. But they didn't have any
22 problems picking him out. Why? Family; grow up with him;
23 know him. But no reason to blame him other than the truth.
24 Other than the truth.

25 Credibility is something the judge will tell you

1 about. It's your job to determine the credibility of
2 witnesses. There was no bias described here; no mistake
3 described. Believe part verses the whole. You know they
4 weren't sitting in the same room together. They didn't
5 ride up with the police department together. None of them
6 indicated except for Morris he was given two alternatives
7 to tell the truth or be a defendant. He ultimately ended
8 up getting arrested later that day. He wrote it down as
9 the truth.

10 Yesterday the lawyers and everybody in the
11 courtroom. He wanted to say there was a backpack. He
12 didn't want to say he saw a gun. He didn't want to say he
13 saw a shooting.

14 You have to make your own determinations about
15 that. But even if you think he's a bald-faced liar, he is
16 not the State's case. The State's case is composed of
17 eyewitnesses who testified under oath against family
18 members; against friends; that they saw him run up and
19 shoot that man, turns out eleven times. Those were the
20 people you shouldn't have any problems believing. Those
21 are the people who should firmly convince you that Reggie
22 Hamilton was the one that did this murder.

23 Now, everybody views people differently when
24 they're testifying. Everybody testifies differently. I
25 truly thought that Tillman -- I suggest to you that Tillman

1 was really struggling. Not with the truth. He wasn't
2 struggling about that. He was struggling about sitting up
3 here and having to testify against a family member that he
4 witnessed him murder this man, with other family members
5 sitting right there watching him. I think he was
6 struggling with that. He wasn't struggling because he was
7 drunk at the drinking tree. He wasn't struggling because
8 his buddy might have smoked a joint. Nothing like that.
9 He was struggling because he had to tell the truth under
10 oath as to what he saw, and the same thing he told the
11 officers on the day that he identified him. The same thing
12 he said all along. No change to his story. He ain't in
13 trouble for witnessing a murder. He ain't in trouble for
14 changing his statement. He ain't in trouble for lying.
15 Because he didn't.

16 Now was he struggling? Yeah, he was. It was
17 pretty obvious. You probably heard him as he was going out
18 saying, I'm sorry. You probably heard him up there say, I
19 just want to go home. When people do bad things, it puts a
20 lot of people -- puts a lot of pressure on a lot of people.

21 I can't -- the State can't make people come up here
22 and testify. We can subpoena them to court. We can put
23 them up there. But I can't make them answer questions.
24 These people did it because it was the truth. It was the
25 truth, it took courage. It will be the truth tomorrow. It

1 will be the truth the next day.

2 But it's going to be up to you guys to find that it
3 was the truth; to find that Reggie Hamilton committed this
4 horrendous murder. Isaiah Miles didn't do anything that
5 contributed to it, there's nothing indicating he did. For
6 some reason, Reggie Hamilton thought it was necessary to go
7 kill him. That is scary. That is scary, but it's the fact
8 that it happened and it happened on March the 3rd, 2014.

9 Now, you've probably heard me talk way more than
10 you wanted to hear me talk. So I am going to go sit down.
11 But the thing about our system is that I don't get to come
12 back up and argue again after Mr. Lyons argues. I still
13 have to sit down and it goes to you. But I ask you to do
14 me a favor back there in that jury room, if you're
15 satisfied during closing that you disagree with, or you
16 know I would disagree with, bring it up. Talk about it.
17 Hash it out. Because at the end of this case, on March the
18 3rd, 2014, that man right over there murdered somebody.
19 And I can't make him guilty. The Judge can't make him
20 guilty. Y'all got to make him guilty of doing that. And
21 those people right there deserve that. Aiken County needs
22 to have no more drinking tree murders. This case proves
23 beyond a reasonable doubt that this man did this crime.

24 Thank you for your attention.

25 MR. LYONS: May it please the Court?

1 THE COURT: Let Mr. Weeks get seated, please.

2 (There was a pause in the proceedings.)

3 MR. LYONS: Mr. Weeks. Good morning ladies and
4 gentlemen.

5 I told you in my opening statement to you that
6 reasonable doubt is real. The presumption of innocence is
7 real. It's not just words written somewhere in our
8 constitution, but it lives, it's real. And you as jurors
9 make it real. And keep in mind that you don't have anybody
10 in this courtroom today that you have to punish. Keep in
11 mind that if you don't have anybody in this courtroom today
12 that you have to reward. Or that you have to feel that you
13 have to deliver a verdict to make someone happy. Because
14 you don't. You have to deliver a verdict that's consistent
15 with what you heard in this courtroom the last few days.
16 That's what you have to do. And you have to do it in light
17 of what the law of this land is. And the law of the land
18 is that the State, the Solicitor's office, and all the help
19 that they have there, they have to deliver enough evidence
20 for you to believe that my client is guilty. And not for
21 you just to think he is guilty, but you have to accept the
22 reality that it must be done beyond a reasonable doubt. It
23 must be done beyond a reasonable doubt regardless of how
24 you feel about what happened. That's something that the
25 judge is going to tell you, you have to accept it. And

1 when you get back in the jury room, that's your road map.

2 That's your road map.

3 Now, you heard Mr. Weeks talk about the drinking
4 tree case. I think you've got to think about a little bit
5 more than that. Because if this is the drinking tree case,
6 what follows is drinking. What follows is drinking. There
7 is a reason that you can't drink alcohol to a certain
8 extent and go out and drive a car. There's a reason that
9 you can't smoke marijuana and then go do heart surgery.
10 There's a reason that you can't drive a city bus under the
11 influence of alcohol. And that very same thing is
12 something that needs to be questioned during a legal
13 investigation as to whether or not the people you are
14 depending on to charge someone, that finds a person guilty;
15 that very same consideration has to be taken as to whether
16 or not these individuals, these so called witnesses, had
17 they consumed alcohol to the extent that what they say
18 should be questioned? Had they used drugs to the extent
19 that what they claimed they saw, should that be questioned?

20 I want you to think about what you heard in this
21 courtroom the last few days because I'm going to try my
22 best not to say anything that I didn't think I heard. But
23 I want you to think about this: When those so-called
24 eyewitnesses were put on this witness stand by the State,
25 did you hear one question asked of any of them if they had

1 used drugs the day they claimed they saw what they saw?
2 Did you hear one question that when they were interviewed,
3 had anyone asked, Well did you smoke any marijuana out
4 there that day? Or earlier that day? Were you drinking?
5 This is the drinking tree case, so they say. The first
6 question that should have been asked was how much did you
7 have to drink the day this happened? That's how you have
8 to start. It's not a question about who you know. It's
9 about what kind of state you were in. That's just a fact.
10 Mr. Walter Kitchings, when he was on this stand not a
11 single question was asked of him as to what he had done
12 that day. Not a one. Come to find out, only when I asked
13 the question they had had, as he said, two 40's. He
14 claimed he had two 40's, meaning two 40 ounce cans of beer,
15 if we want to believe that's all he had.

16 Ladies and gentlemen, that's over a six-pack of
17 beer. I will tell you that if you drink a six-pack of beer
18 and get behind the wheel of a car and get stopped, you're
19 going to be arrested for DUI. You are. And I would be
20 willing to bet that the type of beer he was drinking was
21 malt liquor or something like that, so he was feeling
22 pretty good. And on top of that, then on top of that, he
23 was smoking marijuana. Did anybody from the State ask a
24 single question about Mr. Kitchings smoking marijuana.
25 Don't you think that's important? Don't you think you need

1 to know that? If these witnesses are so credible, they're
2 so believable, why didn't I put that up in front of you so
3 you could have that for your consideration also?

4 Now, Mr. Jimmy Williams. Mr. Jimmy Williams was
5 coming over to meet someone. He wasn't drinking. He
6 wasn't coming over there to drink. He wasn't smoking
7 marijuana. He's the one that made the 9-1-1 call. He
8 didn't see my client talking to anybody. He didn't see my
9 client talking to anybody. Well, who would you believe?
10 The man who wasn't drinking? Wasn't using drugs. And he
11 said he didn't see my client talking to anybody.

12 Each and every one of you have a decision to make
13 in this case. It's a decision that each of you have to
14 make individually and also collectively. But individually
15 also, you have a decision to make in this case about what
16 the State has proven and what they have not proven.

17 Mr. Walter Kitchings said that my client got out of
18 the truck. That's not what Charles Lyons is saying. I'm
19 just telling you what was said on this witness stand. Mr.
20 Kitchings said that my client got out of the truck. And
21 when I asked him about pick-up truck, then it went to SUV.
22 He got out of an SUV. Now what's the problem with that?
23 Well it is without a doubt that Morris Williams was driving
24 a Nissan Altima. He was driving a Nissan Altima. Ladies
25 and gentlemen, if you have reasons to have doubts about

1 this case, then that's what a reasonable doubt is all
2 about.

3 The judge will tell you, if you have a reasonable
4 doubt, then it's your duty to return the verdict of not
5 guilty, if you have a reasonable doubt. So why, why would
6 Walter Kitchings tell you that he saw my client get out of
7 an SUV, truck, whatever you want to call it? Maybe because
8 he saw someone get out of a SUV or truck and do the
9 shooting. But one thing's for certain, my client was not
10 in an SUV or a truck that evening.

11 Now, the talk about relatives. You didn't hear
12 anyone besides one witness testify about relatives.
13 Outside of him saying he believed he was a relative of my
14 client, no one else said that Mr. Tillman Smith was related
15 to my client. Now mind you, how Mr. Smith got interviewed.
16 Well, this was left out. He didn't drove up to the
17 sheriff's office and say I need to talk with you guys about
18 this case. He got picked up on a child support warrant.
19 He got arrested on a child support warrant. Now he claims
20 that he wasn't drinking on the day of this incident. He
21 also claims that he was getting ready to drink the day he
22 got arrested but he hadn't. I'd put it out there that Mr.
23 Smith drinks every day of his life.

24 And he said he had been with Walter Kitchings early
25 that day. Couldn't pin him down on what he meant, but he

1 was talking about early that day. And one thing we know,
2 one thing we know is that Walter Kitchings was drinking
3 that day. And smoking marijuana. And Mr. Smith said the
4 only reason he wasn't drinking on March 3rd was because he
5 was broke. And I'm here to tell you that if Walter
6 Kitchings was drinking and he was riding with Tillman
7 Smith, Tillman Smith was drinking. I mean, that's just
8 common sense.

9 And I'm here to tell you that if Walter Kitchings
10 was smoking marijuana on March 3rd, 2014, so was Tillman
11 Smith. He wasn't just hanging around this guy and watching
12 him enjoying himself and he didn't get involved. That's
13 just common sense. He said that Walter had a 32. Well, of
14 course we know Walter had drank a couple before this, but
15 he said a 32. I'm going to venture to guess that he didn't
16 -- that they both were enjoying themselves drinking that
17 day. If not, what was he doing out there? What was he
18 doing with Walter?

19 Now, Walter never mentioned anything about being
20 with Tillman. He said he had to work. But y'all resolve
21 that conflict. See Mr. Smith, he was kind of hedging as to
22 where he was going with this thing anyway. And once again,
23 when they went to the sheriff's office and you look at
24 these so called statements, because you know what needs to
25 be in these statements? The very first thing? I wasn't

1 drinking when I saw what I claimed I saw. I wasn't smoking
2 when I saw what I claimed I saw. That needs to be the
3 first thing in every piece of paper up here because if you
4 got a smaller child that goes to a daycare center and you
5 walk into that daycare center with your small child and
6 they got 40's on the table, I dare to say that that child
7 won't be at that daycare center very long. If you take a
8 small child to the daycare center and they smoking
9 marijuana, that child ain't going to be at that daycare
10 center long. This is all about trust. It's all about
11 trust.

12 So did they believe they saw what they saw? Maybe.
13 Maybe. But that's what they said; that's what they said.
14 You know, if you think back, there was a search warrant
15 executed on the vehicle that belonged to Morris Williams.
16 They actually went out and got a search warrant so they
17 could get the car and process it and go through it and look
18 for evidence. Has anybody offered you one reason, one
19 excuse as to why there was never any search warrants for
20 Mr. Hamilton's house? Did anyone ever tell you they ever
21 tried to find a weapon to associate with Mr. Hamilton? Did
22 you hear that anywhere these last few days? Maybe they
23 don't have a weapon that they associate with Mr. Hamilton
24 because there is no weapon to associate with Mr. Hamilton.

25 Mr. Tillman Smith, he said that he had gotten into

1 the car because he was cold and he was sleepy and he went
2 to sleep. I venture to say that Mr. Tillman Smith got into
3 the car to sleep it off.

4 And you heard the pathologist. She came and she
5 testified as to the manner of death. And she did an
6 autopsy on Mr. Miles. And you didn't hear her one time
7 testify as to anything that she saw. She didn't testify as
8 to anything she saw during that autopsy that led her to
9 believe or gave you any information that Mr. Miles was shot
10 at point blank. She didn't say one word about what she saw
11 during that autopsy that indicated that he was shot at
12 close range. Nothing.

13 Ladies and gentlemen, the State is required to
14 produce evidence that when you get back in the jury room,
15 your minds shouldn't be unsettled. You shouldn't be
16 unsure. You shouldn't have questions. Because if you have
17 doubts about this case, this is where it has to be
18 resolved. It can't be resolved tomorrow. It's got to be
19 resolved today. If you have doubts or if you have reason
20 to have doubts about this case, then the benefit of that
21 doubt must go to Reginald Hamilton and you must acquit him.
22 And you must acquit him.

23 Now, I'm not up here to tell you that this person
24 lied; or this person had a reason to lie; I don't believe
25 what this person said. And I hope when you get to the jury

1 room that you don't believe or think that that's what I'm
2 doing right now. I hope what I'm doing right now is
3 recounting and helping you to remember what occurred and
4 what was said under oath from this witness stand.

5 And Morris Williams, he had every reason to come in
6 here and say that that's the man I saw doing the shooting.
7 Because he has a charge pending against him. And he only
8 got that charge against him that when he came in my office
9 and made a written statement saying that --

10 MR. WEEKS: Your Honor, I object, and I have a
11 matter of law I'd like to discuss.

12 THE COURT: Do I need to send the Jury out?

13 MR. WEEKS: Yes, sir.

14 THE COURT: All right. Y'all step out just a
15 second. Don't eat your lunch yet. Just hang on.

16 (The jury left the courtroom at 11:37 a.m.)

17 THE COURT: Yes, sir, Mr. Weeks?

18 MR. WEEKS: It sounds like Mr. Lyons is testifying.
19 I've put up with it a little bit. But he's testifying the
20 record -- to facts that aren't in the record as to when
21 Morris Williams got arrested and why he got arrested. He's
22 putting that in the record as evidence of him coming to his
23 office and not getting arrested until after he came to his
24 office. I don't know what else he was going to testify to,
25 but that's when I objected.

1 And I think that curative instructions need to be
2 given to the jury that their memory of the evidence that's
3 submitted is what counts in this case. His testimony of
4 that evidence is prejudicial to the State and it's just not
5 in the record. And I couldn't have asked those questions,
6 but he can testify to them in closing arguments is not fair
7 to the State.

8 THE COURT: Thank you. Bring the jury back.

9 MR. LYONS: Judge?

10 THE COURT: You want to respond?

11 MR. LYONS: Judge that was just a Williams's
12 testimony on the stand that he gave the statements, that he
13 had an option, he came to my office, he gave another --
14 gave a statement, and after that he got arrested?

15 THE COURT: Well what you're testifying to, make
16 sure it's within the testimony presented in this trial and
17 I will tell the jury that what your argument is, is not
18 evidence in the case. They've heard the evidence. They
19 know what the evidence is and not to take what you're
20 saying as evidence. Or what Mr. Weeks said as evidence.

21 MR. LYONS: Yes, Your Honor.

22 THE COURT: All right. Bring them in.

23 (The jury entered the courtroom at 11:39 a.m.)

24 Madame forelady, ladies and gentlemen of the jury,
25 please let me remind you once again, I've told you at least

1 two times, but a third time, in a final argument, like
2 opening statements, that is not not, not, not evidence in
3 this case. The lawyers are simply arguing. And you've
4 heard all of the evidence. You decide. You know what the
5 evidence said. You make your decision from the evidence
6 from the witness stand. Not from what the lawyers say the
7 evidence is. So if they're arguing about what the evidence
8 may be and it doesn't agree with what y'all heard on the
9 witness stand, from what that's saying is simply argument
10 and is not evidence. Thank you.

11 You may proceed.

12 MR. LYONS: Yes, Your Honor. Once again I'm not up
13 here to say someone is telling the truth or not. That's
14 for you to decide. As the Judge just told you, you
15 remember the evidence. You remember the testimony. We did
16 reach a point in the trial in which Investigator Cain was
17 asked about Mr. Hamilton turning himself in. And he was
18 asked that question and his response was that Mr. Hamilton
19 turned himself in, in August of 2014. When I had the
20 opportunity to ask him about that, he felt certain that Mr.
21 Hamilton had turned himself in August of 2014.

22 And when I asked him again about it, he referred to
23 some personal notes that he had and he said no it was in
24 July of 2014. When asked to refer to something a little
25 more official, he agreed that Mr. Hamilton had, in fact,

1 turned himself in March 18th, 2014. We're not talking
2 about a matter of days or weeks. We're talking about a
3 matter of months. And I know the question arises as to,
4 well why am I making a point of that? And Mr. Weeks said
5 no one had attacked Investigator Cain's integrity and
6 credibility, and I'm not up here to do that right now. But
7 we all make mistakes. We all get it wrong sometimes.
8 That's just the way it happens. Sometimes, we just don't
9 get it right. Even though that is something that you would
10 expect, to get right.

11 But we get things wrong because we are human.
12 That's just a fact. And that's why hundreds of years ago
13 when the founding fathers, and they were men during that
14 time, that's why they wanted to place the type of burden
15 that the State has, that the State has in proving its case.
16 That's why the State, it is required not just to slightly
17 tip the scales of justice in its favor, but they have to
18 substantially do it. That's why their burden is so heavy.
19 Because people make mistakes. People get it wrong
20 sometimes. And when you put the mix of alcohol and drugs
21 in combination with what you believe happened, the
22 likelihood of mistakes will be greater.

23 So on behalf of Reginald Hamilton, we ask you to
24 consider not some of the evidence but all of this evidence,
25 everything that you've heard during the last couple of

1 days. And at this point in time, I'm submitting that there
2 are reasons to have doubts about this case. There is
3 reasonable doubt in this case that has not been overcome by
4 the State of South Carolina. And because of that
5 reasonable doubt, I'm asking that you return a verdict of
6 not guilty. I'm asking you to return the verdict of not
7 guilty at this point in this trial. Thank you.

8 **JURY CHARGE**

9 THE COURT: Madame forelady, ladies and gentlemen
10 of the jury, my instructions or charges are probably ten to
11 fifteen minutes long. Everybody okay? Do you need a quick
12 bathroom break before I start? Good? If it gets too long,
13 raise your hand. Don't get uncomfortable.

14 What I'll do is we have certain principals of the
15 law that apply to all criminal cases. Let me talk about
16 those first and then we'll follow it up with the specific
17 charges in this case, i.e. murder and possession of a
18 weapon during the commission of a violent crime. Before I
19 start, let me remind you that the fact that the defendant
20 was arrested, charged, and indicted in this case is not
21 evidence in the case and obviously cannot be considered by
22 you as evidence of guilt in this case; nor does it create
23 any presumption or inference of guilt. These two
24 indictments are simply the legal documents by way this case
25 comes to the courtroom, so don't infer anything from the

1 fact that he was arrested, charged, and indicted.

2 At this point, we have two indictments in this
3 case. One for murder and one for possession of a weapon
4 during the commission of a violent crime. Obviously, you
5 will have to consider them separate and apart. I will go
6 over that with you in just a few minutes at the conclusion
7 of the charge.

8 To these two indictments, the defendant has plead
9 not guilty, and a plea of not guilty puts the burden on the
10 State to prove the defendant's guilt to you by evidence
11 convincing you beyond a reasonable doubt. A person who is
12 charged with committing a criminal offence in South
13 Carolina is never required to prove themselves innocent. I
14 instruct you that it is an important constitutional rule of
15 law that a defendant in a criminal trial, no matter how
16 serious the charges may be, will always be presumed to be
17 innocent of the crime for which the indictments were issued
18 unless guilt has been proven by evidence, satisfying you of
19 that guilt beyond a reasonable doubt. The presumption of
20 innocence does not end when you begin your deliberations,
21 but it stays with the defendant throughout the trial until
22 you reach a verdict of guilt based on the evidence,
23 satisfying you of that guilt beyond a reasonable doubt.

24 The presumption of innocence is not a mere legal
25 theory. It is not just a legal phrase. As I said, it's a

1 substantial constitutional right, to which every defendant
2 is entitled unless you, the jury, is satisfied from the
3 evidence of the defendant's guilt beyond a reasonable
4 doubt.

5 Our appellate courts have defined reasonable doubt
6 in a couple of ways. One says that a reasonable doubt is
7 the kind of doubt that would cause a reasonable person to
8 hesitate to act. Reasonable doubt is the kind of act --
9 the kind of doubt that would cause a reasonable person to
10 hesitate to act. Proof beyond a reasonable doubt is proof
11 that leaves you firmly convinced of the defendant's guilt.
12 There are very view things in this world that we know with
13 absolute certainty, and in criminal cases, the law does not
14 require proof that overcomes every possible doubt. If
15 based on the consideration of the evidence, you are firmly
16 convinced that the defendant is guilty of the crimes
17 charged, they you must find the defendant guilty. However
18 on the other hand, if you think there's a real possibility
19 that he is not guilty, you must give the defendant the
20 benefit of that doubt and find him not guilty.

21 As I've mentioned to you a couple times, I've told
22 you that you and I have different functions to perform
23 during the trial of the case. As the trial judge, it is my
24 responsibility to rule on the admissibility of the evidence
25 in the case and to instruct you on the law of the case. As

1 the judge of the facts in the case, you determine what the
2 true facts are and apply those true facts -- true facts to
3 the law as I give it to you.

4 So if at any time during the trial of the case
5 you've looked up here and I've been smiling or frowning or
6 raising my eyebrows or yawning or doing something that you
7 think I have an opinion about the facts, please disregard
8 that. I cannot, in my position, have an opinion about the
9 facts. You are the fact finders. So if I've done anything
10 that you think I have an opinion, please set that aside. I
11 tried cases all over the State all year long, and,
12 obviously, sometimes I yawn or sometimes I raise my
13 eyebrows. Don't take that into consideration. You are the
14 finders of the facts. So necessarily being the finders of
15 the facts or the judge of the facts makes you -- your
16 job -- you must in doing that determine the credibility of
17 the witnesses who have testified in the case. Credibility
18 simply means believability. It's your duty as jurors to
19 analyze or evaluate the evidence and determine which
20 evidence convinces you of its truth. And determining the
21 believability or the credibility of the witnesses, you have
22 the right to believe one witness over several. Several
23 witnesses over one. You can disbelieve everything a
24 witness says. You can believe everything a witness says.
25 You can believe a little bit and disbelieve the other part.

1 So you make that decision.

2 You may consider why, if any, of the witnesses
3 exhibited to you any interest, biased, prejudice, or other
4 motive in the case. You may also consider the appearance
5 and manner of the witness while on the witness stand. As I
6 tell jurors all over the place that, you know, we all deal
7 in life with husbands, wives, children, family, friends,
8 business associates, strangers; and we have common sense to
9 determine who's telling us the truth and who's not. So use
10 that common sense in determining the believability or the
11 credibility of the witnesses who have testified in this
12 case. Don't leave your common sense outside of the jury
13 room.

14 Some other general principals of the law, as I told
15 you we had a couple witnesses testify as experts. Our
16 rules of evidence ordinarily do not permit a witness to
17 testify as to opinions or conclusions. There is an
18 exception called the expert witness exception. A witnesses
19 by education and/or experience has become an expert in some
20 science such as medicine, may give opinions and state
21 reasons for the opinion. You should consider any expert
22 opinion received in evidence, and like any other evidence,
23 give it the weight you think it deserves. An expert
24 witness's testimony is to be given no greater weight than
25 that of any other witness simply because he has been -- he

1 or she has been qualified as an expert. And further, you
2 are not required to accept an expert's opinion even though
3 it is not contradicted.

4 A very important constitution law deals with when a
5 defendant does not testify, I charge and instruct you and
6 emphasize that the fact that the defendant did not testify
7 in this case is not a factor to be considered by you in any
8 way in your deliberations and in your consideration on the
9 question of guilt or innocence of the defendant. It must
10 not be considered by you in any manner whatsoever. The
11 defendant has a constitutional right to remain silent. And
12 the assertion of this right must not be considered by you
13 in your deliberations. So please, I instruct and charge
14 that you are to draw no conclusions from the fact that the
15 defendant in this case did not testify. The fact that he
16 did not testify should not even be discussed in the jury
17 room. The State has the burden of proving him guilty
18 beyond a reasonable doubt. The defendant has no burden of
19 proof. The burden is on the State to prove guilt beyond a
20 reasonable doubt.

21 An issue in this case is the identification of the
22 defendant as the person who committed the crime charged.
23 The State has the burden of proving identity beyond a
24 reasonable doubt. You must be satisfied beyond a
25 reasonable doubt of the accuracy of the identification of

1 the defendant before you may convict the defendant. The
2 State has the burden of proving each and every element of
3 the crime and obviously identity is one of the elements.

4 In order to establish criminal liability, criminal
5 intent is required. There's no way medical science can
6 dissect a person's brain to determine what the person had in
7 mind. So the law says that criminal intent can be inferred
8 from the circumstances shown to have existed at the time of
9 the act.

10 There's been some evidence in this case that
11 witnesses may have made prior statements that are not
12 consistent with testimony given in the case. You may use
13 this evidence to decide whether to believe the witness.
14 You may also use the evidence of the earlier contradictory
15 statements to determine the truth of those statements. It
16 is up to you to determine what you believe by the
17 statements given, the testimony given by the witnesses who
18 have testified in the case, as I've told you earlier. You
19 are the judges of the facts, you determine the credibility
20 or the believability of the witnesses who have testified.

21 All right. Give me a second, let me go to the
22 situation in this case.

23 In this particular case, Mr. Reginald Jerome
24 Hamilton, Jr. is charged with the offense of murder. The
25 State must prove beyond a reasonable doubt that the

1 defendant killed another person with malice aforethought.
2 Malice is defined as hatred, ill will, or hostility towards
3 another person. It is the intentional doing of a wrongful
4 act without just cause or excuse and with an intent to
5 inflict an injury that -- inflict an injury or death.

6 Malice aforethought does not require the malice
7 exist for any particular time before the act is committed,
8 but malice must exist in the mind of the defendant just
9 before and at the time the act is committed. Therefore,
10 there must be a combination of the previous evil intent and
11 the act. The malice aforethought may be expressed or
12 inferred. Expressed or inferred does not mean that there
13 are different kinds of malice, but merely the manner in
14 which malice may be shown to exist.

15 Express malice is shown when the person speaks with
16 words of hatred or ill will; or malice may be inferred from
17 conduct showing a total disregard for human life. So a
18 pretty simple definition of malice aforethought, a person
19 has killed another person with malice aforethought is what
20 the law requires the State has to prove that to you beyond
21 a reasonable doubt.

22 And then there is -- he is charged with having in
23 his possession a firearm during the commission of a violent
24 crime. I charge you in the South Carolina law that a rifle
25 or gun is a weapon. Murder is a violent crime. So if you

1 find that he is guilty of murder, then you would consider
2 whether or not he is guilty of possession of a weapon
3 during the commission of a violent crime. If you find that
4 he is not guilty of murder, then obviously, you would not
5 consider the second indictment.

6 You will have in the jury room with you, Madam
7 Forelady, two verdict forms; one for the murder charge and
8 one for the possession of a weapon during the commission of
9 a violent crime.

10 Your verdict must be unanimous. All twelve of you
11 must agree. You will decide on them separately.
12 Obviously, you have to do the murder one first. And the
13 verdict form is simply, We find not guilty. We find the
14 defendant guilty. If you find him not guilty, you don't
15 have to consider this one. If you find him guilty then you
16 would -- that's the offense of possession of a weapon
17 during the commission of a violent crime. As I said, your
18 verdict must be unanimous. All twelve must agree.

19 Obviously, you have no friends to reward, no
20 enemies to punish. You have to make a deliberate
21 consideration of all the facts. Determine what the true
22 facts are from the testimony that you've heard, apply those
23 facts to the law as I've given it to you, then you'll be in
24 a position to render the verdict.

25 Sometimes during your deliberations, you may have a

1 question. The protocol on that is to write it out on the
2 legal pad back there, knock on the door, and Mr. Whittle or
3 one of them will give it to me. Sometimes I can answer it;
4 sometimes I can't. I'll send you a written response back
5 depending on what the question is.

6 Your lunch should be here shortly if it's not
7 already here it may be in just a few minutes. You can eat
8 while you deliberate. You can break while you eat. Y'all
9 are in charge of that, so however you want to do it.

10 I will separate my two alternates so it will be the
11 twelve of you deciding.

12 And once you've reached a decision, sign the
13 verdict form and we'll have you back into the courtroom.

14 We will send all of the exhibits to you into the
15 courtroom so -- in the jury room so that you'll have those
16 for your review.

17 I'm going to ask you to go back to the jury room
18 now. Please don't start deliberating quite yet. I've got
19 to ask the lawyers if I left anything out. We have to
20 gather the exhibits and verdict form and send them back to
21 you. It takes about two or three minutes, and then you
22 will be in the position to commence your deliberation.
23 Fair enough?

24 (The jury left the courtroom at 12:07 p.m.)

25 All right, Gentlemen, is there any requested

1 additions, deletions, objections to the charges given by
2 the State.

3 MR. WEEKS: No, Your Honor.

4 THE COURT: By the defense?

5 MR. LYONS: No, Your Honor.

6 THE COURT: All right. Please come forward and
7 let's review the exhibits to make sure they are all
8 accounted for. Review the verdict form and then we'll send
9 them back to the jury.

10 (The attorneys went through the exhibits with the
11 court reporter to confirm they were all present.)

12 THE COURT: Verdict form, Guilty, not guilty on
13 both of them.

14 All right. Let the record reflect the State and
15 defense have reviewed the exhibits; all are accounted for
16 and in order. They have reviewed the verdict form with no
17 objections. The jury can start deliberating at 12:07 by
18 the clock on the wall.

19 (The jury began deliberations at 12:07 p.m.)

20 THE COURT: We'll stand at ease. Don't get too
21 far.

22 (It was reported to the Court that the jury had
23 reached a verdict at 12:18 p.m.)

24 **VERDICT**

25 THE COURT: All right. Is the State ready to

1 receive the verdict.

2 MR. WEEKS: Yes, Your Honor.

3 THE COURT: The defense?

4 MR. LYONS: Yes, Judge.

5 THE COURT: All right. Bring the jury in please.

6 Hold on one second.

7 We have family members here. I don't have any idea
8 what the verdict is going to be. It's either going to be
9 guilty or not guilty. So if you are unable to keep your
10 emotions under control, I'm going to ask that you leave
11 now. Obviously, if anybody gets out of place or untoward's
12 activity, I'm going to have you restrained and perhaps have
13 to deal with you. But I everybody has been wonderful
14 throughout the trial. I'm not insinuating anything will
15 happen. But if you cannot control your emotions, please
16 leave now. Last warning.

17 All right.

18 (The jury entered the courtroom at 12:29 p.m.)

19 THE COURT: Madame Forelady, have y'all reached a
20 verdict?

21 THE FOREPERSON: We have.

22 THE COURT: Will you hand it to Ms. Jimmie, please?
23 You may publish it.

24 THE CLERK: Thank you, Your Honor.

25 Your Honor, we have the State of South Carolina vs.

1 Reginald Hamilton; Indictment Number 2014GS021542; We, the
2 jury find the defendant guilty of murder.

3 We have Indictment 2014GS021543; the State of South
4 Carolina vs. Reginald Hamilton; We, the jury find the
5 defendant guilty of possession of a firearm during the
6 commission of a violent crime.

7 Madam Forelady, members of the jury, if this be
8 your verdict please raise your right hand.

9 All hands raised, Your Honor.

10 THE COURT: Thank you.

11 Anything else for the jury before I release them.

12 MR. WEEKS: Not from the State.

13 THE COURT: Mr. Lyons?

14 MR. LYONS: No, Your Honor?

15 THE COURT: Thank you.

16 All right. Madam Forelady, thank y'all, y'all have
17 done a wonderful job, paid close attention, deliberated,
18 and I appreciate it. People of the County of Aiken
19 appreciate it; and the State. Serving on jury duty is not
20 the most pleasurable thing in the world, but it gives you
21 an opportunity to see how the system works. Obviously, we
22 can't move cases, and we have so many cases, without jurors
23 being ready, willing, and able to come. And people who
24 plead not guilty have the constitutional right to go to
25 trial.

1 I agree with your decision. I thought the evidence
2 was overwhelming, today with the verdict rendered. I thank
3 you. You'll get a huge check from the County of Aiken to
4 buy you a big present for Christmas.

5 How do they get those, ladies?

6 THE CLERK: We mail them a check.

7 THE COURT: Quickly. They don't take normally too
8 long. If anyone needs a work excuse, just hang tight right
9 there in the jury room and I'll send one of the clerks
10 back; get someone in there real quick to get you a work
11 excuse. If you didn't have a chance to eat your lunch.
12 Take it with you. You're welcome to stay and picnic back
13 there and continue to meet, or you can take it home with
14 you.

15 Everyone have a Merry Holiday Season, and I thank
16 you very much. You're excused.

17 Everybody else remain seated.

18 (The jury left the courtroom at 12:37 p.m.)

19 **SENTENCE**

20 THE COURT: All right. You want to do the
21 sentencing now? Do you need any additional time, Mr.
22 Lyons?

23 MR. LYONS: I think we're ready.

24 THE COURT: Post-trial motions, you want me to give
25 you ten days to do them?

1 MR. LYONS: Yes, Your Honor.

2 THE COURT: Okay. Mr. Weeks, anything you need to
3 put on the record before I impose sentence?

4 MR. WEEKS: Your Honor, as indicated earlier I
5 believe when you were talking to the defendant, he has a
6 concealed weapons charge from 2010. That's the only record
7 we show. Ms. Hammack and I have been involved in the case
8 for some time, but I have been meeting with Ms. Inez Miles
9 and Deanna Miles, the mother and sister, and as you've seen
10 during court, the -- his other family has been here in
11 support of the State on behalf of Isaiah Miles, who was
12 gunned down in New Ellenton -- or in Petticoat Junction on
13 that date.

14 The State has tried numerous times throughout this
15 process to get Mr. Williams to acknowledge guilt, but he
16 has not done so. And we are prepared to ask for a life
17 sentence.

18 THE COURT: Thank you. Would any of the family
19 like to speak?

20 MR. WEEKS: They do not want to speak at this time,
21 Your Honor.

22 THE COURT: Mr. Lyons?

23 MR. LYONS: Yes, sir, Your Honor, may it please the
24 Court. Judge, I'd like to extend my sympathies to the
25 family. This is a difficult case.

1 THE COURT: Well, it is difficult, isn't it. It's
2 senseless.

3 MR. LYONS: Yes.

4 THE COURT: It's absolutely senseless. Mr.
5 Hamilton is a young man. How old is he?

6 MR. LYONS: 25?

7 THE COURT: 25, 26 years old.

8 MR. LYONS: But Judge, I want to give a little bit
9 of background. Some incident arose involving my client, a
10 mother of one of his children, and a relative of Mr. Miles;
11 I can't remember if it was his sister. The mother of the
12 child is a relative of Mr. Miles. And evidently some
13 dispute arose in which Mr. Miles took exception to. And he
14 was in New York and he started sending messages to my
15 client concerning that and -- messages as to what he was
16 going to do to Mr. Hamilton when he came down to South
17 Carolina. And I believe these were Facebook messages. He
18 was getting -- Mr. Miles was receiving the Facebook
19 messages, and what my understanding is he thought those
20 messages were actually coming from Mr. Hamilton and they
21 were not. So -- and they were in a threatening manner, the
22 messages. And so once he got down here and he confronted
23 my client, I think the witnesses, and if I'm wrong they'll
24 correct me I think; the witnesses, the number of witnesses
25 that testified, made statements to law enforcement that Mr.

1 Miles wanted to fight my client.

2 THE COURT: Then why didn't they fight.

3 MR. LYONS: Because he didn't want to fight, Judge.

4 THE COURT: Well --

5 MR. LYONS: Judge, I just want to give you a
6 background.

7 THE COURT: Don't you wish they'd fought?

8 MR. LYONS: It would have been better, Judge. It
9 would have been better, no doubt about it. But, Judge, I
10 guess what I'm saying is, it doesn't excuse what happened.
11 It is not a confession of murder, and I don't know if I
12 told Bill, but I definitely told my client that if he had a
13 pistol in his pocket and shot Mr. Miles, I think he would
14 have a legitimate case of self-defense. But that's not
15 what happened.

16 THE COURT: No, he got up -- shot up some twelve
17 times.

18 MR. WEEKS: Eleven?

19 THE COURT: Sir?

20 MR. WEEKS: At least eleven.

21 THE COURT: Eleven times with a rifle. When I grew
22 up as a young man and I had disagreements with people in
23 the past. I'm sure you have -- all of us in here. But to
24 handle it in this manner is just so senseless.

25 MR. LYONS: Well, Judge.

1 THE COURT: Your client, with his loving family
2 back there. I've been watching them. This poor family
3 over here whose son, relative is dead. Why? Why? I mean,
4 I sat day in and day out in --

5 MR. LYONS: In his mind, Judge, he just didn't know
6 what Mr. Miles -- he didn't know what Mr. Miles was going
7 to do. That's what led to this. It's not a defense,
8 Judge --

9 THE COURT: No, not at all.

10 MR. LYONS: But I mean --

11 THE COURT: It's tragic. It's sad. And I don't
12 know how in the world or why in the world our young people
13 today are using these weapons so indiscriminately without
14 thinking of the consequences. Without realizing somebody's
15 life will be taken. And his life is basically going to be
16 taken, being incarcerated for the balance of his life,
17 perhaps. It's sad. It's absolutely a sad state of affairs
18 that we've gotten to the point where weapons are used in
19 this manner. You see it day in and I see it day in and day
20 out. Mr. Weeks sees it, we all see it.

21 I commend you. You did all you could do for your
22 client. We've had discussions in chambers as to accepting
23 guilt, perhaps something would happen. But the jury has
24 spoken. I think, I certainly agree with their decision.
25 They didn't have any hesitancy in believing the witnesses

1 who testified. They testified reluctantly. That's even
2 sadder. But as the one man yesterday, as he left the
3 courtroom, I couldn't help but hear him look over at your
4 client and say I'm sorry. Looked at his family and said
5 I'm sorry. But he had to tell the truth. I mean the truth
6 is the truth.

7 Anything you want to tell me, Mr. Hamilton? This
8 is indeed -- We only have one shot in life and indeed one
9 life is snuffed out, your life will be behind bars.
10 Anything you want to tell me?

11 THE DEFENDANT: No, sir.

12 THE COURT: Sir?

13 THE DEFENDANT: No, sir.

14 THE COURT: Anything else you want to tell the
15 family?

16 THE DEFENDANT: No, sir.

17 THE COURT: No, sir. Very well.

18 All right. As to the offense of murder, the
19 sentence of this Court is that you be committed to the
20 State Department of Corrections for a period of 40 years.

21 As to the commission of a violent crime with a
22 weapon, possession, it's a 5 year sentence running
23 concurrent. Good luck to you.

24 MR. LYONS: Thank you, Your Honor.

25 THE COURT: All right. I'm going to ask that Mr.

1 Hamilton's family, if y'all would exit the courtroom first.

2 Please, y'all remain seated.

3 Gentlemen, let me know when it is all clear so I
4 can let the victim's family leave.

5 For those on the jury panel who've come back for
6 the sentencing, our state legislation, the statute of a
7 murder gives the judge discretion to sentence between 30
8 years and life. And murder is a little different statutory
9 situation in that whatever sentence you give between 30
10 years and life is a day-for-day, no-parole sentence. So
11 it's no percentage of the 40 years. It's a day-for-day on
12 40 years.

13 He'll be 66 when he's eligible to get out. But it
14 is a waste of his life and obviously the young man's life
15 that was taken.

16 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)
2 County of Aiken) **Certificate of Reporter**

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4
5
6 I, Brenda J. Sigwald, Official Court Reporter for
7 the Second Judicial Circuit of the State of South Carolina,
8 do hereby certify that the foregoing is a true, accurate,
9 and complete Transcript of Record of the proceedings had
10 and evidence introduced in the trial of the captioned case,
11 relative to appeal, in the Court of General Sessions in and
12 for the State of South Carolina on the 4th through the 6th
13 days of December 2017.

14 I FURTHER CERTIFY that I am neither kin, counsel,
15 nor of interest to any party hereto.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal at Aiken County, this 16th day of July, 2018.

18
19
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25

Brenda J. Sigwald
Brenda J. Sigwald,
Court Reporter and Notary Public
For the State of South Carolina
My commission expires
January 4, 2020

WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case #: 14-012732

DWM

ARREST WARRANT NUMBER

2014A0210900035

FILED October 2 2014
Liz Gaddard
DCCP&GS
Amey Henderson

ACTION OF GRAND JURY

true bill

[Signature]

Robert Wade

Foreperson of Grand Jury
Date: October 2, 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014GS0201542

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2014

THE STATE

vs.

REGINALD JEROME HAMILTON, JR.

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

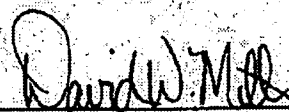
INDICTMENT FOR
MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on October 6, 2014, the Grand Jurors of Aiken County present upon their oath:

That REGINALD JEROME HAMILTON, JR. did in Aiken County on or about March 3, 2014, feloniously, wilfully and with malice aforethought, murder Isiah Miles by means of shooting him multiple times with a long rifle and that the victim did die in Richmond County, Georgia as a proximate result thereof on March 3, 2014. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Chuck Cain

Law Enforcement Case #: 14-012732

DWM

ARREST WARRANT NUMBER

2014A02109000036

FILED October 2 2014

L. Hodard
CCCP & GS

Am. ...

ACTION OF GRAND JURY

true bill

[Signature]

Robert Wade

Foreperson of Grand Jury

Date: October 2, 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014GS0201543

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2014

THE STATE

vs.

REGINALD JEROME HAMILTON, JR.

CDR #: 0549

Indictment for

**POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME**

§ 16-23-0490

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

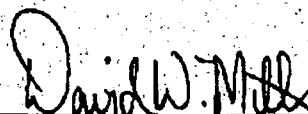
INDICTMENT FOR
POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on October 6, 2014, the Grand Jurors of Aiken County present upon their oath:

That REGINALD JEROME HAMILTON, JR. did in Aiken County on or about March 3, 2014, possess or visibly display a firearm during the commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

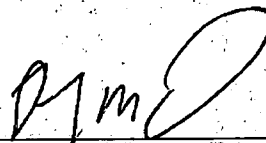


J. STROM THURMOND, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

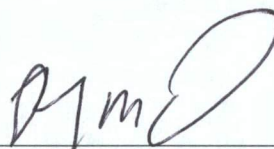
ATTORNEY FOR APPELLANT

This 4th day of March, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of March, 2019.

RECEIVED
MAR 04 2019
SC Court of Appeals