

**ORIGINAL**

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANDRE GREEN,

APPELLANT

APPELLATE CASE NO. 2012-211994

RECORD ON APPEAL

CARMEN V. GANJEHSANI

Appellate Defender

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

Attorney for Appellant

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

SCARLETT ANNE WILSON  
Solicitor, Ninth Judicial Circuit  
101 Meeting St., Ste. 400  
Charleston, SC 29401-2214  
fax (843) 740-5858  
(843) 958-1900

Attorneys for Respondent

**RECEIVED**

MAY 28 2013

**SC Court of Appeals**

INDEX

INDEX.....i

TRIAL TRANSCRIPT (April 23-25, 2012).....1

POST TRIAL MOTION HEARING TRANSCRIPT (April 26, 2012).....323

INDICTMENTS AND SENTENCING SHEETS.....343

CERTIFICATE OF COUNSEL.....353

STATE OF SOUTH CAROLINA  
14TH JUDICIAL CIRCUIT  
COUNTY OF BEAUFORT  
COURT OF GENERAL SESSIONS  
CASE NO'S. 2011-GS-07-02109, 2011-GS-07-02110,  
2011-GS-07-02111, & 2011-GS-07-02112

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

ORIGINAL

APRIL 23, 24, & 25, 2012

TRANSCRIPT OF TRIAL

BEAUFORT, SOUTH CAROLINA

ANDRE GREEN

DEFENDANT

B E F O R E:

HON. J. DERHAM COLE, JUDGE; AND A JURY.

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

ON BEHALF OF THE STATE:

HON. PATRICK A. HALL  
HON. JEFFREY STEPHENS

Present: Sergeant Andre Massey

ON BEHALF OF DEFENDANT:

HON. DONALD C. COLONGELI, LLC

Present: Defendant Andre Green

WANDA H. ROWE, CVR-MASTER  
OFFICIAL COURT REPORTER

MASTER INDEX

DAY ONE, APRIL 23, 2012

Caption & Appearances.....1

Index.....2

Voir Dire  
By the Court.....9

Calling the Case  
and Pretrial Motions.....33

Reading Indictment  
Introductions  
Continue Voir Dire  
By the Court.....45

Calling Jury  
Madam Clerk.....62

DAY TWO, APRIL 24, 2012

By the Court.....71

Jurors Sworn  
Madam Clerk.....77

OPENING STATEMENTS

Opening Statements  
On Behalf of The State  
Mr. Hall.....86

Opening Statements  
On Behalf of Defendant  
Mr. Colongeli.....91

MONICA WISER

|                    |     |
|--------------------|-----|
| Direct Examination |     |
| Mr. Hall.....      | 98  |
| Cross-examination  |     |
| Mr. Colongeli..... | 100 |

MELANIE SMITH

|   |     |
|---|-----|
| Direct Examination                        |     |
| Mr. Hall.....                             | 103 |
| Playing Compact Disc<br>of 911 Calls..... | 105 |
| Cross-examination                         |     |
| Mr. Colongeli.....                        | 106 |

DENNIS BOSKEY

|                                |     |
|--------------------------------|-----|
| Direct Examination             |     |
| Mr. Hall.....                  | 111 |
| OFF THE RECORD                 |     |
| By the Court.....              | 127 |
| Motion for Directed<br>Verdict |     |
| Mr. Colongeli.....             | 129 |
| Continue Direct Examination    |     |
| Mr. Hall.....                  | 132 |

Playing Compact Disc  
 Detective Sergeant  
 Andre Massey Interview  
 of Dennis Boskey.....135

OFF THE RECORD

By the Court.....137

Continue Direct Examination  
 Mr. Hall.....137

Continue Playing  
 Compact Disc  
 Detective Sergeant  
 Andre Massey Interview  
 of Dennis Boskey.....137

Cross-examination  
 Mr. Colongeli.....143

Re-direct Examination  
 Mr. Hall.....172

OFF THE RECORD

By the Court.....177

DETECTIVE SERGEANT ANDRE MASSEY

Direct Examination  
 Mr. Hall.....181

On-the-Record Bench  
 Conference, Objection  
 Mr. Colongeli.....187

By the Court.....199

Cross-examination  
 Mr. Colongeli.....203

Re-direct Examination  
 Mr. Hall.....208

Re-cross-examination  
 Mr. Colongeli.....210

State Rests  
 Mr. Hall.....211

Motion for Directed  
 Verdict  
 Mr. Colongeli.....211

Defense Rests  
 Out of Presence of Jury  
 Mr. Colongeli.....218

Defense Rests  
 In Presence of Jury  
 Mr. Colongeli.....222

DAY THREE, APRIL 25, 2012

By the Court.....223

Closing Statements  
 On Behalf of the State  
 Mr. Hall.....224

|                               |     |
|-------------------------------|-----|
| Closing Statements            |     |
| On Behalf of Defense          |     |
| Mr. Colongeli.....            | 230 |
| Jury Charge                   |     |
| By the Court.....             | 247 |
| Jury Retires to               |     |
| Jury Room Awaiting            |     |
| Permission to Begin           |     |
| Deliberations, 11:15 A.M..... | 268 |
| Inquiry Regarding             |     |
| Exceptions to Instructions    |     |
| By the Court.....             | 269 |
| Court Reporter, Mr. Hall,     |     |
| Mr. Colongeli,                |     |
| Reviewing Exhibits            |     |
| to be Sent to Jurors          |     |
| for Use in Deliberations..... | 274 |
| Bailiff to Notify             |     |
| Jury to begin                 |     |
| Deliberations                 |     |
| 11:27 A.M.....                | 275 |
| Renewing Motions              |     |
| Mr. Colongeli.....            | 276 |
| OFF THE RECORD                |     |

Jury Requests  
 Re-instruction  
 By the Court.....278

OFF THE RECORD

By the Court.....280

Verdict  
 Madam Clerk.....281

Imposition of  
 Sentence,  
 By the Court.....282

Certificate of  
 Reporter.....287

EXHIBITS

STATE'S:

1 Document Identified  
 as Photo Lineup  
 Marked for Identification.....119

2-A Through 2-E  
 Photographs  
 Admitted as Evidence.....184

3 Compact Disc of  
 911 Calls  
 Admitted as Evidence.....106

4 Compact Disc, Redacted  
Interview, Detective  
Sergeant Andre Mass  
of Andre Green  
Admitted as Evidence.....198

5 Compact Disc, Redacted  
Interview, Detective  
Sergeant Andre Massey  
of Dennis Boskey  
Admitted as Evidence.....171

COURT'S:

1 Jury List.....273

2 Proposed Jury Instruction  
Tendered by  
Mr. Colongeli.....273

3 Proposed Jury Instruction  
Tendered by  
Mr. Colongeli.....273

4 Note from Jury.....273

1 BEGIN DAY ONE, APRIL 23, 2012,

2 11:18 A.M.

3 VOIR DIRE, BY THE COURT:

4 THE COURT: Thank you. Be seated. Good morning,  
5 ladies and gentlemen of the jury panel. As the bailiff  
6 just told you, my name is Derham Cole. I'm a resident  
7 circuit judge from Spartanburg County, but I've been  
8 assigned this week to preside over a term of General  
9 Sessions Court here in Beaufort County. And that, of is  
10 the term of court for which you have been selected to  
11 potentially serve as jurors in.

12 I've got some questions that I'm going to ask you  
13 in order to determine your qualifications to serve as a  
14 juror. And when these questions apply to you, you are  
15 required to respond to them. Sometimes a juror thinks a  
16 question is asking you to provide some type of personal  
17 information, and you might not want to provide it in  
18 front of the audience. And if that's the case, then you  
19 can wait until the end of this process and provide me  
20 with that information. But you must respond to a  
21 question where it applies to you, because I have to have  
22 that information in order to determine your  
23 qualifications to serve as a juror.

24 The first question is simply, were each of you  
25 summoned by your correct and proper name? Or has your

1 name been changed by reason of a marriage or divorce or  
2 otherwise, and it was not correctly reflected on the  
3 juror summons? If that's the case, I'll ask that you  
4 please provide us with that information.

5 Is any juror not now a citizen and resident of the  
6 United States, as well as a citizen and resident of  
7 Beaufort County, South Carolina? If you are not now  
8 each of those, I will ask that you please stand.

9 Is any member of the jury panel not now at least 18  
10 years of age?

11 Is any juror not a registered voter and not  
12 qualified to register as a voter? You don't have to be  
13 registered if you're qualified to register, but if  
14 you're not registered and you're not qualified to  
15 register as a voter, then that would disqualify you.  
16 Does that apply to any juror?

17 JUROR: I'm not registered to vote, so, but I'm  
18 here.

19 THE COURT: Okay. But you're qualified to register  
20 if you wanted to?

21 JUROR: Only if I want to.

22 THE COURT: Okay. Thank you. Be seated. Does any  
23 juror not have a driver's license or an identification  
24 card issued by the Department of Public Safety?

25 Is any member of the jury panel unable to read,

1 write, understand or speak the English language? If you  
2 are unable to do any one or more of those things, I  
3 would ask that you provide me with that information.

4 JUROR: Sir?

5 THE COURT: Yes, ma'am.

6 JUROR: I speak some English, as you know, but I  
7 don't have -- my number is 108.

8 THE COURT: 108? Okay.

9 JUROR: Yeah. My English is not very well, so I  
10 don't know.

11 THE COURT: Well, you're understanding all my  
12 questions right now?

13 JUROR: Yeah, I understand you.

14 THE COURT: And you're going to be able to answer  
15 my questions if you need to?

16 JUROR: I think so.

17 THE COURT: Okay. Well, I think that's good  
18 enough. If we have a problem later on, you let me know.  
19 We'll address it. Okay?

20 JUROR: Okay. All right, sir.

21 THE COURT: Does any member of the jury panel have  
22 less than a sixth grade education or its equivalent.  
23 Less than a sixth grade education or its equivalent. If  
24 so, I need you to provide me with that information.

25 Does any juror suffer from any type of mental

1 and/or physical infirmity which would render you unable  
2 to provide efficient jury service? In other words, do  
3 you suffer from any type of mental and/or physical  
4 disability which would prevent you from being able to  
5 carry out your duties as a juror? If so, I need you to  
6 provide me with that information.

7 Has any member of the jury panel been convicted of  
8 a crime for which you could have received more than one  
9 year, and your civil rights have not been restored by  
10 way of amnesty or pardon or otherwise? And what that  
11 means is, if you were --

12 JUROR: Do pending charges fall within that same  
13 category?

14 THE COURT: Well, are you going to let me finish  
15 the question before you answer it? See, that's one  
16 thing you got to do, you got to hear the question before  
17 you can provide the answer, because if you don't know --  
18 even though you think you're anticipating, oftentimes,  
19 you don't get it right. So, this is a deliberate  
20 process. So just listen to my question. And then, if  
21 you need to respond to it, you can stand. And if you  
22 need to ask me a question, you can do that, too.

23 If you've been found guilty of any type of crime,  
24 whether you had a jury trial or whether you plead guilty  
25 of a crime for which you could have received more than a

1 year, it disqualifies you from serving as a juror. It  
2 doesn't matter that you did not actually go to jail. In  
3 other words, you might have come to court and pled  
4 guilty or had a jury trial and been found guilty of a  
5 crime, and you might have been placed on probation. Or  
6 perhaps only a monetary fine was imposed. But if you  
7 are convicted of a crime for which you could have  
8 received more than one year in jail, then that would  
9 disqualify you from serving as a jury? So, does that  
10 question apply to anyone? Did that answer your  
11 question?

12 JUROR: (Indicated affirmative by nodding head.)

13 THE COURT: Okay. Is any member of the jury panel  
14 a clerk, or deputy clerk of court, or state constable,  
15 sheriff, or deputy sheriff, or the functional equivalent  
16 of those, or a probate judge or county commissioner, a  
17 magistrate, or any other county official? Or are you  
18 employed within the walls of the courthouse? If you fit  
19 into any of those categories, that would disqualify you  
20 from serving. So, if that applies to you, I would ask  
21 that you please stand.

22 Prior jury service also serves as both a  
23 disqualification, as well as an exemption, depending  
24 upon when that service was provided. If you have  
25 already served as a circuit court juror during some

1 other term of court this year, 2012, that disqualifies  
2 you from serving this week. You're only permitted to  
3 serve once during the course of a calendar year. So,  
4 has anyone already served this year in the circuit  
5 court? If so, please stand.

6 Has any member of the jury panel served on the  
7 Beaufort County grand jury this year or last year? If  
8 so, please stand.

9 If you have provided jury service in the Court of  
10 Common Pleas or the Court of General Sessions, each of  
11 those are the circuit court. If you have provided jury  
12 service during one of the previous two years, 2011,  
13 2010, that would serve as an exemption, should you  
14 choose to exercise it.

15 An exemption just means that you can't be required  
16 to serve if you don't want to. So, if you served as a  
17 circuit court juror during one of the previous two years  
18 and you do not wish to serve this week, I can't make  
19 you. So, does that apply to -- but if you want to stay,  
20 you're welcome to. Does that apply to any juror? If  
21 so, please stand.

22 If you're 65 years of age or older, you cannot be  
23 required to served as a juror. Many do, but nobody can  
24 make you. So, if you're 65 or older, and you do not  
25 wish to serve, I would ask that you please stand.

1 If you are employed as a -- yes, ma'am.

2 JUROR: I'm over the age, and I have one problem  
3 with on Friday I have surgery. Would that disqualify  
4 me?

5 THE COURT: On Friday?

6 JUROR: Friday.

7 THE COURT: You just want to be excused on Friday?

8 JUROR: Yes.

9 THE COURT: All right. We'll excuse you for  
10 Friday. You stay with us, now, if you want to.

11 JUROR: Thank you.

12 THE COURT: All right. Tell me what your number  
13 is, please, ma'am. What's your number?

14 JUROR: 88.

15 THE COURT: Carol Garapolo?

16 JUROR: Yes.

17 THE COURT: All right. Excused on Friday. The  
18 General Assembly has also provided for, has provided by  
19 statute, for certain excuses based upon what's called  
20 good and sufficient cause that permits a juror to be  
21 excused from jury service, or to have your jury service  
22 postponed for a later date, if that is satisfactory.

23 If you have legal custody of a child or children  
24 who are less than seven years of age, and you have the  
25 duty of care for that child or those children, and you

1 don't have anybody else to provide that care and  
2 supervision if you're down here serving as a juror,  
3 then, under those circumstances, you may be exempt from  
4 serving. But they must be your children. You have to  
5 have legal custody of them. And they must be less than  
6 seven years of age, and be such that you don't have  
7 anybody else to provide that care while you're here.

8 Does that apply to any juror? If so, please stand.

9 Okay. Let me start with, first, you're on the  
10 front row. If you'll give me your number and your name,  
11 please.

12 JUROR: Amanda Dubose, Number 72. I have a four-  
13 year-old and a six-month-old. They currently go to  
14 preschool and daycare. However, I need to be available  
15 to pick them up by 5:30 each day, as my husband is not  
16 available to do so. And my six-month-old had a doctor's  
17 appointment today. He is sick. I do not know if he is  
18 going to be able to go to daycare tomorrow. If he's  
19 contagious, he can't go.

20 THE COURT: All right. So, you're children are  
21 taken care of while you're here, except that you need to  
22 be with them by 5:30.

23 JUROR: I need to pick them up.

24 THE COURT: And your youngest child has a sickness  
25 and may not be able to go back to daycare tomorrow.

1 JUROR: Correct.

2 THE COURT: Well, we'll let you stay now, and then  
3 you let me know about your six-month-old's condition.

4 JUROR: I should be able to -- if I could make a  
5 phone call to my husband, in about 30 minutes, I might  
6 be able to find out what the doctor says, so.

7 THE COURT: All right. Well, as soon as we get  
8 through here, we'll let you make that phone call.

9 JUROR: Okay. Thank you.

10 THE COURT: It might be a nice vacation for you.

11 Yes, ma'am.

12 JUROR: Amy Hooks, Juror 117. I also have a child,  
13 a five-year-old, that is in a daycare situation on  
14 Hilton Head I have to be able to drop off by 8:00  
15 o'clock in the morning, and I have to be able to pick up  
16 by 5:00.

17 THE COURT: All right. So you've got to get there  
18 by 5:00 o'clock, so you've got to leave here by 4:00?

19 JUROR: Um-hmm.

20 THE COURT: We'll see if we can work that out for  
21 you. Okay?

22 JUROR: Thank you.

23 THE COURT: Yes, ma'am.

24 JUROR: My name is Achsah Watkis, Juror 238. I'm  
25 fine with being here. I just have to -- I'm the only

1 one can pick up my four-year-old daughter from daycare.  
2 She has to be picked up by 5:30. So, if I'm leaving  
3 here at 5:00, I'm good.

4 THE COURT: That should not be a problem. Okay?

5 JUROR: My name is Danell Aiken. I'm Juror Number  
6 3. I have a two-year-old son, and I have to pick him up  
7 at 5:00 o'clock.

8 THE COURT: I'm sorry. You have to do what at 5:00  
9 o'clock?

10 JUROR: I have to pick my son up at 5:00 o'clock.

11 THE COURT: And where is your son?

12 JUROR: My sister watch him, and she have to be to  
13 work, so I have to be there to pick him up so she can  
14 go.

15 THE COURT: Well, how far is that from here?

16 JUROR: I work on Hilton Head, but she works at --  
17 in Beaufort at the Walmart in Beaufort. I live on Saint  
18 Helena, so I have to come from work to get here, and  
19 then she goes off to work to get him. And then she goes  
20 off to work.

21 THE COURT: Well, what I'm saying is, if you were  
22 here at the courthouse, how long would it take you to  
23 get to your sister's house to pick up the child?

24 JUROR: Probably about 15 to 20 minutes.

25 THE COURT: We'll try to work that out for you.

1 Okay?

2 JUROR: My name's Karen Hammill, Juror Number 105.  
3 I have a five-year-old son in daycare. He finishes at  
4 3:00. But I also have a just-turned, seven-year-old  
5 daughter who is in school. However, she has major  
6 health considerations that can cause her to be  
7 hospitalized at any time. So, currently, she is fine.  
8 But I need to be able to, if God forbid, something  
9 happen, to be able to go with her to Atlanta where her  
10 hospital is.

11 THE COURT: Now, who looks out for her up until  
12 3:00?

13 JUROR: My daughter's in school currently. She's  
14 at Coosaw Elementary.

15 THE COURT: Okay. And after 3:00, she's with you?

16 JUROR: I pick her up.

17 THE COURT: She's with you after 3:00?

18 JUROR: Yes.

19 THE COURT: And how old is your daughter?

20 JUROR: Seven?

21 THE COURT: She's seven. And you don't have  
22 anybody to look out for her?

23 JUROR: My husband can do it, but he does work full  
24 time. He runs a company. And for him to take off that  
25 amount of time is very difficult.

1 THE COURT: And you don't work outside of the home  
2 yourself?

3 JUROR: I work part time so that I'm home when they  
4 are done school. And I work for my husband, so that if  
5 she has to go, I can go.

6 THE COURT: Okay. We'll excuse you, based upon  
7 hardship. Okay?

8 JUROR: Thank you.

9 THE COURT: You won't need to come back. See that  
10 bailiff right there. All right. Next?

11 JUROR: Yes, sir. Chris Donelson, Number 70. I'm  
12 the sole provider for a three-and-a-half-year-old who is  
13 in Lowcountry Daycare in Bluffton. And I have an  
14 eleven-year-old who went out to California on Thursday  
15 that lives with me full time. I can't afford to take  
16 any time off work to -- my bills are pretty stiff.

17 THE COURT: Well, let me ask you to step up here  
18 just a minute, please, sir.

19 OFF-THE-RECORD BENCH CONFERENCE,  
20 THE COURT, MR. HALL, MR. STEPHENS,  
21 MR. COLONGELI, JUROR DONELSON.

22 BACK ON THE RECORD.

23 BY THE COURT:

24 THE COURT: Juror Number 70 is transferred. He'll  
25 come back to the September term.

1 All right. Any juror who is the primary caretaker  
2 of a person 65 years of age or older or of any person of  
3 any age who is severely disabled and unable to care for  
4 himself or herself and can't be left alone without there  
5 being some significant risk arising from failure to have  
6 someone there that they can provide care? Under those  
7 circumstances, where you're the primary caretaker, your  
8 service may be excused, based upon your need to deal  
9 with that person. Does that apply to any juror?  
10 Primary caretaker? If so, please stand.

11 State law also provides that a juror service may be  
12 postponed to a later date if it interferes with the  
13 school year. So, if you are a full-time student or a  
14 school teacher or other certified personnel at the  
15 building level, and that includes school bus drivers,  
16 where your jury service falls during the school year and  
17 it interferes with those positions, then we can transfer  
18 your service or postpone it to a later date that does  
19 not interfere with the school year.

20 Does that apply to any juror? If so, please stand.

21 JUROR: Juror 148.

22 THE COURT: Okay. Tell me how that question  
23 applies to you.

24 JUROR: I'm the cafeteria manager at Robert Smalls  
25 Middle.

1 THE COURT: Is a cafeteria manager a certified  
2 personnel?

3 JUROR: For my position, yes.

4 THE COURT: You have to be certified to hold your  
5 position?

6 JUROR: Yes, in food service, yes.

7 THE COURT: Certified by the school district.

8 JUROR: Um-hmm.

9 THE COURT: All right. Let the clerk know when  
10 you're going to be out. We'll postpone your service to  
11 a later date. 28 [sic] is transferred.

12 State law also provides that any juror service may  
13 be postponed to a later date or excused entirely based  
14 upon what's referred to as good and sufficient cause.  
15 Now, good and sufficient cause is not just any reason  
16 that you can think of, if I give you enough time to mull  
17 it over. But we recognize that there may be some  
18 circumstances that apply to you or you may have some  
19 reason that affects you, and requiring you to serve as a  
20 juror would result in an unreasonable hardship being  
21 imposed on you. And if that's true, and if it's only  
22 temporary in nature, we can postpone your service to a  
23 later day. And if those circumstances are not going to  
24 change in the foreseeable future, then perhaps we can  
25 excuse your service entirely. But it has to be a

1 circumstances or reason that results in an unreasonable  
2 hardship being imposed upon you if you're required to  
3 stay this week.

4 So, if any juror has such a reason.

5 JUROR: Juror Number 64, Catherine Daugherty. I'm  
6 supposed to be closing on my property anywhere between  
7 Wednesday and Friday. We don't have the date and time  
8 set yet. If -- if I stayed, and let you know what the  
9 time is, would I be able to be excused on that  
10 particular day?

11 THE COURT: Well, you would, but that would be  
12 difficult if you are, in fact, actually serving in the  
13 trial of a case. I mean, I can arrange that now, but if  
14 you don't know when it's going to be, that's a little  
15 hard.

16 JUROR: Yeah, I know. I don't have the date or  
17 time yet.

18 THE COURT: Well, when do you expect to know?

19 JUROR: Hopefully, at some time today they're --  
20 should close -- should have been closed on Wednesday,  
21 but they're lagging a little bit behind. So it could be  
22 any time Wednesday through Friday.

23 THE COURT: All right. Well, let's just have you  
24 stay, then. You try to find out the day and let me  
25 know, and we can try to work around it. Okay?

1 JUROR: Okay.

2 THE COURT: All right. Yes, ma'am.

3 JUROR: Juror Number 61. I have a, on Thursday  
4 morning, a flight scheduled to Los Angeles. I'll be  
5 there Thursday and Friday. I'd be happy to serve Monday  
6 through Wednesday or reschedule for a later date.

7 THE COURT: All right. So you just need to be off  
8 Thursday and Friday?

9 JUROR: Yes.

10 THE COURT: All right. We'll work around that.  
11 Okay? Yes, ma'am.

12 JUROR: I have to babysit for my grandchildren. I  
13 have to be in Bluffton by 4:00 o'clock.

14 THE COURT: All right. And your name is what,  
15 ma'am?

16 JUROR: It's Juror 107, Marianne Haran.

17 THE COURT: All right. And you have to babysit?  
18 Do you do that every day?

19 JUROR: I do that about four to five times a week,  
20 yes, sir.

21 THE COURT: Okay. And is there some other  
22 arrangement that can be made for some future week? Not  
23 necessarily this week, but.

24 JUROR: If given enough notice, I can try to have  
25 them re-arrange their schedules. But her husband works,

1 also. So, when their nights overlap, that's when I come  
2 in.

3 THE COURT: Okay.

4 JUROR: Or if he's working till -- sometimes he'll  
5 go in -- he'll have to go in at 6:00, and he gets out at  
6 7:00. So I'm kind of -- I'm in the middle of the week.

7 THE COURT: Okay. And you didn't have enough  
8 notice this time for them to work all that out?

9 JUROR: No, because she -- I had no idea what time  
10 this was going to end.

11 THE COURT: Okay. All right. Well, what I'll do  
12 is, I'll transfer you to another term of court. And  
13 what you need to do is work that out with them so that  
14 somebody can provide care for those children so that you  
15 can stay down here. You can pick another week during  
16 the year. I'll let you pick the week.

17 JUROR: Okay.

18 THE COURT: So you just be sure you give us a week  
19 where you can be here and the children are taken care  
20 of.

21 JUROR: Okay.

22 THE COURT: Okay?

23 JUROR: Okay.

24 THE COURT: See the clerk. All right. Yes, sir.

25 JUROR: My number is 145.

1 THE COURT: Okay.

2 JUROR: I believe in the court system, but I don't  
3 believe in persecution of anybody.

4 THE COURT: Are you Mr. Lewis?

5 JUROR: Yes, I am.

6 THE COURT: Mr. Lewis, let me ask you just step  
7 down here. We're not going to be persecuting anybody  
8 this week, but let me talk to you about it.

9 OFF-THE-RECORD BENCH CONFERENCE,

10 THE COURT, MR. HALL, MR. STEPHENS,

11 MR. COLONGELI, SEVERAL JURORS.

12 BACK ON THE RECORD.

13 CONTINUE VOIR DIRE

14 BY THE COURT:

15 THE COURT: Juror Number 91 is transferred.

16 All right. Those are all the questions I have for  
17 you. So, if anybody needs to respond to a question that  
18 was asked but you didn't want to respond to it at the  
19 time it was asked, now's the time to come forward to  
20 provide me with that information in order to determine  
21 your qualifications. Anyone else need to come forward?

22 BAILIFF: Ready, your Honor? Mr. Martin, Juror  
23 Number 153.

24 OFF-THE-RECORD BENCH CONFERENCE,

25 THE COURT, MR. HALL, MR. STEPHENS,

1 MR. COLONGELI, AND SEVERAL JURORS.

2 BACK ON THE RECORD.

3 THE COURT: Juror 221 is transferred.

4 BAILIFF: Mr. Franklin, Number 18, your Honor.

5 OFF-THE-RECORD BENCH CONFERENCE,

6 THE COURT, MR. HALL, MR. STEPHENS,

7 MR. COLONGELI, SEVERAL JURORS:

8 BACK ON THE RECORD.

9 THE COURT: Juror 82 is transferred.

10 BAILIFF: Mr. Szady, Number 225, your Honor.

11 OFF-THE-RECORD BENCH CONFERENCE,

12 THE COURT, MR. HALL, MR. STEPHENS,

13 MR. COLONGELI, MR. SZADY.

14 BACK ON THE RECORD.

15 BAILIFF: Mr. Johnson, Number 126, your Honor.

16 OFF-THE-RECORD BENCH CONFERENCE,

17 THE COURT, MR. HALL, MR. STEPHENS,

18 MR. COLONGELI, MR. JOHNSON.

19 BACK ON THE RECORD.

20 THE COURT: 125 is disqualified.

21 BAILIFF: Ms. Reilly, Number 183, your Honor.

22 OFF-THE-RECORD BENCH CONFERENCE,

23 THE COURT, MR. HALL, MR. STEPHENS,

24 MR. COLONGELI, MS. REILLY.

25 BACK ON THE RECORD.

1 THE COURT: 183 is transferred.

2 BAILIFF: Ms. Campbell, Number 43, your Honor.

3 OFF-THE-RECORD BENCH CONFERENCE,

4 THE COURT, MR. HALL, MR. STEPHENS,

5 MR. COLONGELI, MS. CAMPBELL.

6 BACK ON THE RECORD.

7 BAILIFF: Ms. Lee, Number 143, your Honor.

8 OFF-THE-RECORD BENCH CONFERENCE,

9 THE COURT, MR. HALL, MR. STEPHENS,

10 MR. COLONGELI, MS. LEE.

11 BACK ON THE RECORD.

12 BAILIFF: Ms. Lee, Daugherty, Number 64, your  
13 Honor.

14 OFF-THE-RECORD BENCH CONFERENCE,

15 THE COURT, MR. HALL, MR. STEPHENS,

16 MR. COLONGELI, MS. LEE.

17 BACK ON THE RECORD.

18 BAILIFF: Mr. Branham, Number 30, your Honor.

19 OFF-THE-RECORD BENCH CONFERENCE,

20 THE COURT, MR. HALL, MR. STEPHENS,

21 MR. COLONGELI, MR. BRANHAM.

22 BACK ON THE RECORD.

23 BY THE COURT:

24 THE COURT: All right. Anybody else?

25 All right. It appears that the panel is qualified.

1 As I told you, this is a term of General Sessions Court.  
2 That's the crime side of the circuit court. The circuit  
3 court in South Carolina is the general trial court. It  
4 hears both crime and civil cases. When the Court is  
5 sitting and disposing of civil cases, it's referred to  
6 as the Court of Common Pleas. When the Court is sitting  
7 and disposing of criminal cases, it's referred to as the  
8 Court of General Sessions. So this is the Court of  
9 General Sessions.

10 All cases to be brought before the Court this week  
11 will be of a criminal nature. That is, someone will be  
12 accused of having committed some type of criminal  
13 offense. And where they enter a plea of not guilty, a  
14 jury is selected for the purpose of considering the  
15 evidence in the case and deciding the facts and applying  
16 the law and determining whether or not that person has  
17 been proven guilty or not.

18 Your service will be required potentially today  
19 through Friday. That doesn't mean that you'll be here  
20 all week. Once we pick a jury, I don't know how long  
21 the case might last. If it lasts a couple days, then  
22 you jurors, the ones that are not selected, won't have  
23 to come back until we need you for a potential jury  
24 selection. So hopefully, in that way, that'll minimize  
25 the inconvenience imposed upon you by virtue of your

1 jury service.

2 The general hours of the court are from 9:30 in the  
3 morning until one o'clock in the afternoon. We recess  
4 at that time for lunch. We'll resume sometime between  
5 2:00 o'clock and 2:30. We try to complete our day by  
6 5:00 o'clock, because we recognize that we're imposing  
7 upon your daytime hours, we'll try not to impose upon  
8 your evening hours, if that can be avoided. And more  
9 often than not that it can. More often than not it can  
10 be avoided.

11 But, what you'll need to do, except for those that  
12 I've already made a note of, you'll need to make  
13 arrangements to ensure that you can be present from 9:30  
14 in the morning until 5:30 in the afternoon. And that  
15 should accommodate any necessity of your presence here  
16 by virtue of your jury service.

17 If you have an issue during the course of the week,  
18 you can speak to one of the bailiffs or the clerk of  
19 court or some member of her staff. If you have a  
20 question that needs to be addressed to me, let them  
21 know. They'll make arrangements for you to see me, and  
22 I'll address those issues or answer those questions.

23 The bailiff and the court personnel is not here to  
24 talk to you about cases that you might be involved in or  
25 be called upon to decide. So don't talk to anybody

1 about the cases that are being called or cases that you  
2 might be involved with. You're not to discuss those  
3 cases with anybody. But if you have an issue or  
4 question outside of the case, you can talk to the  
5 bailiffs or the clerk's staff to help you resolve those.

6 If you have an issue that comes up regarding a  
7 case, you just let the bailiff or the clerk's staff know  
8 that you need to talk to me about something, and they'll  
9 make those arrangements, and I'll address that with you.

10 All right. As I say, you're not going to be here  
11 from 9:30 until 5:30 each day, but you're subject to  
12 being called during the course of the week. So that's  
13 why we need for you to let us know. If you have some  
14 issue, we try to work around it if we can. Otherwise,  
15 we will expect that you will be prompt when you've been  
16 asked to report, and that you'll dedicate your time and  
17 talents to the -- any case that needs your assistance in  
18 having it resolved.

19 When you are asked to report, please report  
20 promptly. If you don't report promptly, then we'll all  
21 be sitting here, just as we are now, waiting for you to  
22 report. And I'm going to be here all week anyway, but  
23 your fellow jurors, as I told you, won't need to be here  
24 unless they're involved in jury selection or they're  
25 participating in the trial of a case. And if you don't

1 show up promptly when you're asked to report, all of  
2 your fellow jurors are going to be sitting here just as  
3 you are now, waiting for you to show up. So please be  
4 mindful that we can't conduct our business without your  
5 assistance. But more importantly, please do not allow  
6 your tardiness to be an imposition upon your fellow  
7 jurors and their time.

8 You all given the juror information out?

9 MADAM CLERK: No, sir, we haven't.

10 THE COURT: You haven't. Everybody get a pamphlet  
11 this morning? Read the pamphlet. Not right this  
12 minute, but if you didn't receive one, raise your hand  
13 and we'll get you one.

14 MADAM CLERK: It was in the jury summons.

15 THE COURT: It's in the summons. You got it with  
16 your juror summons. Some people give it out with the  
17 summons.

18 BAILIFF: At ease, please.

19 THE COURT: It got mailed to you with the juror  
20 summons. Anybody not remember that? Anyway, you got a  
21 pamphlet in the mail. So, when you get a chance, read  
22 that pamphlet so that you can benefit from that  
23 information. What about call-back numbers? Did you  
24 give them those?

25 MADAM CLERK: Yes, sir.

1 BAILIFF: Yes, sir, your Honor.

2 THE COURT: All right. You've got your call-back  
3 number. So, if you don't get selected, I'll ask you to  
4 call back to receive reporting information, if I don't  
5 tell you when I come back first. So just follow all  
6 instructions, and everything will operate smoothly.

7 All right. Now, I think we've got some matters to  
8 occupy the Court's time for the balance of this morning.  
9 I'm going to find that out in just a minute. So I'm  
10 going to ask you to go with the bailiff to the jury  
11 assembly room. And once I resolve those matters or  
12 determine how many we have, I'll let you know if you can  
13 be excused and when you need to come back. But likely,  
14 you're going to be coming back this afternoon, if not  
15 before. So just be prepared for that. Okay?

16 Please go with the bailiff to the jury assembly  
17 room right now, and I'll send you that word shortly.

18 Thank you for your participation.

19 JURY LEAVES COURTROOM 12:14 P.M.

20 THE COURT: We're going to take ten minutes.

21 BACK ON THE RECORD.

22 CALLING THE CASE AND

23 PRETRIAL MOTIONS:

24 MR. HALL: The State calls Case Number 2011-GS-07-  
25 2109, 2110, 2111, and 2112. It's State versus Andre

1 Green, charging kidnaping, armed robbery, car jacking,  
2 and possession of a weapon by a convicted felon.

3 To the Court, my name is Patrick Hall. Good  
4 afternoon. I'm with the Solicitor's Office. Don  
5 Colongeli is representing Mr. Green. He's -- and Mr.  
6 Green should be out shortly.

7 THE COURT: All right. Do we have any pretrial  
8 matters?

9 MR. COLONGELI: I'm sorry, your Honor.

10 THE COURT: Do you have any pretrial matters we  
11 need to address prior to selection, jury selection?

12 MR. COLONGELI: Your Honor, there are matters,  
13 obviously, I would like to address. I don't know if the  
14 State has any to go first, but I'd be happy to let you  
15 know what I've got.

16 THE COURT: All right. I'll hear from you.

17 MR. COLONGELI: At this point, your Honor, we would  
18 move to renew the *Rule 5*, which was submitted on this  
19 case initially. Friday of this past -- this past  
20 Friday, I submitted a specific *Rule 5*, which pretty much  
21 covered everything the initial *Rule 5* did. And for  
22 purposes of preserving the record, we would renew that  
23 *Rule 5* at this point in time and ask the State if they  
24 have complied with such rule in giving the Defense  
25 everything that I have in my file.

1 MR. HALL: Your Honor, everything that I have, Mr.  
2 Colongeli has.

3 THE COURT: Okay.

4 MR. COLONGELI: We'd also move at this time that  
5 the witnesses be sequestered. I am under the impression  
6 the case officer in this particular case is a Sergeant  
7 Detective Massey from Port Royal Police Department.  
8 Obviously, as the case officer, I believe he would be  
9 allowed to stay.

10 There is a victim witness by the name of Dennis  
11 Boskey, I believe, who is subpoenaed to be here. There  
12 is another individual, a 911 caller, who I believe the  
13 State has called as a witness.

14 Any other additional law enforcement officers, I  
15 would move at this point that they be sequestered, other  
16 than the case officer. There is an identification issue  
17 at hand here. So I would ask that the victim, if he  
18 shows, be sequestered until he, in fact testifies, if he  
19 does show or testify.

20 MR. HALL: I have no objection to that, your Honor.

21 THE COURT: Well, the *Constitution* might -- I don't  
22 think you can sequester the victim. They have a right  
23 to be present at all stages.

24 MR. COLONGELI: I understand that, your Honor. And  
25 I don't disagree with you. The only exception I make

1 for the record is the fact that there is a *Neil v.*  
2 *Biggers* issue here as far as the identification. And  
3 I'm not sure how to handle that. If it would be  
4 appropriate to have a hearing as to that issue prior to  
5 the case commencing or not. Obviously, procedurally, I  
6 don't believe I have that option, but that's the issue  
7 I'm concerned about.

8 THE COURT: Well, are we going to have an  
9 identification hearing? Is the victim going to be the  
10 first person to testify?

11 MR. HALL: No, your Honor.

12 THE COURT: Well, is he in agreement not to be  
13 present and be sequestered during other witness  
14 testimony?

15 MR. COLONGELI: I'll actually need to speak to the  
16 victim.

17 THE COURT: Okay. You speak to him about that, and  
18 we'll address it.

19 MR. COLONGELI: All right.

20 THE COURT: As far as the other witnesses, what's  
21 your position?

22 MR. HALL: As far as the other witnesses go, I'd  
23 state no objection.

24 THE COURT: Okay.

25 MR. HALL: Your Honor, there are a number of video

1 and audio tapes in this case. All of which contain  
2 discussions relating to my client's prior criminal  
3 history. Those would require a great deal of  
4 redactions. I would move at this point that, obviously,  
5 there would be a motion by me that those be suppressed,  
6 or that you allow us time or the State time to redact  
7 all -- any -- all references or any sort of reference  
8 pertaining to my client's criminal history. There's a  
9 great deal of them throughout all of the interviews.

10 And I don't know if the State intends on using  
11 those audio and/or videos before the jury, or if they  
12 just plan on garnering testimony from the officers, but,  
13 obviously, there's a lot of issues that would have to be  
14 -- remarks that would have to be redacted. That's  
15 something I need to address now, depending on what the  
16 State decides and how they are going to proceed.

17 MR. HALL: Your Honor, there's one video in  
18 particular that I have painstakingly gone through  
19 numerous times to pinpoint, even down to the half  
20 second, where things should stop and then start again,  
21 where places should be cut out where Mr. Green  
22 references his prior armed robbery conviction. And it's  
23 where I think there were conversations -- we're talking  
24 about a conversation that took place between Sergeant  
25 Massey and Andre Green at the Beaufort County Detention

1 Center, which was audio and video recorded.

2 There are sections of that video that they go off  
3 on a tangent where, if so, you know, blocked those  
4 sections off. The only issue that I'm having at this  
5 point is I have absolutely no experience in video  
6 editing whatsoever. I'm going to have someone help me  
7 out with that this afternoon. And like I said, I have  
8 it pinpointed down to where the spots are that need to  
9 be taken out for the references that Mr. Colongeli's  
10 speaking of.

11 THE COURT: All right. So you're in agreement with  
12 the redaction.

13 MR. HALL: I intend to use the -- Mr. Green's --  
14 assuming that everything else passes muster, I intend to  
15 use Mr. Green's conversation with Sergeant Massey, and I  
16 agree that, in order to do so, they would have to be  
17 redacted. I would not be able to play it in its  
18 entirety.

19 THE COURT: Well, it'll have to be redacted,  
20 because if it's going to be an exhibit that's going to  
21 be introduced, then you can't just start and stop it,  
22 and it won't be able to go back to the jury room. Once  
23 it's introduced, it does go back to the jury room. So,  
24 if it's going to be introduced, it's going to have to be  
25 redacted. Otherwise, it can't be shown.

1 MR. HALL: I understand.

2 THE COURT: Okay. All right. What's next?

3 MR. COLONGELI: Your Honor, out of an abundance of  
4 caution, I would like to inform the Court that there is  
5 a co-defendant in this matter by the name of Brandon  
6 Parker. Brandon Parker was immediately identified by  
7 the alleged victim in this case upon the incident  
8 occurring. He was the known defendant to the victim.

9 He was arrested shortly after this incident  
10 occurred. My knowledge, my investigation into this case  
11 is that he had gotten a bond reduction, bonded out.  
12 Information as of Friday of this last week was that he  
13 was re-incarcerated. I spoke to the chief public  
14 defender here in Beaufort County, Ms. Trasi Campbell.  
15 She was going to look into that for me.

16 I, in talking with the Solicitor today, have been  
17 told by him that he -- his impression is that he's no  
18 longer incarcerated. And what I'm getting at, your  
19 Honor, is, I don't see any reason why, as far as I  
20 believe *Bruton* issues may apply here, the State does not  
21 intend on trying these fellows together. I believe they  
22 have Brandon Parker as a defendant available to them,  
23 and I think out of judicial economy, the Court should be  
24 aware that there is a co-defendant here also. So we've  
25 got issues with the co-defendant, and I'd like to bring

1 that to the Court's attention also.

2 The State has not provided me with any sort of  
3 deals or agreement that this co-defendant is going to  
4 testify, so I'm under the impression, obviously, they  
5 don't intend to prosecute or notice that fellow for  
6 trial. But I know in the past judges have been -- I  
7 just want to make you aware, you know, that there is a  
8 co-defendant here that also, my understanding in  
9 watching and investigating this case, denies these  
10 allegations, along with my client. And I think that  
11 needs to be addressed.

12 MR. HALL: What he's saying is accurate. There is  
13 a co-defendant by the name of Brandon Parker. He was  
14 incarcerated for a period of time, bonded out. And the  
15 last that I had checked on Mr. Parker, he was not  
16 noticed for trial today. I had had some difficulty  
17 actually securing his appearance from prior court dates.  
18 In fact, he was supposed to appear this morning for  
19 court, and did not appear at all. So I -- I did not  
20 notice him, and intended to go forward on Mr. Green,  
21 because Mr. Green's been in custody for a substantial  
22 period of time at this point.

23 THE COURT: Okay.

24 MR. COLONGELI: Your Honor, I've just been notified  
25 that Mr. Parker is incarcerated in the detention center

1 next door.

2 THE COURT: Are you suggesting that I require him  
3 to try them together? I'm not sure what --

4 MR. COLONGELI: Well, typically, -- well, your  
5 Honor, with all due respect, I only bring it up out of  
6 the interests in judicial economy, and also the fact  
7 that, obviously, I guess I would assume that he's -- if  
8 the State is not going to try Mr. Parker, that there can  
9 be no reference to any sort of testimony or statements  
10 he made, also.

11 THE COURT: Well, I don't think there's any  
12 question about that.

13 MR. COLONGELI: That's what I'm concerned about,  
14 your Honor. And that's why I'm a little --

15 THE COURT: You're concerned they're going to  
16 introduce Mr. Parker's statements in the trial of your  
17 client?

18 MR. COLONGELI: Any reference to Mr. Parker or his  
19 statements, that's correct.

20 THE COURT: Well, if they're acting together, I  
21 assume that a victim, that they would testify that there  
22 were two people there. But as far as Mr. Parker's  
23 statements, unless they come in under some exception, I  
24 don't know how they'd be permitted.

25 Are you intending to offer anything Mr. Parker

1 said?

2 MR. HALL: No. I -- Mr. -- Mr. Parker was  
3 interviewed, caught on video, lasted approximately 20  
4 minutes long. And his essentially mirrors what Mr.  
5 Green has said. The only difference is Mr. Green says a  
6 few different things, and his lasts an hour and 45  
7 minutes.

8 THE COURT: Well, in any event, you don't intend to  
9 introduce any statements by Mr. Parker.

10 MR. HALL: Nothing other than what the victim could  
11 testify to what he observed during the --

12 THE COURT: All right.

13 MR. COLONGELI: That's fine, your Honor. And out  
14 of an abundance of caution, I wanted to let the Court  
15 know. In the past, I think -- I've been in situations  
16 where judges are very hesitant to severe cases when the  
17 State has co-defendants. And this issue, it's never  
18 really come up that the State's ever intended to want to  
19 try the co-defendant, who was arrested shortly after  
20 this incident and the one who was identified, as opposed  
21 to Mr. Green, who was incarcerated October of last year.

22 I was appointed in December, and notice of trial in  
23 February. Was unable to try the case in February. And  
24 here we are in April to go again, which I'm ready to go,  
25 but that's the only reason I brought that up is in the

1 past, judges are very hesitant why both co-defendants --  
2 or whether there's more than two defendants aren't tried  
3 together, so.

4 THE COURT: Okay. Well, I'm not hesitant about  
5 this. Doesn't make any difference to me.

6 MR. COLONGELI: All right. Thank you, Judge. I  
7 believe I've addressed everything. The only other thing  
8 I think the Court should be aware of at this point, and  
9 obviously, I guess this will play out at trial, I did  
10 hand over to Mr. Hall this morning a document I received  
11 at my office this weekend.

12 It is a statement from the victim, the alleged  
13 victim/witness, who has recanted his statements, prior  
14 statements, to police officers in the State. He is in  
15 possession of that document. I intend to introduce that  
16 as an exhibit. And I just thought the Court should be  
17 aware of that now before we take up any more of your  
18 time.

19 Not only did I give him that document, I gave him  
20 another document, a witness I intend to probably produce  
21 at the trial of this case who has been contacted by this  
22 victim since its inception, indicating to her that he's  
23 made attempts to dismiss the charge against Mr. Green at  
24 the Solicitor's Office, which they deny. And that he  
25 did finally get a notarized statement this weekend

1       indicating that he has no desire to be here and that  
2       he's never met this man in his life.

3               THE COURT:   Okay.

4               MR. HALL:   I'll acknowledge for the record that  
5       I've received that.

6               MR. COLONGELI:  He also goes so far to say, your  
7       Honor, in the notarized statement, that he is aware that  
8       he's made statements to law enforcement prior to this,  
9       and that those statements were untrue.  And he put that  
10      in writing.  It's notarized.  I just wanted to make the  
11      Court aware that that would be an exhibit.

12              THE COURT:  Okay.  Well, if he testifies, you can  
13      ask him about it.  Mr. Hall says it doesn't serve as a  
14      significant impediment to his prosecution, so.

15              MR. COLONGELI:  Understood.  Thank you.

16              THE COURT:  Okay.

17              MR. COLONGELI:  That's all I have at this time,  
18      your Honor.

19              THE COURT:  All right.  Anything else?

20              MR. COLONGELI:  I don't believe I have anything  
21      else.

22              MR. HALL:  No, your Honor.

23              THE COURT:  All right.  Jury's coming back at 2:30?

24              BAILIFF:  Yes, sir.

25              THE COURT:  All right.  Court's in recess until

1 2:15.

2 MR. HALL: Thank you.

3 MR. COLONGELI: Thank you, Judge.

4 OFF THE RECORD

5 BACK ON THE RECORD 2:37 P.M.

6 BY THE COURT:

7 THE COURT: You all have voir dire requests?

8 MR. HALL: None specific, your Honor.

9 MR. COLONGELI: Your Honor, on the standards, ones  
10 that are generally given by the Court, I trust that you  
11 have -- the ones that you already have -- I have none to  
12 provide you, other than victims of crime related to law  
13 enforcement or anyone involved with the Solicitor's  
14 Office or my office or Mr. Green.

15 THE COURT: Have you got an indictment?

16 MR. HALL: Yes, your Honor.

17 THE COURT, MR. HALL, MR. COLONGELI,

18 MR. STEPHENS.

19 BACK ON THE RECORD.

20 JURY RETURNS TO COURTROOM 3:00 P.M.

21 READING INDICTMENT, INTRODUCTIONS,

22 CONTINUE VOIR DIRE, BY THE COURT:

23 BAILIFF: All present, your Honor.

24 THE COURT: All right. Thank you. Good afternoon,  
25 ladies and gentlemen. We are ready to begin with jury

1 selection. And the first case is going to require some  
2 of your participation.

3 The title of the case is the State versus Andre  
4 Green. Mr. Green is the defendant. He is the person  
5 accused of these particular crimes. He is alleged to  
6 have committed four separate and distinct offenses,  
7 although they are alleged to have arisen out of one  
8 particular event or a course of events, which the State  
9 alleged occurred back on December the 5th -- excuse me  
10 -- on about September the 6th. What is that date, by  
11 the way?

12 MR. HALL: June 9th, your Honor.

13 THE COURT: June 9th. 2011, 6-9. All right. June  
14 9, 2011, the defendant is alleged to have committed the  
15 crimes of car jacking, kidnaping, armed robbery, and  
16 possession of a pistol unlawfully.

17 The state alleges that Mr. Green did, here in  
18 Beaufort County, take or attempt to take a motor vehicle  
19 that belonged to Dennis Boskey, by the use of force,  
20 violence, or intimidation, while Mr. Boskey was  
21 operating that vehicle or while he was inside the  
22 vehicle.

23 The State also alleges that Mr. Green did seize,  
24 confine, kidnap, abduct, or carry away Dennis Boskey  
25 without authority of law.

1           The state also alleges that Mr. Green did commit  
2 the crime of armed robbery; and that he did, through the  
3 use of force, threats, intimidation, and while armed  
4 with a deadly weapon, did take, steal, and carry away  
5 goods and/or money from the person of Dennis Boskey,  
6 with the intention of depriving him of use and  
7 possession of that property.

8           And also, that he unlawfully possessed a handgun.  
9 He not being authorized under the law to possess a  
10 handgun under the circumstances as set forth.

11           Now, as to those allegations and as to each of  
12 those charges, the defendant, Mr. Green, has entered a  
13 plea of not guilty. That plea of not guilty has,  
14 therefore, placed upon the State the burden of proving  
15 the allegations that they had set forth in each of these  
16 indictments; the burden of proving each of the essential  
17 elements that make up the crimes that are alleged  
18 against the defendant. And therefore, the burden is  
19 upon the State to establish the defendant's guilt to the  
20 satisfaction of twelve jurors beyond a reasonable doubt  
21 before any verdict of guilty could be returned as to any  
22 of the separate charges.

23           And so, we're going to be selecting actually  
24 thirteen of you, twelve primary jurors and one  
25 additional juror, to serve as an alternate in the event

1 the primary twelve are unable to serve during the course  
2 of the trial.

3 And by waiver of selection, you're simply going to  
4 be called upon to consider all of the evidence received  
5 during the trial of the case. Upon consideration of  
6 that evidence, you'll decide what you believe to be the  
7 facts as they relate to these particular allegations.  
8 Once you decide the facts, you'll apply the law that I  
9 will have provided you, and you will determine whether  
10 or not the defendant has been proven guilty of any  
11 criminal alleged against him.

12 If he has, then your verdict is guilty. If he has  
13 not, then your verdict is not guilty as to that  
14 particular charge.

15 Now, before we begin with jury selection, I've got  
16 some questions that I'm going to ask you. And the  
17 purpose of the questions is to determine whether or not  
18 there is any reason why any one of you jurors should not  
19 be selected to participate in the trial of this  
20 particular case.

21 And so, as these questions are asked, should you  
22 need to respond to them, I'm going to ask that you  
23 please stand, and I'll address those matters with you  
24 individually, in the event that should become necessary.

25 But we're not going to be able to let anybody else

1 go in or out of this courtroom while I'm talking to this  
2 jury.

3 BAILIFF: Yes, sir, your Honor.

4 THE COURT: The first thing I'll do is introduce  
5 some people to you. And these are folks that are  
6 involved in the trial of this case. That includes the  
7 defendant. That includes the person alleged to be the  
8 victim. That includes the lawyers involved in the case.  
9 And that also includes any potential witnesses that  
10 might be called during the course of the trial.

11 And the reason I'm identifying these people for you  
12 is because I need to find out if you have any connection  
13 with them. Are you related by blood or marriage to  
14 them. Do you go to church with them. Do you work with  
15 them. Do you socialize with them. Do you attend school  
16 with them, or do you know them in any way. Have you met  
17 them somewhere. Do you have any connection whatsoever.

18 And if you do, as that person's name is announced,  
19 I'll ask that you please stand so that we can determine  
20 what that connection is and whether or not it'll affect  
21 your ability to be fair in this case. And I'll have  
22 some additional other questions I ask you as they relate  
23 to the case itself or similar cases to find out your  
24 ability to be fair and impartial.

25 Now, as I told you, the defendant in this case is

1 Andre Green. Mr. Green, if you'll stand and face the  
2 jury panel so that they may see who you are.

3 (DEFENDANT ANDRE GREEN COMPLIES.)

4 Mr. Green is the gentleman in the blue shirt.  
5 Standing with Mr. Green is Mr. Colongeli. That's his  
6 lawyer. He'll be assisting Mr. Green in the trial of  
7 this case.

8 The victim in this case is not, at this moment,  
9 present, but his name is Dennis Boskey. And he is the  
10 person who is alleged to have been the victim of the  
11 armed robbery, the kidnaping, and the car jacking.

12 Presenting the case on behalf of the State is  
13 Patrick Hall, who is an assistant circuit solicitor for  
14 the 14th Judicial Circuit, which includes Beaufort  
15 County.

16 Now, potential witnesses to be called during the  
17 trial include Andre Massey with the Port Royal Police  
18 Department. He's a sergeant with that agency. Dennis  
19 Boskey, who I've already mentioned. Melanie Smith with  
20 the Beaufort County Sheriff's Department. Monica Wiser,  
21 Kia Parker, and Larry Batson.

22 Now, does any juror know any person who has just  
23 been identified for your benefit, as well as do you know  
24 anybody else who is employed in the circuit solicitor's  
25 office. If so, please stand.

1 All right. I'm going to start on the first row on  
2 my right. I'll work my way back, and I'll jump the  
3 isle.

4 If you'll give me your name and your juror number,  
5 please, ma'am.

6 JUROR: My name McKimmie Smith, and my number is  
7 213.

8 THE COURT: And who is it that you know?

9 JUROR: I know Ms. Kia Parker. We went to school  
10 together.

11 THE COURT: And would the fact that you went to  
12 school with Ms. Parker have any bearing upon your  
13 decision in this case if she was to be called as a  
14 witness?

15 JUROR: No, sir.

16 THE COURT: All right. Thank you. You may be  
17 seated. Yes, ma'am.

18 JUROR: Number 72, Amanda Debose. I know Dawn  
19 Burke at the Solicitor's Office.

20 THE COURT: Okay. And would that have any bearing  
21 upon your decision in this case if you were called upon  
22 to serve?

23 JUROR: No, sir.

24 THE COURT: Thank you. Be seated. Yes, ma'am.

25 JUROR: My name is Danell Aiken, Juror Number 3. I

1 know Kia Parker, I know Andre Green, and I also know the  
2 victim, Dennis.

3 THE COURT: All right. And would any of those  
4 facts have any bearing upon your decision in the case?

5 JUROR: Yes.

6 THE COURT: Okay. We'll excuse Juror Number 3 from  
7 service in the case. Don't talk about anything you  
8 might know about the case. Don't leave yet, though.  
9 You can have a seat on that back row, if you don't mind,  
10 though.

11 All right. Next juror.

12 JUROR: My name is Achsah Watkis, and I'm Juror  
13 238. I think I know Kia Parker. I don't know if  
14 there's more than one, but I went to school with Kia  
15 Parker.

16 THE COURT: Okay. Well, I don't know which one  
17 this is either. Mr. Colongeli, can you narrow it down  
18 for her.

19 MR. COLONGELI: I'm sorry, your Honor.

20 THE COURT: Is this not one of your witnesses?

21 MR. COLONGELI: No. No, sir.

22 MR. HALL: Kia Parker?

23 MR. COLONGELI: Oh, Kia Parker is, yes, your Honor.  
24 I'm sorry.

25 THE COURT: Can you narrow her identification for

1 her? Oh, there she is.

2 JUROR: Oh. No, I don't know her.

3 THE COURT: All right. Yes, ma'am.

4 JUROR: My name's Lashawna Knuckles, and I am  
5 Juror Number 137. And I do recognize the defendant from  
6 high school, and I also know the -- Mr. Boskey.

7 THE COURT: Okay. And would either of those  
8 connections have any bearing upon your decision in this  
9 case if you were selected?

10 JUROR: Yes.

11 THE COURT: All right. Juror 137 is excused from  
12 serving. Yes, ma'am.

13 JUROR: I'm Number 52. I'm familiar with the case.

14 THE COURT: All right. And is there anything that  
15 you know or that you've heard, seen, read, or whatever,  
16 information you have about this case, which may or may  
17 not be accurate. By the way, you never know about that.  
18 But whatever you know, do you think it would affect your  
19 ability to be fair and impartial if you were selected?  
20 Could you put aside anything that you might have heard  
21 or seen about the case and not allow it to influence  
22 your judgment if you were selected, and base your  
23 decision solely upon what you see and hear during the  
24 trial?

25 JUROR: Probably no.

1 THE COURT: Probably not? Okay. We'll excuse you  
2 from service. That's Juror 52.

3 MR. COLONGELI: Your Honor, Number 52?

4 THE COURT: She said 52.

5 MR. COLONGELI: Yes.

6 THE COURT: Anybody else know somebody in the case?  
7 Yes, sir?

8 JUROR: 149. I don't -- I don't think I -- they  
9 family, so.

10 THE COURT: You think what?

11 JUROR: They family, so it'd be kind of hard for me  
12 to --

13 THE COURT: Ms. Parker's family?

14 JUROR: No.

15 THE COURT: Whose family?

16 JUROR: The man from -- sitting back here.

17 THE COURT: Well, see, I don't know who's sitting  
18 back there, so.

19 JUROR: Do you want to sit down?

20 BAILIFF: No, they don't want to stand up. Sit  
21 down.

22 THE COURT: Who do you know? Whose family is this?

23 JUROR: Right here. That's the defendant.

24 THE COURT: Oh, it's Mr. Green's family.

25 JUROR: Yes, sir.

1 THE COURT: Oh, so you know some of Mr. Green's  
2 family.

3 JUROR: Yeah.

4 THE COURT: Would that have any bearing upon your  
5 decision in the case?

6 JUROR: Yeah, they --

7 THE COURT: Well, yes or no.

8 JUROR: Yeah. Yeah.

9 THE COURT: It would? All right. We'll excuse you  
10 from service in the case. Just have a seat. All right.

11 Does anybody else know anybody involved in the case  
12 or any members of their respective families? If so,  
13 please stand. Okay.

14 Does anything, besides Juror Number 52, does  
15 anybody believe that you have heard, seen, or read  
16 something that might relate to this particular case? In  
17 other words, have you been exposed to any type of  
18 information that relates to this particular case from  
19 any source? If so, please stand.

20 Is there anything about the -- yes, sir.

21 JUROR: I just remember that it was on the news  
22 last summer.

23 THE COURT: All right. Tell me your name and  
24 number, please, sir.

25 JUROR: Frank Kollar, 138.

1 THE COURT: 138. And you saw something on the  
2 news?

3 JUROR: Yeah.

4 THE COURT: How recent?

5 JUROR: It was like last -- middle of June, I  
6 believe.

7 THE COURT: Okay. Middle of June last year?

8 JUROR: It was on the news. It was on the early  
9 evening news, and it was on the eleven news.

10 THE COURT: I understand. Okay. I understand.  
11 You watch the news.

12 JUROR: I didn't see it in the paper.

13 THE COURT: Okay. Is there anything that you've  
14 heard on the news that was on the news that would affect  
15 your judgment in the case?

16 JUROR: I don't think so. I mean, I barely  
17 remember. It's just when you said I knew something, I  
18 just remembered vaguely that --

19 THE COURT: Well, would you be able to put that  
20 aside and not allow it to influence your judgment if you  
21 were selected?

22 JUROR: Yeah.

23 THE COURT: Okay. Thank you. You may be seated.  
24 That's Juror 138.

25 Anyone else been exposed to any type of information

1 about the case?

2 All right. Is there anything about the nature of  
3 the charges themselves, what is alleged against the  
4 defendant that would cause any juror to be unable to be  
5 fair and impartial if you were selected to participate.  
6 If so, please stand.

7 Has any member of the jury panel or any members of  
8 your immediate family -- and I'm going to define family  
9 member as a parent, a spouse, a child, or a sibling.  
10 Have you or any members of your immediate family ever  
11 been the victim of any type of crime that might be  
12 characterized as a violent offense? And that would  
13 include the crimes of murder, manslaughter, kidnaping,  
14 armed robbery, criminal sexual conduct, criminal  
15 domestic violence of a high and aggravated nature,  
16 burglary, or any similar type of offense. Have you or a  
17 family member ever been the victim of such, but also  
18 have you or a family member ever been accused of having  
19 committed such a criminal offense? If so, please stand.

20 I got two. I'll start with you. Sir, if you'll  
21 give me your name and your number.

22 JUROR: Anthony Szady, 225.

23 THE COURT: 225?

24 JUROR: Yes, sir.

25 THE COURT: And was it you or a family member?

1 JUROR: It was me that was accused.

2 THE COURT: And you were accused of what type of  
3 crime?

4 JUROR: Burglary, assault and battery, and robbery.

5 THE COURT: All right. Is there anything about  
6 that fact that would effect your judgment in this case  
7 if you were selected?

8 JUROR: No.

9 THE COURT: Okay. Thank you. Be seated. Yes,  
10 ma'am.

11 JUROR: Jolyne Anderson, Number 8.

12 THE COURT: 8? Would that be you or a family  
13 member?

14 JUROR: Myself.

15 THE COURT: Was it a victim or accused?

16 JUROR: Victim.

17 THE COURT: And what type of crime was it?

18 JUROR: Kidnaping and rape.

19 THE COURT: All right. And would that fact have  
20 any bearing upon your decision in this case?

21 JUROR: No, I think I'd be -- I think I'd be able  
22 to be impartial.

23 THE COURT: Okay. Thank you. You may be seated.  
24 Yes, ma'am.

25 JUROR: I was a victim in an aggravated assault

1 with a deadly weapon.

2 THE COURT: All right. Tell me your name and  
3 number please.

4 JUROR: Oh, I'm sorry. Juror 64, Catherine  
5 Daugherty.

6 THE COURT: And is there anything about that  
7 experience that would affect your judgment in this case?

8 JUROR: I don't think so.

9 THE COURT: All right. Thank you. You may be  
10 seated. Anybody else?

11 Has any member of the jury panel or any members of  
12 your immediate family ever been employed as a law  
13 enforcement officer of any kind, whether it be a deputy  
14 sheriff for a city, town, municipal law enforcement  
15 officer; somebody who's worked in the detention  
16 facility, the Department of Corrections, State Law  
17 Enforcement Division, the FBI, civilian or military  
18 police officer? Anyone, you or family member, ever been  
19 employed as any type of law enforcement officer? If so,  
20 please stand.

21 All right. Your name and number, please, sir.

22 JUROR: Frank Robbins. My number is 188.

23 THE COURT: And how does that question relate to  
24 you?

25 JUROR: Well, my brother, my nephew, and my god son

1 are all police officers up in Massachusetts.

2 THE COURT: Okay. Would it affect your judgment in  
3 this case?

4 JUROR: No.

5 THE COURT: Thank you. Be seated. Yes, sir.

6 JUROR: My son was a police officer, and then a  
7 police officer in California. He's now retired.

8 THE COURT: And your name and number, please.

9 JUROR: Oh, I'm sorry. My name is Paul Henry,  
10 Juror Number 114.

11 THE COURT: Would that have any bearing upon your  
12 decision?

13 JUROR: No, sir.

14 THE COURT: Thank you. Be seated. Yes, sir.

15 JUROR: Bradley Ruppel, 197. My mother was a  
16 police officer in New York.

17 THE COURT: Would that have any bearing upon your  
18 decision?

19 JUROR: No.

20 THE COURT: Thank you. Be seated. Yes, sir?

21 JUROR: Yes, sir. My name is Richard Pearson. My  
22 Juror Number is 173. My father was controller for the  
23 state maximum security prison in Georgia. And my mother  
24 was a -- worked in the state probation office for 25  
25 years.

1 THE COURT: All right. And would those facts have  
2 any bearing upon your decision?

3 JUROR: No, sir.

4 THE COURT: Thank you. Be seated. All right. Has  
5 any member of the jury panel already formed an opinion  
6 as to how you think the case ought to be decided based  
7 upon what you've seen up to this point or based upon any  
8 other consideration? Have you formed an opinion about  
9 the case? If so, please stand.

10 Does any juror know any reason whatsoever why you  
11 believe you could not be fair and impartial if you were  
12 called upon to serve as a juror in this particular case?  
13 If so, please stand.

14 None responding.

15 Any other questions requested by the State?

16 MR. HALL: Your Honor, if we may approach briefly.

17 THE COURT: Okay.

18 OFF-THE-RECORD BENCH CONFERENCE,

19 THE COURT, MR. HALL, MR. STEPHENS,

20 MR. COLONGELI.

21 THE COURT: All right. Any other questions  
22 requested by the State?

23 MR. HALL: No, thank you, your Honor.

24 THE COURT: The Defendant?

25 MR. COLONGELI: No, thank you, your Honor.

1 THE COURT: All right. Call us a jury, please.

2 MADAM CLERK: Yes, Judge. Just a moment.

3 23rd end M7, begin M8

4 CALLING JURY, MADAM CLERK:

5 THE COURT: All right. The clerk is going to call  
6 your name. So, if your name is called, please come  
7 forward, and you'll be instructed if you're to be seated  
8 for service or excused from service in the case. If  
9 both agree to have you seated, you'll be having a seat  
10 in that jury box to your right. If either asked that  
11 you be excused, just go back and have a seat where you  
12 are now.

13 MADAM CLERK: Juror Number 188, Frank Robbins.  
14 What says the State?

15 MR. HALL: Please seat the juror.

16 MADAM CLERK: What says the Defense?

17 MR. COLONGELI: Excuse for cause, your Honor.

18 THE COURT: Declined.

19 MR. COLONGELI: I believe Mr. Robbins indicated he  
20 is a security officer.

21 THE COURT: He did. Or he's related to someone.

22 MR. COLONGELI: Please strike the juror.

23 THE COURT: All right. You can have a seat, Mr.  
24 Robbins.

25 MADAM CLERK: Juror Number 140, Marianna Lacerda.

1 What says the state.

2 MR. HALL: Please seat the juror.

3 MADAM CLERK: What says the Defense?

4 MR. COLONGELI: Please seat the juror.

5 MADAM CLERK: Juror Number 227, Ellen Szatkowski.

6 Juror Number 227.. What says the State?

7 MR. HALL: Please seat the juror.

8 MADAM CLERK: What says the Defense?

9 MR. COLONGELI: Beg the Court's indulgence, your  
10 Honor. Please seat the juror.

11 MADAM CLERK: Juror Number 100, George Grimes.

12 What says the State?

13 MR. HALL: Please seat the juror.

14 MADAM CLERK: What says the Defense?

15 MR. COLONGELI: Please excuse Mr. Grimes.

16 MADAM CLERK: Juror Number 185, Susan Reynolds.

17 What says the State?

18 MR. HALL: Please seat the juror..

19 MADAM CLERK: What says the Defense?

20 MR. COLONGELI: Please excuse Ms. Reynolds from the  
21 trial of this case.

22 MADAM CLERK: Juror Number 152, Maria Martin. What  
23 says the State?

24 MR. HALL: Please seat the juror.

25 MADAM CLERK: What says the Defense?

1 MR. COLONGELI: Please seat the juror.

2 MADAM CLERK: Juror Number 180, Ann Rafferty. What  
3 says the State?

4 MR. HALL: Please seat the juror.

5 MADAM CLERK: What says the Defense?

6 MR. COLONGELI: Please excuse Ms. Rafferty from the  
7 trial of this case.

8 BAILIFF: We need order in the courtroom, please.

9 MADAM CLERK: Juror Number 122, Vanessa Jackson.  
10 What says the State?

11 MR. HALL: Please seat the juror.

12 MADAM CLERK: What says the Defense?

13 MR. COLONGELI: Please seat Ms. Jackson.

14 MADAM CLERK: Juror Number 173, Richard Pearson.

15 MR. COLONGELI: May I have that number again.

16 MADAM CLERK: 173.

17 MR. COLONGELI: Thank you.

18 MADAM CLERK: What says the State?

19 MR. HALL: Please seat the juror.

20 MADAM CLERK: What says the Defense?

21 MR. COLONGELI: Please excuse Mr. Pearson from the  
22 trial of this case.

23 MADAM CLERK: Juror Number 33, James Branton. What  
24 says the State?

25 MR. HALL: Please seat the juror.

1 MADAM CLERK: What says the Defense?

2 MR. COLONGELI: Please seat Mr. Branton.

3 MADAM CLERK: Juror Number 56, Donald Coombs. What  
4 says the State?

5 MR. HALL: Please seat the juror.

6 MADAM CLERK: What says the Defense?

7 MR. COLONGELI: Please excuse Mr. Coombs from the  
8 trial of this case.

9 MADAM CLERK: Juror Number 8, Jolyne Anderson.  
10 What says the State?

11 MR. HALL: Please seat the juror.

12 MADAM CLERK: What says the Defense?

13 MR. COLONGELI: Please excuse Ms. Anderson for  
14 cause, your Honor.

15 THE COURT: Declined.

16 BAILIFF: Ms. Anderson, hold just a second.

17 THE COURT: I'm declining your challenge for cause.  
18 Do you want to exercise a challenge?

19 MR. COLONGELI: Yes, your Honor.

20 THE COURT: Okay. Not for cause.

21 MR. COLONGELI: Understood.

22 MADAM CLERK: Juror Number 108, Arcelia Harmison.  
23 What says the State?

24 MR. HALL: Please seat the juror.

25 MADAM CLERK: What says the Defense?

1 MR. COLONGELI: Please seat the juror.

2 MADAM CLERK: Juror Number 247, Michael Williamson.

3 What says the State?

4 MR. HALL: Please seat the juror.

5 MADAM CLERK: What says the Defense?

6 MR. COLONGELI: Please seat Mr. Williamson.

7 MADAM CLERK: Juror Number 131, Travis Kelly. What  
8 says the State?

9 MR. HALL: Please seat the juror.

10 MADAM CLERK: What says the Defense?

11 MR. COLONGELI: His number one more time.

12 MADAM CLERK: 131.

13 MR. COLONGELI: Please seat the juror.

14 MADAM CLERK: Juror Number 61, Anne Cyran. What  
15 says the State?

16 MR. HALL: Please seat the juror.

17 MADAM CLERK: What says the Defense?

18 MR. COLONGELI: Please seat the juror.

19 MADAM CLERK: Juror Number 245, Brenda Williams.

20 What says the State?

21 MR. HALL: Please seat the juror.

22 MADAM CLERK: What says the Defense?

23 MR. COLONGELI: It's 245, correct?

24 MADAM CLERK: 245.

25 MR. COLONGELI: Please excuse Ms. Williams from the

1 trial of this case.

2 MADAM CLERK: Juror Number 195, Geraldine Rousseau.

3 What says the State?

4 MR. HALL: Please seat the juror.

5 MADAM CLERK: What says the Defense?

6 MR. COLONGELI: Please seat Ms. Rousseau.

7 MADAM CLERK: Juror Number 80, Mark Florence. What  
8 says the State?

9 MR. HALL: Please seat the juror.

10 MADAM CLERK: What says the Defense?

11 MR. COLONGELI: Please seat the juror.

12 MADAM CLERK: Juror Number 213, McKimmie Smith.

13 What says the State?

14 MR. HALL: Please seat the juror.

15 MADAM CLERK: And what says the Defense?

16 MR. COLONGELI: Please seat Ms. Smith from the  
17 trial of this case.

18 MADAM CLERK: Now we'll be going for the  
19 alternates. Juror Number 206, Diane Scholp. What says  
20 the State?

21 MR. HALL: Please seat the juror.

22 MADAM CLERK: What says the Defense?

23 MR. COLONGELI: Please excuse the juror.

24 MADAM CLERK: Juror Number 226, Stephen Szalai.

25 What says the State?

1 MR. HALL: Please seat the juror.

2 MADAM CLERK: What says the Defense?

3 MR. COLONGELI: His number again?

4 MADAM CLERK: I'm sorry. 226.

5 MR. COLONGELI: Please seat the juror.

6 THE COURT: All right. Those that have been  
7 selected, I'll ask you please go with the bailiff to the  
8 jury room, and I'll bring you back shortly.

9 BAILIFF: Jury's clerk, door's closed, your Honor.

10 JURORS LEAVE COURTROOM 3:37 P.M.

11 THE COURT: Are there any matters to address  
12 regarding jury selection by the State?

13 MR. HALL: No, thank you, your Honor.

14 THE COURT: By the Defendant?

15 MR. COLONGELI: None, your Honor.

16 THE COURT: All right. Those who are not selected,  
17 you are excused for the balance of the afternoon. I do  
18 ask that you call back to the number that you have.  
19 Have they got the number?

20 MADAM CLERK: Yes, sir.

21 THE COURT: Call that number for jury reporting  
22 information.

23 BAILIFF: Yes, sir, your Honor.

24 THE COURT: Call that number after 6:00 o'clock  
25 this evening. After 6:00 o'clock this evening. You may

1 be asked to report in the morning. You may be asked to  
2 call back at another time tomorrow to receive that  
3 information. So just be sure you call back tonight  
4 after 6:00. Be sure you follow the instructions on the  
5 recorded message.

6 Thank you again for your participation. Have a  
7 good afternoon.

8 No one else is to leave the courtroom while the  
9 jury is exiting, please.

10 BAILIFF: Jury pool's clear, your Honor. Except  
11 for the lady here speaking with me.

12 BALANCE OF JURORS LEAVE COURTROOM.

13 BAILIFF: Last juror's clear, your Honor.

14 THE COURT: All right. We're going to excuse this  
15 jury, and then we'll take up probation matters.

16 BAILIFF: You want me to bring them in, Judge.

17 BAILIFF: Courtroom still closed, your Honor?

18 THE COURT: Yes, sir.

19 BAILIFF: Can I let anyone exit, your Honor?

20 THE COURT: No.

21 BAILIFF: All right, sir.

22 THE COURT: Just be patient and we'll be with you  
23 in a minute.

24 BAILIFF: No problem, your Honor.

25 BAILIFF: The jury is entering, your Honor.

1 JURY ENTERS COURTROOM 3:42 P.M.

2 THE COURT: Ladies and gentlemen, I've got some  
3 other matters that are scheduled for this afternoon, but  
4 I wanted to go ahead and get this jury selected so that  
5 it wouldn't interfere with those who are not selected.  
6 But you are going to be excused for the balance of  
7 today. I'm going to ask that you report back to your  
8 jury room at 9:30 in the morning. 9:30 in the morning.

9 So you've been to your jury room, but you probably  
10 don't know how to get there, but if you'll talk to the  
11 bailiff, he'll provide you with those instructions and  
12 directions.

13 Please understand, however, that during the trial  
14 of this case, so that begins right now until the end,  
15 you're not permitted to discuss this case with any  
16 person whatsoever in any fashion whatsoever. You're  
17 also not permitted to conduct any research or do your  
18 own investigation into any issue that might arise in the  
19 case. You also cannot conduct any research to find out  
20 what the case is about through the Internet or  
21 newspapers or television or radio.

22 Your decision in any case always must be based  
23 solely upon the testimony and the evidence received  
24 during the course of the trial. You're never permitted  
25 to supplement your knowledge about the case by

1 conducting outside research or discussing it with  
2 others, because you might be exposed to information that  
3 would influence your judgment, but it not even be  
4 accurate or truthful information.

5 So, no discussions, no research, no investigation.  
6 Do have a good evening, and please report to your jury  
7 room at 9:30 in the morning. 9:30 in the morning. Have  
8 a good afternoon.

9 JURY LEAVES COURTROOM 3:45 P.M.

10 BAILIFF: Jury's clear, door's closed, your Honor.

11 THE COURT: All right. Thank you. State versus  
12 Green is in recess until 9:30 in the morning.

13 MR. HALL: Thank you, Judge.

14 MR. COLONGELI: Thank you, your Honor.

15 END DAY ONE, APRIL 23, 2012, 3:45 P.M.

16 BEGIN DAY TWO, APRIL 24, 2012, 10:30 A.M.

17 BY THE COURT:

18 THE COURT: Thank you. Be seated. All right. Any  
19 matters that need to be addressed before the jury's  
20 brought in?

21 MR. HALL: Not from the State, your Honor.

22 MR. COLONGELI: None from the Defense, your Honor,  
23 other than what we've discussed in chambers, I think  
24 everything has been addressed fully.

25 THE COURT: Well, if there's anything we discussed

1 in chambers that you need to put on the record, we'll do  
2 that, if it needs to be done now.

3 MR. COLONGELI: Yes, sir. I guess for purposes of  
4 preserving the record, the only thing I would like to  
5 mention, I did renew my Rule 5 yesterday as a motion.  
6 That was granted. Mr. Hall has indicated to me that I  
7 have everything that he has, so I'm going under that  
8 assumption.

9 The only new additional information that has come  
10 to me this morning is a discussion either Mr. Hall or  
11 law enforcement may or may not have had with the alleged  
12 victim and/or witness, Mr. Boskey, as far as discussion  
13 about the possibility of him not testifying or not  
14 sticking to his original statement in conjunction with  
15 some possibility of an arrest based on false  
16 information.

17 That's something that was brought to my attention  
18 this morning. That's something that was outside the  
19 scope of my discovery, and I did want to, at least, put  
20 that on the record here this morning.

21 I'm going to let the State proceed, obviously, with  
22 their case, but I did want to bring that to the Court's  
23 attention. It has been discussed fully, and I just want  
24 to make sure I have the correct information going  
25 forward. And I believe I understand what's been said.

1 THE COURT: Okay. Anything else?

2 MR. COLONGELI: Nothing further from the Defense,  
3 your Honor.

4 MR. HALL: Nothing from the State, your Honor.

5 THE COURT: All right. Bring the jury in. And ask  
6 Ms. Martin, Ms. Martin, to take the foreperson's seat.

7 BAILIFF: Yes, your Honor.

8 THE COURT: Juror 152.

9 MR. HALL: Your Honor, if I may just, we have the  
10 victim across the hall. I just want to double check  
11 with him whether or not he wants to be actually present  
12 in the courtroom.

13 THE COURT: Okay.

14 MR. HALL: If I could have a moment.

15 MR. HALL LEFT THE COURTROOM,

16 RETURNING SHORTLY.

17 MR. HALL: Your Honor, for the record, the victim,  
18 Mr. Boskey, has declined to sit in the courtroom during  
19 the pendency of the proceedings, absent when he will  
20 testify.

21 THE COURT: Okay.

22 BAILIFF: Jurors are entering, your Honor.

23 JURY ENTERS COURTROOM 10:35 A.M.

24 BAILIFF: The jury is seated, your Honor.

25 THE COURT: Thank you. Good morning, ladies and

1 gentlemen. I apologize for the delay in having you  
2 brought in, but I had some other matters I needed to  
3 address, and they took a little bit longer than I had  
4 anticipated. But we are now ready to begin with the  
5 trial of the case for which each of you have been  
6 selected.

7 And Ms. Martin, I'm going to ask you to serve as  
8 the foreperson of the jury. And as a foreperson, you're  
9 going to have three specific duties that none of the  
10 other jurors will have. Number one, you'll be asked to  
11 serve as a spokesperson for the jury.

12 And so, if, during the trial, something arises that  
13 needs to be brought to my attention, you or a fellow  
14 juror has some difficulty, problem, or question, it'll  
15 be you who will let me know, either directly or through  
16 the bailiff.

17 Secondly, you're going to be asked to preside over  
18 the jury deliberations when that time comes. That, of  
19 course, won't be until the end of the trial, after all  
20 the evidence has been received and you've been  
21 instructed on the law that's applicable in the case.

22 But when the time does come for jury deliberations,  
23 you will preside over that process in the jury room,  
24 simply to ensure that those deliberations are carried  
25 out in some orderly fashion.

1           And thirdly, you're going to be asked to actually  
2 write the decision of the jury on the verdict forms that  
3 I'll provide you at the trial's conclusion, on which you  
4 will indicate the jury's unanimous decision as to each  
5 of the separate charges that have been brought against  
6 the defendant.

7           Now, the foreperson has those duties that I've just  
8 indicated. That does not, however, mean that she is  
9 anymore important than any of you other jurors. And  
10 that's because any decision that a jury reaches must be  
11 unanimous. All twelve of you must be in agreement. And  
12 so, each of you will have an equal say and an equal vote  
13 in what the ultimate decisions in this case will be.  
14 Someone simply has to be delegated those  
15 responsibilities that I have just indicated, and I have  
16 delegated those to Ms. Martin in appointing her as the  
17 foreperson.

18           But each of you jurors are equally important so far  
19 as the ultimate decisions in the case are concerned,  
20 because, as I've stated, the verdicts have to be  
21 unanimous. All of you must be in agreement.

22           Mr. Szalai, Szalai? How do you pronounce that?

23           JUROR SZALAI: Szalai.

24           THE COURT: Szalai. Okay. You've been selected as  
25 an alternate juror. And the purpose of an alternate is

1 to take the place of one of the original twelve, if,  
2 during the trial, one of these twelve can't continue to  
3 serve for some reason. And so, if one of the original  
4 jurors is called away because of an emergency or an  
5 illness or some other circumstance that prevents them  
6 from continuing to serve as a juror in the case, you  
7 would then take that person's place.

8 In that event, you'll become the twelfth juror.  
9 And if that were to occur, then you would also  
10 participate in the jury deliberations at the trial's  
11 conclusion.

12 If, however, when the time does come for jury  
13 deliberations, the original twelve are able to  
14 participate, your service ends, and you don't  
15 participate any further. And that's because the  
16 decision of the jury is that of twelve, no more than  
17 twelve are permitted to engage in that deliberation  
18 process. But it is important that you pay just as  
19 careful attention as we ask of all of the jurors in this  
20 case, because it does occur from time to time for one  
21 reason or another. One of these twelve may be called  
22 away. In that event, you become the twelfth.

23 So, we do appreciate your participation as an  
24 alternate juror, just as we appreciate the participation  
25 of each of you jurors who have been selected for the

1 purpose of deciding the verdict in these particular  
2 cases.

3 You may swear the panel.

4 JURORS SWORN, MADAM CLERK.

5 THE COURT: Ladies and gentlemen, as you are well  
6 aware, you have been selected to decide the verdict in  
7 the case of the State versus Andre Green. As I told  
8 you, prior to your selection, Mr. Green has been accused  
9 by the State through the Solicitor of having committed  
10 four separate and distinct criminal offenses, although  
11 they are alleged to have arisen out of one particular  
12 event or a course of events, which the State alleges  
13 occurred back on June the 9th of 2011.

14 And the charges that have been brought against the  
15 defendant are set forth in four separate indictments,  
16 the indictments I explained to you prior to your  
17 selection. The indictments aren't evidence of anything.  
18 They're not proof of anything. They don't establish  
19 anything. They're simply the means by which any person  
20 who is accused of a crime where the jurisdiction lies in  
21 this court is brought into this court in order to  
22 respond to that charge and have a trial.

23 The indictments will be in the jury room at the  
24 trial's conclusion, because it's on the back of each  
25 indictment, Madam Forelady, that you're going to be

1 asked to indicate the jury's unanimous decision as to  
2 that particular charge. But other than serving as a  
3 verdict form, the indictments serve no purpose so far as  
4 you jurors are concerned.

5 The defendant is charged with the crimes of car  
6 jacking, kidnaping, armed robbery, and unlawful  
7 possession of a pistol.

8 The State alleges on or about June the 9th of 2011  
9 that Andre Green did take or attempt to take a motor  
10 vehicle from Dennis Boskey by the use of force,  
11 violence, or intimidation, while Mr. Boskey was  
12 operating that vehicle or was an occupant of that  
13 vehicle.

14 Mr. Green is also charged with the crime of  
15 kidnaping. The State again alleging on June 9, 2011,  
16 that Mr. Green did unlawfully seize, confine, kidnap, or  
17 abduct Dennis Boskey without any authority of law.

18 The defendant, Andre Green, is also charged with  
19 the crime of armed robbery; and that he did, on or about  
20 June the 9th of 2011, at Casablanca Circle, in Port  
21 Royal, by the use of force, threats, or intimidation,  
22 and while armed with a deadly weapon, or while alleging,  
23 either by actions or words, that he was, in fact, armed,  
24 while using the representation of a deadly weapon, or  
25 some other object which a person present would

1 reasonably believe to be a deadly weapon, and that he  
2 did take, steal, and carry away certain personal  
3 property that belonged to Mr. Boskey with the intention  
4 of depriving Mr. Boskey of use and possession of the  
5 property.

6 And the remaining indictment charges Mr. Green with  
7 the unlawful possession of a handgun, he not being  
8 authorized, under the circumstance, to possess that  
9 handgun at that time.

10 Now, as to those allegations and as to each of  
11 those charges, the defendant has entered a plea of not  
12 guilty. A plea of not guilty places upon the State the  
13 burden of proving the allegations that they have set  
14 forth in each of those indictments; the burden of  
15 proving each of the essential elements that constitute  
16 the crimes the State has alleged against the defendant.

17 And therefore, the burden is upon the State to  
18 establish the defendant's guilty to the satisfaction of  
19 each of you twelve jurors, beyond a reasonable doubt,  
20 before a verdict of guilty could be returned as to any  
21 of the separate offenses.

22 Any person accused of a crime, and it does not  
23 matter how serious the offense might be, for which that  
24 person stands charged, every person accused of a crime  
25 is, under the law, presumed to be innocent of that

1 charge. That presumption of innocence remains with any  
2 defendant as it does with this defendant from the time  
3 that he is place under arrest, and throughout the course  
4 of the criminal process, and even throughout the course  
5 of the actual trial in the case.

6 That presumption of innocence will be with Mr.  
7 Green even at the time that you go back at this trial's  
8 conclusion to begin with your deliberations in the case.  
9 That presumption of innocence will be with you in that  
10 jury room, and it'll be with him forever, unless you  
11 twelve jurors determine that he's no longer entitled to  
12 the presumption of innocence.

13 In other words, after you have carefully considered  
14 all the evidence in the case, and from that evidence,  
15 you have decided what you believe to be the true facts  
16 as they relate to these allegations, and after deciding  
17 those facts, you apply the law that I have provided you  
18 as relates to each of the separate charges, if you  
19 twelve jurors unanimously determine that his guilt has  
20 been proven as to a particular charge beyond a  
21 reasonable doubt, then he's no longer entitled to the  
22 presumption of innocence as it relates to that charge.

23 But it's only if, unless, and until you are  
24 satisfied of his guilt beyond a reasonable doubt that he  
25 would no longer be entitled to the presumption of

1 innocence as it relates to that charge.

2 Now, the way the trial will proceed is, in a  
3 moment, the lawyers are going to address you in what are  
4 called opening statements. After all the evidence is  
5 received, the lawyers will again address you in closing  
6 statements.

7 Please understand, however, that the lawyer's  
8 statements are not to be considered by you as evidence.  
9 The lawyers aren't witnesses to anything. They don't  
10 know anything about this case of their own personal  
11 knowledge or perception, like witnesses will be  
12 testifying who testify from the witness stand. The  
13 lawyers aren't going to take the witness stand and  
14 they're not going to be placed under oath.

15 They're not going to be subjected to direct and  
16 cross-examination like each of the witnesses will be.  
17 And so, what they tell you is not to be considered by  
18 you as any evidence upon which you will base your  
19 decision. But you should listen to what the lawyers  
20 have to say, because those statements do serve a  
21 purpose.

22 The opening statements serve to provide you with a  
23 basic understanding as to what this case is about from  
24 both the perspective of the State and the Defendant, so  
25 that you'll have some context in which to place the

1 evidence that we're going to be receiving shortly  
2 thereafter.

3 The closing statements, as I've said, occur after  
4 all of the evidence has been received. And again, while  
5 those statements are not evidence, it does afford the  
6 lawyers an opportunity to discuss with you the evidence  
7 that you have seen and heard during the course of the  
8 trial. And through that discussion, each will have an  
9 opportunity to try to persuade you or to convince you  
10 that the evidence in the case does or does not support a  
11 particular decision.

12 And it's in between the opening and closing  
13 statements that we actually receive the evidence upon  
14 which you will base your decision. The State, as you  
15 know, has the burden of proof. The State has to prove  
16 the Defendant guilty beyond a reasonable doubt before he  
17 can be found guilty of any crime. And so, the State has  
18 an obligation to present evidence. And so, they'll go  
19 forward first in their presentation of evidence.

20 Once the State has concluded with its presentation  
21 of evidence, the Defense has the right to testify or  
22 call a witness or present other evidence. But a  
23 defendant is in no way required to do so or obligated to  
24 do so. And that's because the defendant doesn't have  
25 any burden to prove anything. A defendant is not

1 obligated to prove that he is not guilty or prove that  
2 he is innocent, because, in some cases, that might not  
3 even be possible.

4 The burden is on the State because they've made the  
5 accusation. They brought the charge. So the burden is  
6 upon the State to prove a defendant's guilt beyond a  
7 reasonable doubt. But there is no burden upon a  
8 defendant to establish anything.

9 And in some cases, a defendant doesn't testify and  
10 doesn't call any witness and doesn't produce any  
11 evidence. And if that occurs, that's not something that  
12 you jurors may consider in any way whatsoever in your  
13 deliberations or in your determination as to whether or  
14 not his guilt has been proven.

15 But a defendant is afforded an opportunity to  
16 present evidence if he or she wished to do so.

17 So, after all the evidence has been received and  
18 after you hear the final summations of the lawyers, I  
19 will then instruct you fully on the law as it relates to  
20 the criminal law generally and as it relates to these  
21 four specific crimes particularly.

22 After I instruct you on that law, you'll then be  
23 asked to go back and begin with your deliberations.  
24 Through that process, you're simply going to be asked  
25 through the exercise of good judgment and common sense

1 to carefully consider all the evidence, to evaluate the  
2 credibility of witness testimony, to decide the facts,  
3 to apply the law, and to arrive at a fair and just  
4 decision in this case, whatever that decision might be.

5 Now, it's also important that you give every  
6 witness the same degree of attention as they testify.  
7 And that's because there might be a conflict in the  
8 testimony between witnesses. And if that conflict in  
9 testimony relates to some material fact that you need to  
10 resolve, in order to arrive at your decision, you're the  
11 one that resolves that material fact.

12 In other words, you decide what is the most  
13 credible and believable testimony. And that's the  
14 testimony you accept. And you reject any testimony or  
15 other evidence that you find not to be credible or  
16 believable in the exercise of good judgment and common  
17 sense.

18 And so, you can believe everything that the witness  
19 testified to. You may choose to believe none of it.  
20 You may believe some portion of a witness's testimony,  
21 and reject some other portion of that same witness's  
22 testimony. You can believe one witness as opposed to  
23 several, or several as opposed to one.

24 But in order for you to be able to fairly and  
25 properly evaluate a witness's credibility, you need to

1 pay attention when the witness testifies so, that you can  
2 judge that witness's credibility in light of not just  
3 that witness's testimony, but in light of all of the  
4 testimony and all of the evidence received during the  
5 trial.

6 And of course, it's important that you keep an open  
7 mind throughout the course of the trial. And that just  
8 means that you are not to begin making up your minds or  
9 formulating your opinions as to what you think the  
10 ultimate decision in this case ought to be until all of  
11 the evidence has been received, until I have instructed  
12 you on the law that's applicable in this case, and until  
13 you've been asked to go back and begin with your  
14 deliberations in the case.

15 That is the process that is designed for you twelve  
16 jurors to arrive at a fair and just decision in the  
17 case.

18 So, I do want to thank you in advance for your  
19 participation, as well as for your careful attention.  
20 I'll ask that you please give the lawyers your attention  
21 now as they give you their opening statements.

22 Mr. Hall.

23 MR. HALL: Thank you, your Honor. May it please  
24 the Court.

25 OPENING STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ON BEHALF OF THE STATE

MR. HALL:

MR. HALL: Good morning, ladies and gentlemen. My name's Patrick Hall. I'm here on behalf of the County. I'm here to prosecute this man with the tie, no coat, at the table, Andre Green.

As the Court's pointed out, he's charged with armed robbery, kidnaping, car jacking, and unlawful possession of a weapon. And it's my job to prove that to you beyond a reasonable doubt.

Now, I'm certain that most of you, if not all of you, during the course of your day, someone will ask you at the end of your day, how was your day. And you always hope to be able to tell them, I had a good day or my day was okay.

Well, on June 9th of last year, here in Beaufort County, specifically in Port Royal, if you were to ask Dennis Boskey what kind of day he had, he'd say it's probably one of the worst of his life. On that day, he started out going to Spanish Trace Apartments. He was going to meet a friend there to collect \$20.00 that he was owed for some gas money.

When he pulled into Spanish Trace, he saw a friend of his. A gentleman by the name of Brandon Parker. Mr. Parker asked Mr. Boskey, the victim, for a ride, and Mr.

1 Boskey agreed.

2 When Mr. Boskey went to leave Spanish Trace, Mr.  
3 Boskey got in the car -- pardon me. When Mr. Boskey  
4 went to leave Spanish Trace, Mr. Parker got into the  
5 car, and also, unexpectedly, Mr. Green got into the car.

6 Now, Mr. Parker was seated in the front passenger  
7 seat, and Mr. Green was seated behind the driver, the  
8 victim, Dennis Boskey. They were asking for a ride over  
9 to Casablanca Park. Mr. Boskey agreed to take them  
10 there. It was a short distance. It was a hot day, but  
11 they wanted a ride over. So Mr. Boskey gave them a ride  
12 to the apartment -- a ride to the park.

13 They arrived at the park, and Mr. Boskey said,  
14 *Okay, we're here. Well, Mr. Boskey was then told, No,*  
15 *we don't want to be dropped off here; there's some*  
16 *trouble here with some of these kids; why don't you take*  
17 *us up a little bit and drop us off further up. So Mr.*  
18 *Boskey did that.*

19 And once he pulled up a little bit further, out of  
20 sight of other people, it's the State's contention, at  
21 that point; Mr. Green pulled out a gun and placed it to  
22 the back of Mr. Boskey's head, asked him to empty his  
23 pockets.

24 Mr. Boskey had \$30.00 in cash on him. That was  
25 taken from him. Mr. Boskey was then asked to exit the

1 car, still at gunpoint. At that point, the State would  
2 contend that Mr. Green rifled through Mr. Boskey's car  
3 looking for anything else that he could find. He didn't  
4 find anything else. Obviously, he was, the State would  
5 contend, frustrated with the situation.

6 At that point, while Mr. Parker was still present,  
7 they came up with the idea of putting Mr. Boskey in the  
8 trunk. And they did so at gunpoint. There was a brief  
9 struggle. Mr. Boskey didn't want to get in the trunk of  
10 his own car, but having a gun held on him, that  
11 convinced him he had to get into the trunk of his car.

12 They closed the trunk on him. He heard two car  
13 doors close, and the car began to drive off while Mr.  
14 Boskey was still inside.

15 Mr. Boskey was trying to figure, just generally  
16 from knowing the area, I think, if they turned left,  
17 turned right. He was looking for the latch inside the  
18 trunk.

19 Now, as the car, I believe, turns the corner, he  
20 finds the latch, pops it open, and rolls out of the  
21 moving car, into traffic that was heading up towards the  
22 McTeer Bridge. Now, Mr. Boskey's laying there in the  
23 road. He looks up. He sees cars coming at him. One  
24 goes by him this way. One goes by the other way. Third  
25 car stops. And it's at that point that Mr. Boskey

1 approaches this woman and a 911 call is made. And  
2 you'll hear the testimony of that 911 caller this  
3 morning, as well as the 911 calls themselves. There  
4 were two placed that day. One from Ms. Monica Wiser,  
5 who you're going to hear from, and also, from Mr. Boskey  
6 himself that was placed a little bit later.

7 Mr. Boskey was interviewed. He gave a statement  
8 that was consistent with everything that's been told to  
9 you this morning.

10 Two days later he was shown a photo line-up, and I  
11 would say, I would characterize it, as instantaneously  
12 picked Andre Green out as the man who was seated behind  
13 him in his car that pulled a gun on him, that forced him  
14 into his trunk at gunpoint, and drove off in his car  
15 while Mr. Boskey was still in the trunk.

16 Now, to me, that sounds like a great case, you  
17 know, but every case seems to have its own little *Law-*  
18 *and-Order* moments. And as opposed to, you know, waiting  
19 for the trial to unfold and have the *Law-and-Order*  
20 moment happen, I'm going to give you heads up in  
21 advance.

22 Mr. Boskey has been cooperative with us, but Mr.  
23 Boskey has also signed statements saying that he doesn't  
24 wish to prosecute this case, and that he's not sure that  
25 he can now identify Mr. Green. I want to be up front

1 with you about that. You're going to hear about that.  
2 And I think there's a reason that Mr. Boskey is in this  
3 posture at this point.

4 Mr. Green was arrested several months later for  
5 reasons that are unimportant. This happened in June.  
6 Mr. Green was arrested in October.

7 Mr. Green, at his own insistence, sat down with  
8 Sergeant Andre Massey from the Port Royal Police  
9 Department, who's seated next to me, and gave a  
10 statement. In that statement, Mr. Green admits to  
11 accepting the ride from Dennis Boskey, but says nothing  
12 happened after that. He has no idea of anything that  
13 happened after that.

14 You'll also hear in this interview that in between  
15 the time of the incident that happened and when Mr.  
16 Green was arrested, Mr. Green sought out Dennis Boskey,  
17 the victim; somehow got his cell phone number; called  
18 him up and went to his apartment to have a chat with him  
19 about the case.

20 I would submit to you that, that, along with other  
21 things, are the reason that there might be some  
22 hesitance now in Mr. Boskey's testimony, which you'll  
23 hear today.

24 So I'm going to ask you to listen very carefully to  
25 what's being said today. You're going to hear live

1 testimony. You're going to hear testimony that's being  
2 played off of a compact disc from interviews from Mr.  
3 Green.

4 From the 911 call, I'm confident that, if you  
5 listen carefully to what's going on here, that the  
6 conclusion that you'll come to is that Mr. Green will be  
7 found guilty of these charges.

8 Thank you very much for listening to me. And  
9 please listen to anything Mr. Colongeli has to say.

10 THE COURT: Mr. Colongeli.

11 MR. COLONGELI: May it please the Court, your  
12 Honor.

13 OPENING STATEMENT ON

14 BEHALF OF DEFENDANT

15 MR. COLONGELI:

16 MR. COLONGELI: Good morning, ladies and gentlemen  
17 of the jury. My name is Don Colongeli, you got that  
18 during the jury selection process. And as you know, I  
19 represent Mr. Andre Green. We had him stand up at the  
20 beginning of this whole process. And Andre, if you  
21 could stand up again.

22 This is Andre Green. Twenty-eight years old. You  
23 can be seated. And he hails from Beaufort County. Born  
24 and raised. Kia Parker is the mother of his four-month-  
25 old son. And as I said, they do reside here in Beaufort

1 County. Actually, they reside very close, if not next  
2 to, the Port Royal Police Station.

3 You heard Mr. Hall tell you in his opening, as he  
4 started out, that it is his duty, as this Court has  
5 indicated to you, also, that he has the duty to prove  
6 Mr. Green guilty beyond a reasonable doubt.

7 And wouldn't it be so nice if everything he just  
8 had to tell you could come out perfectly, clearly, and  
9 to the point where all twelve of you, at the end of this  
10 case, can easily determine, beyond a reasonable doubt,  
11 that Mr. Green is, in fact, guilty.

12 That's what this table here wants to convince you  
13 of. That's what Mr. Hall he's told you he is going to  
14 convince you of. And I'm asking you all, as a  
15 representative of Mr. Green and his best interests, that  
16 you take him to task in proving what he just told you  
17 happened beyond a reasonable doubt.

18 I'm going to try to keep this brief and not tell  
19 you a lot of the things you're about to hear. But I can  
20 tell you this. By the time this testimony is over and  
21 the State presents his case, everything that Mr. Hall  
22 just told you, you're going to have questions about from  
23 the very beginning to the very end.

24 Mr. Hall already indicated to you that he had  
25 problems with this case. Well, I don't know if he's

1 indicated that strong enough, and I'll leave it at that.  
2 He has indicated he has problems. And those problems  
3 involve the alleged victim, who is not here in the  
4 courtroom presently, who alleges all these things, in  
5 fact, happened.

6 The State contends that they're going to try to  
7 explain why Mr. Boskey never was able to initially  
8 identify Andre Green as the person who the State claims  
9 did these things to you [sic]. And arguably, you very  
10 well may hear during the course of this trial that, in  
11 fact, Mr. Boskey not only didn't indicate who the other  
12 person was in the vehicle with him that day, but to this  
13 day, has some question, if not an outright denial, that  
14 Mr. Green ever did the things the State is trying to  
15 tell you beyond a reasonable doubt that he did.

16 There is no issue as to what Mr. Hall said. And  
17 Mr. Green's testimony you'll hear, possibly from the  
18 State, that he did catch a ride.

19 One of the things I hope you're missing -- I don't  
20 hope you're missing, but I hope that you caught was the  
21 fact that the definite in this situation was a fellow by  
22 the name of Brandon Parker. Brandon Parker is close, if  
23 not kin, to the victim, Dennis Boskey. He is located  
24 next door in the detention center. The State has chosen  
25 not to prosecute his case at this time, and that's their

1 discretion. But that is a definite. There's never been  
2 any question in Mr. Boskey's mind from day one that  
3 Brandon Parker did all the things that the State is  
4 alleging that Andre Green did.

5 There's no question in Dennis Boskey's mind. As a  
6 matter of fact, throughout his testimony, he  
7 unequivocally always states to Detective Massey that  
8 Brandon Parker did a terrible thing to him that day.

9 The Judge did an excellent job in going over a lot  
10 of things that I'm not going to consume your time here  
11 with this morning. Things that we see on T.V., things  
12 that we hear about, but things that are the bedrock of  
13 our criminal justice system. Things that I still, after  
14 18 years of practicing law, firmly believe in. I love  
15 the job that I do.

16 And to tell you a little bit about myself, I've  
17 been a defense counsel in this area for almost 18 years.  
18 I started with Gene Hood, who is the chief resident  
19 public defender of the 14th Circuit. And did that for  
20 about five years. And then continued my practice with a  
21 firm on Hilton Head. And then started up my own  
22 practice with my wife, and raised my family since, and  
23 enjoy what I do. But I'm still very idealistic in the  
24 principles of justice.

25 And it's very hard sometimes being a defense

1 counsel that people look at defense counsels and ask how  
2 can you represent people that are alleged to have done  
3 the kind of crimes that Mr. Green has alleged to have  
4 done.

5 These three charges are about the most serious you  
6 can get in any state, let alone South Carolina. But  
7 please, as the Judge so eloquently told you, there's  
8 this thing called presumption of innocence that has to,  
9 has to, apply. And I beg you -- and it's amazing,  
10 jurors and the duty that you're serving here, they say,  
11 is one of the highest duties you can serve short of war  
12 time. And I think when you're done with this  
13 experience, hopefully, hopefully, you'll walk away from  
14 it -- and I'm sure I can tell you now it's something  
15 you'll probably never forget, whether for good or for  
16 bad.

17 It's amazing how well twelve people can come  
18 together and actually deliberate and do this job. And  
19 you're integral to our system of justice.

20 But this presumption of innocence is what's so  
21 important. And Andre Green is presumed innocent. He's  
22 been presumed innocent before he was charged, as he was  
23 charged, and as he sits here before you today. And he  
24 remains so, as the Judge said, up and until all twelve  
25 of you decide that Mr. Hall, with Detective Massey, have

1 proved to you beyond a reasonable doubt that he's, in  
2 fact, guilty of each and every element of the offenses  
3 charged.

4 This whole system of ours called justice, in Latin,  
5 ver dictum is to seek the truth. You'll hear remarks  
6 from Detective Massey in his interviews with these, so  
7 to speak, players in what transpired on June 9th of last  
8 year. His job is to seek the truth.

9 Unfortunately, what I've learned over 18 years is,  
10 we only can hope that, at the end of the day, the truth  
11 is what we arrive at. But here, we're dealing with  
12 evidence. And what law enforcement has and what the  
13 State has, all they have is evidence. And I will  
14 contend to you here, and remember me and what I said to  
15 you here as this progresses, and what Mr. Hall said he  
16 is going to prove to you beyond a reasonable doubt is  
17 all going to boil down to what comes from this witness  
18 stand. There will not be one piece of forensic evidence  
19 in this case.

20 You may hear some discussion about fingerprints,  
21 but there are no fingerprints. You may hear some  
22 discussion about phone records. There are no phone  
23 records, let alone any other thing even remotely  
24 scientific, as far as forensic evidence. Everything  
25 will boil down to the credibility and the believability

1 of what you hear from that stand.

2 And the Judge will instruct you, once this is over,  
3 as to how important credibility is or how that weighs  
4 and how you're supposed to take that into consideration.

5 In closing, ladies and gentlemen, after 18 years of  
6 doing this, I tell you, it never gets easier. And I  
7 often go over and above what I think I have to do to the  
8 point sometimes I confuse myself. And that's why one of  
9 the last things I want to ask you to do is, if there is  
10 anything about me personally -- we're all humans and my  
11 mannerisms or how I look or how I talk that you may not  
12 like, do not hold that against Andre. Please do not  
13 hold that against Andre. And I wouldn't suggest that  
14 you would, but I feel it's important to relay that to  
15 you.

16 There's a great deal at stake here today and over  
17 the next few days. And I trust that you will take into  
18 consideration the things that I've asked you to pay  
19 attention to over the course of the testimony here.  
20 Hopefully, -- or not over the next couple days, but  
21 hopefully today. And pay careful attention to the gaps  
22 and the problems that Patrick Hall only briefly eluded  
23 to that he has with this case.

24 And that's all I want to tell you for now. I trust  
25 that you can do the rest. And I can only ask that you

1 use your common sense, your sense of fairness, mercy,  
2 and judgment, that in the end, that judgment will be not  
3 guilty.

4 Thank you.

5 THE COURT: Mr. Hall.

6 MR. HALL: Thank you, your Honor. The State calls  
7 Monica Wiser.

8 WITNESS SWORN.

9 MONICA WISER

10 DIRECT EXAMINATION:

11 MR. HALL:

12 Q State your name for the record, please, and spell  
13 your last name.

14 A Monica Wiser, W/i/s/e/r.

15 Q Ms. Wiser, you've been subpoenaed here by the State  
16 to testify here this morning. Is that correct?

17 A That's correct.

18 Q Did you make a 911 call last summer?

19 A I did.

20 Q And can you explain to the jury the circumstances  
21 surrounding that all.

22 A We were driving home towards Lady's Island.

23 Q When you say we, who was in the car?

24 A Myself and my son.

25 Q And your son's how old?

1 A He's ten.

2 Q Okay. So you were driving.

3 A And we -- we were driving, and we were heading  
4 towards the bridge. And a car, the trunk came open and  
5 a man came rolling out of the car, the trunk.

6 Q How far -- how far in front of you was this car?

7 A Well, he -- there were a couple of vehicles in  
8 front of me, but he was kind of to the right of those  
9 vehicles. Kind of near the entrance of the assisted  
10 living facility.

11 Q Okay. And you saw someone roll out of the trunk.

12 A I did.

13 Q All right. And did you stop to render any type of  
14 assistance?

15 A I just stopped the car to call 911. He, the man  
16 that came out of the car, was trying to get people to  
17 stop, you know, trying to get cars to stop, and  
18 everybody kept passing him. So I stopped and called  
19 911.

20 Q And you conveyed this information during the course  
21 of the 911 call.

22 A Yes.

23 Q And did this person end up sticking around with you  
24 during the call or?

25 A Yes, he -- he stood next to the vehicle on the

1 passenger side. Basically, answered questions while we  
2 were on the phone call.

3 Q Okay. Do you recall -- do you recall who he said  
4 or who he identified himself as?

5 A Not exactly, no. It's been a while.

6 MR. HALL: That's fine. I actually have no other  
7 questions for this witness, your Honor.

8 MR. COLONGELI: May it please the Court, your  
9 Honor.

10 THE COURT: Yes.

11 MONICA WISER

12 CROSS-EXAMINATION

13 MR. COLONGELI:

14 Q It's Ms. Monica Wiser, correct?

15 A That's correct.

16 Q Very briefly, Ms. Wise, I understand -- I've  
17 listened to your 911 call, and can appreciate and  
18 sympathize with how traumatic an experience it was for  
19 you. I kind of sensed that in your call. But all  
20 you're here to tell us today is that you, in fact, saw  
21 an individual come out of the trunk of a moving vehicle.

22 A Um-hmm.

23 Q Is that correct?

24 A Yes. He came out of the trunk and came rolling out  
25 of it.

1 Q Okay. And would you be able to recollect, by any  
2 chance, if that car -- what the speed that car was going  
3 when he got out?

4 A No. No, I can't. All I know is that, after he  
5 came out of the car, the car did a u-turn and back  
6 towards Ribaut Road.

7 Q Would it be safe to say, obviously, this  
8 individual, who you don't quite recall, and that's fine,  
9 it's been a year, whoever this individual was, was able  
10 to walk and talk and requested some sort of assistance,  
11 correct?

12 A That's correct.

13 Q Which means, I'm sure the car wasn't traveling at a  
14 great rate of speed. Otherwise, he probably would have  
15 been seriously injured.

16 A Right. He --

17 MR. HALL: Objection, your Honor. That calls for  
18 speculation. She's already answered she wasn't aware of  
19 how fast the car was going.

20 THE COURT: That sounds more like a statement,  
21 anyway, so I sustain the objection.

22 MR. COLONGELI: I'll move on.

23 BY MR. COLONGELI:

24 A He did have cuts on his hands.

25 Q I'm sorry?

1 A He did have open wounds on his hands.

2 Q Yes, I'm aware of that. You don't -- would you be  
3 able to identify him today? Would you remember what he  
4 looked like if he was in the courtroom?

5 A Possibly.

6 Q Possibly. You don't remember what his name was?

7 A No, not really.

8 Q Okay. And you didn't see the occupants or occupant  
9 of the vehicle, did you?

10 A No.

11 Q Do you know whether there was one or more people in  
12 the car?

13 A No.

14 Q You have no recollection. You can't testify as to  
15 who was in the vehicle, correct?

16 A No, I can't. It happened too fast.

17 MR. COLONGELI: It happened very fast. Thank you.  
18 I appreciate your being here. Thank you. No further  
19 questions.

20 MR. HALL: No other questions for this witness,  
21 your Honor.

22 THE COURT: You may step down.

23 MR. COLONGELI: I have no objection to her being  
24 excused, your Honor.

25 THE COURT: You may be excused, also.

1 A Am I free to go?

2 THE COURT: You are.

3 MR. HALL: The State calls Melanie Smith.

4 WITNESS SWORN

5 MELANIE SMITH

6 DIRECT EXAMINATION

7 MR. HALL:

8 A Okay. My name is Melanie Smith. You need me to  
9 spell that? It's M/e/l/a/n/i/e, and last name Smith,  
10 S/m/i/t/h.

11 Q How are you employed?

12 A With Beaufort County 911.

13 Q And what is your rank?

14 A I'm a Master Sergeant Communications Coordinator.

15 Q And what are your duties with the Beaufort County  
16 Sheriff's Department?

17 A I make the tapes for investigations for court. I'm  
18 the liaison for other departments. And I'm in charge of  
19 NCIC, National Crime Information Center.

20 Q Can you describe to the jury, I guess, the standard  
21 business practice employed by the Sheriff's Department  
22 in maintaining 911 calls.

23 A Its done on a digital recording system. They're  
24 held for a minimum of 60 days. And I just make the  
25 recordings on the system when -- when requested. And

1 ) then they're held. Those recordings are held  
2 indefinitely.

3 Q Were you asked to make a recording with respect to  
4 a case involving Andre Green?

5 A Yes.

6 Q And would that be -- you classify them by event  
7 numbers. Is that correct?

8 A Correct. Whatever agency event number.

9 MR. HALL: Your Honor, may I approach the witness?

10 THE COURT: You may.

11 BY MR. HALL:

12 Q Let me show you what's been marked as State's  
13 Exhibit Number 3, and ask if -- take it out of the  
14 envelope, and ask if you can identify that.

15 A Yeah, that's a copy of the 911 calls for Port Royal  
16 Event Number.

17 Q All right. And there appear to be some markings on  
18 there?

19 A Yeah, that's my initial and today's date.

20 Q That that was reviewed and these are accurate --  
21 accurate duplications of the 911 calls?

22 A Correct.

23 MR. HALL: Your Honor, I'd ask at this time to be  
24 allowed to play the 911 call for the jury.

25 MR. COLONGELI: Without objection, your Honor.

1 THE COURT: You may.

2 MR. HALL: Thank you.

3 BY MR. HALL:

4 Q For the record, before I play this, is there more  
5 than one 911 call on this recording?

6 A Yeah, there are two calls.

7 MR. HALL: And I apologize to the Court here for  
8 the delay.

9 MR. COLONGELI: Your Honor, may we approach very  
10 briefly.

11 THE COURT: Yes.

12 OFF-THE-RECORD BENCH CONFERENCE,  
13 THE COURT, MR. HALL, MR. STEPHENS,  
14 MR. COLONGELI.  
15 BACK ON THE RECORD.  
16 PLAYING COMPACT DISC OF 911 CALL.

17 BY MR. HALL:

18 Q Was that a fair and accurate representation of the  
19 recording that was -- that --

20 A Yes.

21 Q -- that was produced as a result of this incident?

22 A Yes.

23 MR. HALL: Your Honor, I don't have any other  
24 questions for this witness. I'd ask that State's  
25 Exhibit 3 be admitted into evidence.

1 THE COURT: It's admitted.

2 MR. COLONGELI: Without objection.

3 COMPACT DISC OF 911 CALLS

4 MARKED STATE'S EXHIBIT 3,

5 AND ADMITTED AS EVIDENCE.

6 MR. HALL: I don't have any other questions for Ms.  
7 Smith.

8 MR. COLONGELI: May it please the Court.

9 MELANIE SMITH

10 CROSS-EXAMINATION

11 MR. COLONGELI:

12 Q Good morning.

13 A Good morning.

14 Q I'm sorry. Melanie Smith, correct?

15 A Correct.

16 Q Melanie, I know you're somewhat limited. You're  
17 here -- and I would have stipulated to those recordings.  
18 You are a dispatcher, correct? A 911 dispatcher?

19 A Um-hmm.

20 Q With Beaufort County.

21 A Correct.

22 Q So that's a county employee. You're not with the  
23 Sheriff's Department.

24 A No. No.

25 Q It's a county position. And you were working on

1 the day of June 9th.

2 A No. I make the recordings.

3 Q Oh. I'm sorry.

4 A I'm not actually in the dispatch center.

5 Q Okay.

6 A Sorry. I'm not actually in the dispatch center.

7 Q Okay. So you're --

8 A I'm the one that makes the recordings.

9 THE COURT: Hold on. She can't take it down if  
10 she's up and you're talking. All right. Let's start  
11 over.

12 BY MR. COLONGELI:

13 A Yes. I'm not actually in the dispatch center. I  
14 make the recordings.

15 Q I'm sorry.

16 A That's okay.

17 Q That makes sense now.

18 A Um-hmm.

19 Q I apologize. So you produce these recordings and  
20 put them on discs.

21 A Correct.

22 Q For the Solicitor's Office or for other agencies.

23 A Correct.

24 Q Correct?

25 A Um-hmm.

1 Q Okay. And what we just heard was a lady who  
2 testified prior to you, Monica Wiser, correct?

3 A Correct.

4 Q And if I'm not mistaken, she indicated, during that  
5 call, that she could not recall, but she saw someone  
6 fall out of their trunk.

7 A Correct.

8 Q Correct? And maybe it's not even proper to be  
9 asking you this. The extent of what you did, did you  
10 even -- do you just copy this stuff and that's it? Do  
11 you pay attention to what was said?

12 A I usually listen to a call as I'm recording.

13 Q You do? Okay.

14 A Um-hmm.

15 Q Well, then, that's important. So, Monica Wiser  
16 basically stated that an individual fell out of his car,  
17 the trunk.

18 A Um-hmm.

19 Q And she also stated --

20 A Yes.

21 Q She also stated that she was not real comfortable  
22 with the situation.

23 A Correct.

24 Q Correct? All right. Okay. And then, we go on to  
25 hear who I can only assume is the alleged victim, a

1 .fellow by the name of Dennis Boskey.

2 A I don't recall the name, but I'm assuming it's the  
3 victim.

4 Q Okay. And this is the fellow who indicates in that  
5 call that he fell out of the trunk of a moving car going  
6 30 to 45 miles per hour.

7 MR. HALL: Your Honor, I'm going to object that  
8 he's essentially eliciting testimony from a records  
9 custodian who is here simply to bring the 911 call  
10 and --

11 THE COURT: Well, she prepared it, and she said she  
12 listened to it, so I'll overrule the objection.

13 MR. COLONGELI: Thank you.

14 BY MR. COLONGELI:

15 Q And obviously, you listened to it, so I want to ask  
16 you your impression of what you heard. Did I not hear  
17 the dispatcher ask Mr. Boskey who was it?

18 A Yeah, he -- he did ask in the tape who -- who put  
19 him in the trunk.

20 Q And I just heard, correct me if I'm wrong, but what  
21 I heard was I really don't want to get into it. Is that  
22 what I heard? Is that what you heard?

23 A That's what I heard.

24 Q And also, he did indicate, correct me if I'm wrong,  
25 what he stated on this tape was the car was going, in

1 his estimation, 45 miles per hour. I'm only asking  
2 what's occurred.

3 A Right.

4 Q But I may --

5 A If I recall, it was 35 to 45.

6 Q Thirty to 45 miles per hour.

7 A Um-hmm.

8 Q Okay. And the last thing I heard the dispatcher --  
9 the last thing I heard on the tape was did the  
10 dispatcher ask him what is your name?

11 A I don't recall.

12 Q You don't recall.

13 A No.

14 Q Okay. That was the end of the tape.

15 A Um-hmm.

16 Q Very short.

17 A Very short.

18 MR. COLONGELI: Thank you. I have nothing further,  
19 and no objection to her being excused, your Honor.

20 MR. HALL: No other questions, your Honor.

21 THE COURT: You may step down.

22 A Thank you.

23 THE COURT: And you may also be excused.

24 A Thank you.

25 MR. HALL: The State calls Dennis Boskey.

1 WITNESS SWORN.

2 DENNIS BOSKEY

3 DIRECT EXAMINATION

4 MR. HALL:

5 A My name's Dennis Boskey, D/e/n/n/i/s, B/o/s/k/e/y.

6 Q Good morning, Mr. Boskey.

7 A Good morning.

8 Q Do you recall the incidents that took place on June  
9 9th of 2011?

10 A Yes, sir.

11 Q Can you explain to the jury, step by step, what  
12 happened that day.

13 A All right. I left the house. Proceeded to go  
14 get a hair cut and pay for daycare. Paid for the  
15 daycare. Went and got a hair cut. I left getting a  
16 hair cut. Went to Spanish Trace Apartments. I went and  
17 picked up --

18 Q What was your purpose in going to Spanish Trace?

19 A Well, two purposes. I picked up \$20.00 someone  
20 owed me. And then I went to see my kid's mother --  
21 grandmother.

22 Q And when you were in Spanish Trace, did you come  
23 across anyone that you knew?

24 A Yes. When I reached at Spanish Trace, I saw Brad  
25 Parker, who asked me for a ride. At that particular

1 moment, I told him, *Give me a second, I'll give you a*  
2 *ride when I get finished seeing my kid's grandmother.*

3 I went and saw her. The guy owed me \$20.00. When  
4 I came back out, Brad Parker rushed me to give him a  
5 ride. And I was like, well, why right now. He rushed  
6 me, so I go on and said, okay, I can do real quick and  
7 I'll come back.

8 We proceeded to get in the car. When we got in the  
9 car, he said someone else was coming. We waited, um, we  
10 waited a little while. Finally, someone else got in the  
11 back seat of the car. Black male. And we proceeded off  
12 out of Spanish Trace apartments. We made a left onto  
13 Southside Boulevard. We made a left onto Talbird. And  
14 we made another left onto Waddell.

15 When we got on Waddell, we made a right, I believe,  
16 into Casablanca Circle, which arise all the way down to  
17 the park. When we proceeded up at the park, it was a  
18 bunch of guys on the left side playing basketball. I  
19 stopped the car. I was like, you get out right here.

20 At that particular moment, Brad said, *No. You know*  
21 *the police be out here, you know. I'm in trouble. Do a*  
22 *lot of stuff. Can you just pull up right there to the*  
23 *left.*

24 At that proceeding point, I was skeptical --

25 Q Let me stop you here. You pull into Casablanca

1 Park. And at this point, are there still two other  
2 people in the car with you?

3 A Yes, sir.

4 Q All right. And so, Mr. Parker's in the front seat  
5 with you

6 A Yes, sir.

7 Q And this other -- this other gentleman's in the  
8 seat directly behind you?

9 A Yes, sir.

10 Q All right. So, you pull in, and they ask you to  
11 move to a different location.

12 A Yeah, Brad -- Brad asked me to move to a different  
13 location.

14 Q All right. And when you got to this different  
15 location, what happened?

16 A Well, I pulled up to the left. As soon as I pulled  
17 up past some shrubs, the gentleman that was behind me --  
18 well, when I pulled into the shrubs, I went to put my  
19 car in reverse. The gentleman behind me pulled out a  
20 gun and put in the back of my head. At that particular  
21 moment, he said, *Run through your pockets.*

22 Q All right. Let me ask you this. How did you know  
23 it was a gun that was being placed to your head?

24 A I mean, --

25 Q At that time.

1 A I mean, I felt of a gun. I'm not that -- I'm  
2 pretty smart to know what a gun is.

3 Q Okay. So you could feel that it was a gun.

4 A Yes.

5 Q Okay. So, the gun is placed to the back of your  
6 head. What happens next?

7 A At that particular point, he said, *Run through your*  
8 *pockets.* I get out my pockets. I only had \$30.00 on  
9 me. And he -- he proceeds to -- the guy that was behind  
10 me proceeds to get out of the car. And he says, *Stand*  
11 *in front of your car.*

12 At that particular moment, he went through the car,  
13 and I went to walk to the left side of my car to find a  
14 place to go. Me and Brad had a brief struggle. I guess  
15 he was trying to overpower me. He didn't get to  
16 overpower me.

17 At that particular moment, the other gentleman ran  
18 over. He had the gun again, and pointed at it me [sic].  
19 And he asked me, *Do you really want to die.* At that  
20 particular point, he went back to the other side. Brad  
21 asked him to pop the trunk. Couldn't get the trunk  
22 open, but finally figured out how to get the trunk open.  
23 And then he said, *Get in the back of your trunk.*

24 At that particular point, I looked at both parties  
25 and said, *I'm not about to get in my trunk.*

1           He's like, *Well, you're going to get in your trunk.*

2           And then my mind went to racing. I remembered that  
3 my car has a release latch on it. So I looked at my  
4 trunk. And there wasn't enough space for me to get in  
5 my trunk. I moved the tire over to get room for me to  
6 get in my trunk.

7           I got in the trunk. And then they closed the  
8 trunk. And I had my bearings wrong, because I just did.  
9 When we pulled out, they backed up, I thought we made a  
10 left and a right, then another left. But I thought we  
11 were headed the opposite direction, but obviously, we  
12 were going over McTeer Bridge.

13           At that particular, I didn't know we were going  
14 over McTeer Bridge, but I was doing some fumbling in the  
15 car. The music was up. I heard -- I don't know who it  
16 was, but -- but I can't mistake it if was Brad Parker's  
17 voice or not. But someone said, *Stop moving around the*  
18 *car before I shoot through the car.*

19           And I thought by now if they didn't shoot me now,  
20 they probably -- when they're going to stop or wherever  
21 we're going, shoot me.

22           So there was a little space. I panicked for a  
23 quick second. Got my bearings back together. There was  
24 a yellow release latch on the car. I pulled it. I saw  
25 that I was on pavement. Car probably, I estimate, was

1 going 45 miles per hour. I jumped out the car. There  
2 was three other cars behind me. The two cars split the  
3 road. The last car, which was a van, a Caucasian  
4 female, she stopped. And she pretty -- she seemed  
5 pretty upset that I stopped her, I recall.

6 My Buick made a u-turn and proceeded to go -- I  
7 don't know where it went, but I know it made a u-turn at  
8 I believe that's the -- it's a gas station across from  
9 Hardee's.

10 Q When you saw the car do the u-turn, were you able  
11 to see who was in the car?

12 A I mean, pretty much. I know -- I know for a fact  
13 Brad was in the car. Brad Parker was in the car.

14 Q And how about the gentleman that pointed the gun at  
15 you?

16 A Yes, there was two parties still in the car.

17 Q Now, you said you estimated the speed. Did you  
18 have any basis at all to estimate the speed, since you  
19 were in the trunk of the car?

20 A I mean, I know that speed limit is 45 miles per  
21 hour. And based -- based on the impact of me hitting  
22 the ground, I know it was going pretty fast. I scuffed  
23 up my -- my leg pretty badly. Scuffed up my elbow.

24 Q That was going to be my next question. Did you  
25 sustain any injuries?

1 A Yes, sir.

2 Q And where were you injured?

3 A My leg, my knee, my hand, my elbow, and I broke my  
4 glasses.

5 Q Did it require medical attention?

6 A They asked if I wanted medical attention. They  
7 said I should get it, but I still declined it.

8 Q Now, when you approached this 911 caller, you  
9 attempted to give her her name -- give her your name?

10 A That, I do not remember. I -- I just said -- I  
11 know I said I been -- I just was robbed, can I use your  
12 phone, or can you give me a ride. The lady said, I  
13 won't let -- give you a ride, but I'll let you use my  
14 phone.

15 Q All right. So the 911 call was made. Did you make  
16 your own separate 911 call?

17 A Yes, sir.

18 Q And where did you place that call from?

19 A Advanced Auto.

20 Q And is that somewhere that you went to after your  
21 encounter with Ms. Wiser, the 911 -- the original 911  
22 caller?

23 A Yes. I walked from where -- where -- from McTeer  
24 Bridge, and walked down to the Advanced Auto.

25 Q And at that point, deputies arrived.

1 A Yes, sir.

2 Q Or officers arrived.

3 A Yes, sir.

4 Q Okay. Were photographs taken of your injuries?

5 A Yes, sir.

6 Q Who were those photographs taken by?

7 A Detective --

8 Q It's okay if you don't recall.

9 A Okay.

10 Q But photographs were taken.

11 A Yes, sir.

12 Q Okay. Did you give statements -- any other  
13 statements at that time?

14 A Yes, sir. And not directly at that particular  
15 moment. No, sir.

16 Q All right. Subsequent to the incident -- so this  
17 occurred on what day, if you remember?

18 A It was in June. Roughly, I believe June 6th, 7th.  
19 I can't remember the exact date. It's been about ten  
20 months ago, I do know that.

21 Q That's fine. Were you asked to come in to the Port  
22 Royal Police Department in order to look at a series of  
23 pictures?

24 A Yes, sir.

25 Q Okay. Before I asked you the next question, do you

1 see a gentleman by the name of Andre Green in the  
2 courtroom today?

3 A No, sir.

4 Q Okay.

5 MR. HALL: Your Honor, may I approach the witness?

6 THE COURT: You may.

7 MR. HALL: Thank you.

8 BY MR. HALL:

9 Q Mr. Boskey, I'm going to show you what's been  
10 marked as State's Exhibit 1-A and 1-B and ask if you can  
11 identify those?

12 A Yes, sir. I see my signature. And I see six  
13 people in the lineup.

14 DOCUMENTS IDENTIFIED AS PHOTO

15 LINEUPS MARKED STATE'S EXHIBITS 1-A

16 AND 1-B FOR PURPOSES OF IDENTIFICATION.

17 Q All right. And you put your initials under --

18 MR. COLONGELI: Objection. Leading, your Honor.

19 Q All right. Where did you place your initials?

20 A Under Number 2.

21 Q Okay. And that's the person who is what to this  
22 case?

23 A To the case he is, I believe the -- what you call  
24 it? Um, pros -- you all prosecuting him, I believe, in  
25 the case.

1 Q Did you identify the man in Picture Number 2 as the  
2 person holding the gun during this incident, the one  
3 that robbed you?

4 A Yes, I did, sir.

5 Q And were you then told at that point or did you  
6 come to understand who this person was?

7 A Asked -- can you asked that question again, please?

8 Q You picked Number 2 out of the photo lineup,  
9 correct?

10 A Correct.

11 Q Were you then told who Number 2 was?

12 A I was told before that, sir.

13 Q Okay. Now, when the lineup was done, were you  
14 given any indications as far as who might be in the  
15 lineup, who might not be in the lineup?

16 MR. COLONGELI: Asked and answered, your Honor. I  
17 believe he just stated he was told prior to that who  
18 that individual was.

19 THE COURT: Overrule the objection.

20 MR. HALL: That's -- that's a different question.

21 BY MR. HALL:

22 Q Were you told what the format of the lineup was  
23 going to be?

24 A I was told, as you said, if the person was or may  
25 not be -- the person may or may not be in the lineup.

1 Q All right. And when you picked out this picture  
2 and put your initials next to it, was there any  
3 hesitation whatsoever?

4 A At that time, no, sir.

5 Q So you immediately picked this person out.

6 A I believe so.

7 Q All right. And you'll see by looking at State's  
8 Exhibit 1-B, who is that person listed as?

9 A Andre Green.

10 Q And does that picture resemble the gentleman  
11 sitting at the table next to Mr. Colongeli?

12 A At this particular time, it looks like -- it could  
13 be, very well.

14 Q Now, subsequent to this lineup, had you had any  
15 contact -- after this lineup took place, did you have  
16 any contact with Andre Green?

17 A Ask the question again, please, sir.

18 Q You have your incident date.

19 A Um-hmm.

20 Q Right? You have the date where you went in and  
21 picked Mr. Green out of a lineup.

22 A Yes, sir.

23 Q After that date, did you have any contact with  
24 Andre Green?

25 A Yes, your Honor. Yes, sir.

1 Q And when did that happen?

2 A Um, I don't recall the date.

3 Q Okay. But it was after you picked him up out of  
4 the lineup.

5 A Before. I -- I really can't recall. I honestly  
6 cannot, when -- when the time frame was.

7 Q All right. Was there an occasion -- can you  
8 explain to the jury the circumstances surrounding your  
9 contact with Mr. Green.

10 A Yes. We had a conversation. Mr. Green came and  
11 saw me, had a conversation. Um --

12 Q Came and saw you where?

13 A At Shell Point Apartments.

14 Q And is that where you live?

15 A That's where -- that's where my fiancée stays.  
16 That's her permanent residence.

17 Q Okay. Did you receive any telephone calls at that  
18 time?

19 A At that particular time, a couple.

20 Q Okay. And then you had this conversation with  
21 Andre Green that took place at this apartment.

22 A Yes, sir.

23 Q And what happened during the course of this  
24 conversation?

25 A Um, just to discuss that the wrong gentleman it

1       could be; that we -- that was basically the gist of the  
2       discussion.

3       Q     Who was doing the discussing, I guess?

4       A     Me and Mr. Green.

5       Q     Okay. And who's contention was it that you had the  
6       wrong person?

7               MR. COLONGELI: Leading, your Honor.

8               THE COURT: Overruled.

9       BY MR. HALL:

10      A     Well, after -- after that discussion -- after that  
11      discussion, and after looking at him, --

12      Q     No, I want to stop you there. Not after the  
13      discussion, --

14      A     Well, during the discussion. During the  
15      discussion, and while talking to him, couple of things  
16      went in my head. Number one, it very well likely be  
17      that this is not the individual. Number two, after  
18      going through an incident like this, and being, as you  
19      would call me, the victim, I would not want to proceed  
20      with it, you know. So a lot of thoughts ran through my  
21      head at that particular time.

22      Q     But this is the same individual that you identified  
23      out of the photo lineup as being involved, the one that  
24      held the gun, correct?

25      A     Correct.

1 Q Now, what was it that changed your mind in the  
2 interim?

3 A I just explained it.

4 Q Were there any other outside forces at play here?

5 A No, sir.

6 Q Did you receive any telephone calls from anyone  
7 else?

8 A Yes, sir.

9 Q And these telephone calls had to do with what?

10 A Just clarifying -- just -- it wasn't -- just  
11 clarifying the fact of if the right individual -- I had  
12 the right individual; how would I know that it was Mr.  
13 Green, because I got Mr. Green's name based off of phone  
14 calls or -- what's the word I'm looking for? I can't  
15 say the correct word, but off of what you would call  
16 street detail.

17 Q Did any of those phone calls ask you or instruct  
18 you to drop charges against Mr. Green?

19 A Not that I recollect.

20 THE COURT: Excuse me. Let me ask you to sit back  
21 a little bit from that microphone. You're going to  
22 distort it. Speak up and use the microphone, but don't  
23 get it right on your mouth.

24 A All right.

25 BY MR. HALL:

1 Q Do you recall giving an interview to Sergeant  
2 Massey in October of last year after Mr. Green was  
3 arrested?

4 A I believe so.

5 Q And do you recall in that interview making  
6 statements to Sergeant Massey that you had received  
7 threatening phone calls from Atlanta area codes?

8 A I quite -- not remember the whole -- the whole  
9 detail of the conversation that we had, but you could be  
10 correct.

11 Q I could be correct.

12 A Yes, sir.

13 Q So, if I were to play that for you now, --

14 A Obviously, it's my voice, so it would be me.

15 MR. HALL: Your Honor, this is State's Exhibit 5,  
16 marked simply for identification. It's the audio of Mr.  
17 Boskey's interview with Sergeant Massey.

18 MR. COLONGELI: For clarification, your Honor, I'd  
19 like to know, is that the -- the date of that interview.

20 MR. HALL: It is October 18th -- yes, October 18,  
21 2011, but I want to clarify that. Beg the Court's  
22 indulgence, your Honor. I apologize. October 18th.

23 MR. COLONGELI: October 18th?

24 MR. HALL: Yes.

25 MR. COLONGELI: Is that indicated in the report?

1 Do you know?

2 DISCUSSION BETWEEN MR. HALL AND  
3 DETECTIVE MASSEY.

4 MR. COLONGELI: Your Honor, I've got -- I'm just  
5 concerned. I've always had a question as to the date of  
6 this particular interview, and I've never been able to  
7 determine a date on that. I'm trying to determine the  
8 date.

9 THE COURT: All right. Let me ask the jurors if  
10 you'll please go to your jury room. Don't talk about  
11 the case. You can't talk about it till deliberation  
12 time. But I'll bring you back in a few minutes.

13 JURY LEFT COURTROOM 11:50 A.M.

14 BAILIFF: Jury's clear. The door is closed, your  
15 Honor.

16 THE COURT: Thank you. Is it not stated on the  
17 tape?

18 MR. HALL: It's not. It does not start with an  
19 introductory today is.

20 THE COURT: Okay. And there's no recordation of it  
21 ever having been made?

22 MR. HALL: Well, and that's what Sergeant Massey's  
23 looking for right now.

24 THE COURT: All right. Let's take -- we'll take  
25 ten minutes. You all try to sort it out. Mr. Boskey,

1 you can step down. Just have a seat over here on that  
2 front row in the pew.

3 Don't talk about your testimony during this break  
4 with anyone.

5 Ten minutes.

6 MR. COLONGELI: How long do we have, your Honor?  
7 Ten minutes?:

8 THE COURT: Ten.

9 MR. COLONGELI: Thank you, sir.

10 OFF THE RECORD 11:46 A.M.

11 BACK ON THE RECORD 12:00 P.M.

12 BY THE COURT:

13 THE COURT: Did you get it figured out?

14 MR. HALL: We have an established date. October  
15 19th by the mark on when it was recorded from the  
16 evidence.

17 MR. COLONGELI: Your Honor, my concern has always  
18 been, since my *Rule 5* went out at its inception on this  
19 case, I received the disc, my disc. The disc is  
20 identical to what the State has, and I'd venture to  
21 guess that, on the computer, it shows dates that  
22 administratively are more than likely incorrect. I have  
23 dates of 2008. I had dates with incorrect years. I've  
24 never been provided anything officially with any sort of  
25 official day, other than what they've just told me. I

1 believe that -- that is an issue.

2 Detective Massey had some question here as to what  
3 the date is. I don't know how they arrived at the date,  
4 other than you're telling me through --

5 MR. HALL: It's from the original disc that I got  
6 from the Port Royal Police Department that include all  
7 the incident reports, all the videos. The date that  
8 that video was produced was October 19th.

9 MR. COLONGELI: And that's written on the disc?

10 MR. HALL: Well, no, it's not written on the disc.  
11 It's on the -- it's on the watermap -- watermark. It's  
12 on the when you look at the information for the disc,  
13 it's when it was produced.

14 MR. COLONGELI: I've got an issue with that.  
15 I've got some question as to when, in fact, that -- fact  
16 -- when, in fact, that was actually done. And in  
17 addition, --

18 THE COURT: Well, is that a disc that's just been  
19 provided to you? Or is that disc that you just held up,  
20 was that given --

21 MR. COLONGELI: Oh, yeah, absolutely.

22 THE COURT: -- to the Defense?

23 MR. COLONGELI: Yes.

24 THE COURT: Okay. So you've had it.

25 MR. COLONGELI: I did have the disc, your Honor.

1 THE COURT: Okay.

2 MR. COLONGELI: But I've never known what the date  
3 was.

4 THE COURT: Well, Mr. Hall doesn't know anymore  
5 than what's on that disc.

6 MOTION FOR DIRECTED VERDICT,

7 MR. COLONGELI:

8 MR. COLONGELI: Understood. Understood. And --  
9 understood. I would have -- and it may be premature at  
10 this point, you know, but I do have a motion.

11 THE COURT: Okay. Let's hear it.

12 MR. COLONGELI: Your Honor, out of an abundance of  
13 caution and in the interest of justice, I stand to be  
14 corrected, but I believe Mr. Hall asked Mr. Boskey the  
15 question whether or not the individual, Andre Green, was  
16 in the courtroom today. He stated no.

17 THE COURT: Well, I think that's a fair assessment.  
18 Said he didn't see him.

19 MR. COLONGELI: And -- I'm sorry.

20 THE COURT: Said he didn't see him.

21 MR. COLONGELI: That's correct. Based on that  
22 alone, your Honor, based on what you know of this case  
23 through both Mr. Hall, the State, and myself, I would  
24 respectfully move at this point for a directed verdict.

25 THE COURT: Well, they haven't finished presenting

1 their case yet. Would that be fair?

2 MR. COLONGELI: I believe it would be fair. Maybe  
3 not -- but I --

4 THE COURT: I don't know what other evidence they  
5 have.

6 MR. COLONGELI: Well, for purposes of preserving  
7 the record at this point, I understand. And as I said,  
8 it may be premature, but --

9 THE COURT: I think it is.

10 MR. COLONGELI: All right.

11 THE COURT: You're going to be able to make a  
12 motion for a directed verdict, but now is not the time  
13 during the midst of their presentation.

14 THE COURT: Understood. Understood.

15 THE COURT: That'd be like granting a directed  
16 verdict in their favor.

17 MR. COLONGELI: Understood.

18 THE COURT: Although, you can't do that under any  
19 circumstances. I'm well aware of that.

20 MR. COLONGELI: Understood.

21 THE COURT: I mean, that -- it'd be like directing  
22 a verdict in a civil case after the plaintiff has made  
23 its case, but the defense is presented no evidence. The  
24 plaintiff would win every time. Wouldn't they?

25 MR. COLONGELI: That's correct, your Honor. But I

1 ...guess --

2 THE COURT: But here, you're asking me to direct a  
3 verdict in favor of the Defendant before the State has  
4 concluded their presentation of evidence.

5 MR. COLONGELI: With the exception, your Honor,  
6 that the alleged -- victim, prosecuting witness in this  
7 case, indicated to the Court that he could not identify  
8 Mr. Green, my client, as being in court here today.

9 THE COURT: Well, that doesn't mean that they may  
10 present other evidence that Mr. Green was, in fact, the  
11 other person in the vehicle.

12 MR. COLONGELI: And I understand that. So, just  
13 for the record, your Honor, I would like to state that I  
14 realize it's premature, but --

15 THE COURT: Okay.

16 MR. COLONGELI: And as far as the date goes, it is,  
17 in fact, --

18 MR. HALL: October 19th.

19 MR. COLONGELI: -- October 19th. Thank you, your  
20 Honor.

21 THE COURT: All right. Anything else?

22 MR. HALL: No, your Honor.

23 THE COURT: Okay. Bring the jury in, please. Mr.  
24 Boskey, you can come back and take your place on the  
25 witness stand, please, sir.

1 BAILIFF: The jury is entering; your Honor.

2 JURY RETURNS TO COURTROOM 12:08 P.M.

3 BAILIFF: All right, your Honor.

4 THE COURT: All right. Jury's present. You may  
5 proceed.

6 MR. HALL: Thank you, your Honor.

7 DENNIS BOSKEY

8 CONTINUE DIRECT EXAMINATION

9 MR. HALL:

10 Q Mr. Boskey, we were discussing an interview that  
11 you had given to Sergeant Massey some time after the  
12 incident date. But before we get into that, I just  
13 wanted to backtrack just a little bit to see if we can  
14 get some timing issues down.

15 A Um-hmm.

16 Q From the time that you arrived at Casablanca Park,  
17 until you exited the trunk of your own car, how much  
18 time would you think elapsed in that period of time?

19 A From the time I arrived at Casablanca Park, not  
20 from the time I got in my trunk. But you're saying the  
21 time --

22 Q Right. Right. From the time you got to Casablanca  
23 Park.

24 A Till the time I jumped out of my trunk?

25 Q Let's narrow it down even further. How long did

1 the incident at Casablanca Park take?

2 A Couple minutes.

3 Q A couple minutes. So, during this couple of  
4 minutes you observed Brandon Parker.

5 A Yes, sir.

6 Q And you observed another individual.

7 A Yes, sir.

8 Q The individual that you picked out of the lineup,  
9 correct?

10 MR. COLONGELI: Objection, your Honor. He's  
11 already answered that question.

12 THE COURT: Overruled.

13 BY MR. HALL:

14 A Correct.

15 Q But the person that you now somehow can't identify  
16 in court.

17 A Exactly.

18 Q How long did you have of an opportunity to take a  
19 look at this person that was in the car with you?

20 A Seconds.

21 Q Did you look in your rearview mirror while you were  
22 driving?

23 A No.

24 Q When the gun was being held on you, were you  
25 looking at the person?

1 A I couldn't have if they were in the back of me.

2 Q When you were out of the car. You stated you were  
3 out of the car at one point, correct?

4 A Which I said I was tussling with Brandon Parker, so  
5 I really didn't get a good, strong look.

6 Q So you're saying that the person with the gun, you  
7 never got a good look at him.

8 A Couple of seconds, I said.

9 Q Okay. Do you recall having a conversation with  
10 Sergeant Massey after Andre Green was arrested?

11 A I believe so.

12 Q Okay. And do you recall, during that interview,  
13 making statements regarding threats that you had  
14 received?

15 A I don't remember our whole conversation, but I do  
16 recall that was mentioned about some phone calls.

17 Q And were those phone calls of a threatening nature?

18 A I can't recall if I said it or not.

19 Q Okay.

20 MR. HALL: Your Honor, again, this is State's  
21 Exhibit 5. At this time, I'd like to play this for the  
22 jury.

23 THE COURT: No objection?

24 MR. COLONGELI: No objection, your Honor.

25 MR. HALL: Oh, and your Honor, for the record, this

1 is a -- this is a redacted version.

2 THE COURT: Okay. Let me say this for the benefit  
3 of the jury. It's a redacted version. And what that  
4 means is, there's just other things on the tape that  
5 aren't relevant to this case, and that's why it's been  
6 redacted.

7 PLAYING COMPACT DISC OF REDACTED  
8 INTERVIEW, DETECTIVE SERGEANT  
9 ANDRE MASSEY OF DENNIS BOSKEY.

10 MR. HALL: Your Honor, I'm just going to pause it  
11 for a second. I just want to check and see if this is  
12 actually -- the jury can -- I'm not sure the volume is  
13 actually very good.

14 COMPACT DISC PLAYING PAUSED.

15 THE COURT: Well, if they can hear that, they're  
16 doing a lot better than I am. Can you all hear it?

17 BAILIFF: It needs to be placed with the  
18 microphone.

19 THE COURT: Do what with it?

20 JUROR: He's using a microphone to pick up the  
21 sound, and it should be placed with a speaker instead of  
22 the microphone on a laptop.

23 THE COURT: Well, that's a good suggestion. It  
24 most definitely ought to be a perspective.

25 MR. HALL: Let's see if the speaker's here.

1 BAILIFF: That was the speaker.

2 MR. HALL: Huh?

3 BAILIFF: That was the speaker.

4 MR. HALL: Yeah. Right. It should be right here.

5 BAILIFF: Yeah.

6 MR. HALL: All right.

7 BAILIFF: We have a set of speakers that you can  
8 plug into, if you want to.

9 MR. HALL: That might work, too.

10 BAILIFF: We can do that. We can get one out of  
11 the closet.

12 MR. HALL: Let's try that. Your Honor, I think  
13 we're going to try and grab a set of external speakers  
14 and do it. I apologize for the inconvenience.

15 THE COURT: Well, let's do this. Let me ask the  
16 jury to please go back to your jury room. Don't talk  
17 about the case. I'll bring you back in just a few  
18 minutes.

19 JURY LEAVES COURTROOM 12:15 P.M.

20 THE COURT: Let me see you all just a minute.

21 BAILIFF: Jury's clear. Door's closed, your Honor.

22 OFF-THE-RECORD BENCH CONFERENCE,

23 THE COURT, MR. HALL, MR. STEPHENS,

24 MR. COLONGELI.

25 BACK ON THE RECORD.

1 THE COURT: We'll take ten more minutes.

2 OFF THE RECORD 12:16 P.M.

3 BACK ON THE RECORD 12:20.

4 BY THE COURT:

5 THE COURT: Thank you. Be seated.

6 MR. HALL: We solved the audio issue, your Honor.

7 THE COURT: Okay. Are we ready for the jury?

8 MR. HALL: Yes.

9 BAILIFF: Yes, sir.

10 BAILIFF: The jury is entering, your Honor.

11 JURY ENTERS COURTROOM 12:22 P.M.

12 THE COURT: All right. We think we've resolved the  
13 problem, but if we haven't, you let us know if you're  
14 having difficulty hearing.

15 MR. HALL: Thank you, your Honor.

16 DENNIS BOSKEY

17 CONTINUE DIRECT EXAMINATION

18 MR. HALL:

19 Q Mr. Boskey, I'm going to ask you to listen to this  
20 audio recording. I'm going to play this for the jury,  
21 as well. After we've had a chance to listen to this,  
22 we'll see if this refreshes your recollection at all.

23 Can you hear that?

24 CONTINUE PLAYING COMPACT DISC.

25 PLAYING COMPACT DISC PAUSED.

1 BY MR. HALL:

2 Q Now, before we go any further, Mr. Boskey, this  
3 interview's taking place; it's you in the room and who  
4 else?

5 A You just said it was Sergeant Massey, right?

6 Q Okay. Sergeant Massey. And you see Sergeant  
7 Massey in the courtroom today, right?

8 A Um-hmm.

9 Q You recognize him.

10 A Yes.

11 Q Okay. I just wanted to make sure.

12 CONTINUE PLAYING COMPACT DISC.

13 PAUSE PLAYING COMPACT DISC.

14 MR. COLONGELI: I'm trusting -- I mean, we're  
15 getting very close to some things that would not be  
16 proper. I don't -- I don't know.

17 THE COURT: Well.

18 MR. COLONGELI: I mean.

19 THE COURT: Just a minute.

20 OFF-THE-RECORD BENCH CONFERENCE,

21 THE COURT, MR. HALL, MR. STEPHENS,

22 MR. COLONGELI.

23 BACK ON THE RECORD.

24 MR. COLONGELI: Thank you, your Honor.

25 MR. HALL: Your Honor, may I continue?

1 THE COURT: You may continue.

2 MR. HALL: Thank you.

3 CONTINUE PLAYING COMPACT DISC.

4 PAUSE PLAYING COMPACT DISC.

5 BY MR. HALL:

6 Q Mr. Boskey, the reference in that audio recording  
7 there when you see this here, who were you referring to?

8 A My daughter.

9 Q And your daughter was present with you while this  
10 interview was taking place.

11 A Exactly.

12 Q How old is she?

13 A Four.

14 Q And do you have other children?

15 A Two.

16 Q And how old are they?

17 A My son is eight, and my -- my other daughter is  
18 five.

19 Q And do they spend a significant amount of time with  
20 you?

21 A Pretty much.

22 CONTINUE PLAYING COMPACT DISC.

23 END PLAYING COMPACT DISC.

24 BY MR. HALL:

25 Q Mr. Boskey, do you recall having that conversation

1 with Sergeant Massey, now that you've heard it?

2 A Believe so.

3 Q And the things that were said in that statement  
4 that you gave to Sergeant Massey about Andre Green  
5 coming to your house with two people, true or false?

6 A True statement.

7 Q The rest of the contents about you being worried  
8 about protection of your family and the safety of your  
9 family, true or false?

10 A True statement.

11 Q The phone calls that you received, threatening you,  
12 asking you to drop the charges, true or false?

13 A True statement.

14 Q And yet, you're unable to identify Andre Green in  
15 court today. Is that still correct?

16 A Correct.

17 Q Beg the Court's indulgence for a moment.

18 Now, subsequent to even Andre Green's arrest in  
19 this case, you have written out a couple of different  
20 statements indicating that you didn't want to pursue  
21 this. Is that correct?

22 A That's correct.

23 Q And in these statements, at least one of which you  
24 indicate you can't recognize Andre Green; that you've  
25 never met him in your life. Is that correct?

1 A More or less.

2 Q More or less. Can you define the more or less for  
3 me.

4 A From the point of him coming to my house.

5 Q Okay. But not about the incident date where this  
6 happened to you.

7 A Exactly.

8 Q Okay. The last one of these was, if memory serves,  
9 was dated April 22nd. Is that correct?

10 A Yes, sir.

11 Q And that's actually this past Sunday.

12 A Yes, sir.

13 Q And how was it that it came to be that you wrote  
14 this statement? I want you to explain to the jury the  
15 circumstances under which you wrote that statement out  
16 and the reasons for it.

17 A My circumstances for it?

18 Q Yes.

19 A Well, number one, since I already told you all that  
20 I didn't want to pursue this and I felt like I'm getting  
21 pressured to do something as a victim, if I'm the  
22 victim, and I really don't want to go through something,  
23 I should have the right to say I don't want to do this  
24 any further.

25 THE COURT: I need you to back away from that

1 microphone a little bit, please, as I've asked before.

2 A I should have the right to say, as a victim, that I  
3 don't want to pursue something. As a -- you've -- if I  
4 felt like you're taking my right from me, then I must do  
5 something to protect my right, which I followed suit  
6 with. And if I don't want to go through something no  
7 more, my next available thing to do is let a sworn  
8 statement be known that I did not want to pursue this  
9 any further.

10 Q And who was that statement sent to?

11 A I do not know who the statement was sent to, but I  
12 know who it was given to and who was there when I did  
13 the statement.

14 Q And who was present?

15 A The bail bondsman.

16 Q Okay. And what happened to your statement after  
17 that, you have no idea?

18 A I proceeded to ask him if he can get it into the  
19 hands of the lawyer.

20 Q Of what lawyer?

21 A The -- Mr. Green's lawyer.

22 Q So you asked the person that notarized the  
23 statement to send that statement to Mr. Green's lawyer.

24 A Exactly.

25 Q Not to the State.

1 A I'm sorry? To the State?

2 Q Not to the State.

3 A The lawyer is the State, right?

4 Q You didn't ask to have it sent to me.

5 A No.

6 MR. HALL: I don't have any other questions, your  
7 Honor.

8 THE COURT: Mr. Colongeli.

9 MR. COLONGELI: May it please the Court, your  
10 Honor.

11 DENNIS BOSKEY

12 CROSS-EXAMINATION

13 MR. COLONGELI:

14 Q Mr. Boskey, I can only appreciate, tend to  
15 appreciate, and understand what you've been through  
16 since the inception of whatever transpired back on June  
17 9th of last year. But to cut to the chase, is it not  
18 true that you are present here today under threat of  
19 arrest? Is that not true?

20 A Indirectly, yes.

21 Q Indirectly you have been told by the people sitting  
22 at this table that if you didn't show up, that there's a  
23 chance you could be arrested?

24 A No.

25 MR. HALL: Objection, your Honor.

1 MR. COLONGELI: Okay. Let him answer.

2 THE COURT: Well, he said no.

3 BY MR. COLONGELI:

4 Q Can you explain that?

5 A In the case of a subpoena, it's my understanding  
6 that once you get subpoenaed, and which I did my own  
7 research on this, --

8 THE COURT: Careful with the microphone.

9 A Once you get subpoenaed, and I did my own research  
10 on this, if you do not appear before a court, you can be  
11 held in contempt or charged with failure to comply with  
12 the orders of the court.

13 Q That's correct. That's the only -- was that what  
14 they informed you, or is that your own research?

15 A It was more or less both.

16 Q Well, let's -- that's why I'm saying, I'm not  
17 trying to put words --

18 A No one directly. You asked me a specific question  
19 if anyone asked me that I would be arrested, and I  
20 answered your question, sir. Which I told you no.

21 Q More or less.

22 A More or less. Not directly they asked me -- not  
23 directly did they tell me this, but under a letter  
24 stating the facts of what can happen against me not  
25 following the letter, yes, if you want to ask me

1 differently.

2 Q I'm confused now, Mr. Boskey. I asked you were you  
3 not told, more or less from people sitting at this  
4 table, whether it was one or all or someone else with  
5 law enforcement, someone else with the Solicitor's  
6 Office, that there was a possibility you'd be arrested  
7 if you didn't show up and testify today. You said yes, I  
8 thought.

9 A I said more or less, yes.

10 Q More or less, yes. Thank you. Okay. So we've got  
11 that clear. You have also adamantly gone out of your  
12 way to indicate to Detective Sergeant Massey on more  
13 than one occasion your lack of desire in pursuing charges  
14 altogether, correct? Is that safe to say?

15 A Yes, safe to say.

16 Q I'm sorry.

17 A Yes.

18 Q Yes. From day one, you, is it not true, you were  
19 somewhere offended in how the investigation was being  
20 done, because you were more or less being asked or  
21 implied as to whether or not you were a drug dealer  
22 collecting a drug debt in the beginning?

23 A Yes.

24 Q Okay. And you're supposed to be the victim in the  
25 case. Correct?

1 A Correct.

2 Q All right. And to start from today and back up, if  
3 I have to, let's go to these statements that Mr. Hall  
4 seems to want to think that -- I don't know if he  
5 implied it or not, but they did end up in my hands. And  
6 this is a notarized statement and -- if I may approach,  
7 your Honor.

8 If you could take a look at that and say -- I  
9 actually have the original.

10 A Um-hmm.

11 Q If you could say if this is familiar to you.

12 A That's my signature. That's my handwriting.

13 Q All right.

14 MR. COLONGELI: And if I may, your Honor, may he  
15 publish this? Could he read this so the jury could hear  
16 it?

17 THE COURT: Is it going to be introduced?

18 MR. COLONGELI: No, sir.

19 THE COURT: Well, then, he can't read it. It's not  
20 in evidence.

21 BY MR. COLONGELI:

22 Q This statement more or less indicates this is what  
23 you swore before a bail bondsman over the weekend,  
24 correct?

25 A Correct.

1 Q It, more or less, tell me if I'm wrong, indicates  
2 that you have been subpoenaed to Court and --

3 MR. HALL: Your Honor, he's --

4 THE COURT: Let me see it, then.

5 OFF-THE-RECORD BENCH CONFERENCE,

6 THE COURT, MR. HALL, MR. STEPHENS,

7 MR. COLONGELI.

8 BACK ON THE RECORD.

9 MR. COLONGELI: My apologies, ladies and gentlemen.

10 BY MR. COLONGELI:

11 Q Mr. Boskey, without making it too complicated, the  
12 State already indicated that, over the weekend, you  
13 signed a notarized statement in front of a bail bondsman  
14 indicating your desire not to proceed with this case,  
15 correct?

16 A Correct.

17 Q And you also indicated that you could not identify  
18 Andre Green, correct?

19 A Correct.

20 Q There was an additional statement that was  
21 unnotarized, which came to my attention only days ago,  
22 that purports to have been dated actually March 29th.  
23 Let me ask you, was there an additional statement --

24 THE COURT: Excuse me. Mr. Colongeli, are you  
25 going to introduce that document?

1 MR. COLONGELI: I'm sorry?

2 THE COURT: Are you planning on introducing that  
3 document?

4 MR. COLONGELI: No, sir, I'm not.

5 THE COURT: Put that back over there.

6 MR. COLONGELI: All right. I apologize.

7 BY MR. COLONGELI:

8 Q It came to my attention there was an additional  
9 document. Are you aware of any additional document you  
10 attempted to sign that was not able to be notarized?

11 A Yes, sir.

12 Q Okay. And did they more or less say the same thing  
13 as the statement that you gave that the State has  
14 alluded to we just spoke of before?

15 A I believe so.

16 Q Can you identify Andre Green?

17 A No, sir.

18 Q Have you told Detective Sergeant Massey on more  
19 than one occasion that you weren't sure Andre Green was  
20 the man who committed these offenses, or, in fact, you  
21 did know he did not commit those offense?

22 A Can you ask that whole question again, please.

23 Q Did you not indicate to Detective Sergeant Massey  
24 that you could not identify Andre Green?

25 A Correct.

1 Q And that was misinterpreted because you, in fact,  
2 did meet Andre according to the situation where you're  
3 discussion with Andre Green about the charges, correct?

4 MR. HALL: Objection, your Honor. There was some  
5 really long sentence altogether there that I didn't  
6 catch all of, but it seemed like he was asking -- seemed  
7 like he was asking the witness to speculate on something  
8 that he couldn't speculate on.

9 THE COURT: Well, this witness can't testify as to  
10 what somebody else interpreted a statement to mean.

11 MR. COLONGELI: Yes, sir.

12 THE COURT: But he can testify as to what he said.

13 MR. COLONGELI: Yes, sir. All right.

14 BY MR. COLONGELI:

15 Q Without belaboring the issue -- and forgive me if  
16 this is what you just said, your Honor -- but you  
17 expressed to law enforcement and the State this issue  
18 you've had not only with proceeding with this case, but  
19 your ability to identify Andre Green as the person who  
20 committed these crimes, correct?

21 A Correct.

22 Q Thank you. The interviews -- let me start with  
23 this. You wrote a written statement -- let me start --  
24 you wrote a written statement in this case. You  
25 actually wrote out a statement when this happened,

1 correct?

2 A Yes, sir.

3 Q And within the four corners of that statement, the  
4 only person you could one hundred percent positively  
5 identify was Brandon Parker, correct?

6 A Correct.

7 Q And to this day, there's no question Brandon Parker  
8 was the one who did these things to you.

9 A I'm a hundred percent sure of it.

10 Q All right. In that written statement, you mention  
11 another subject, but you're unable to identify that  
12 subject, correct?

13 A Correct.

14 Q Okay. To the best of your recollection, you never  
15 indicated the name Andre Green in a written statement to  
16 law enforcement.

17 A No, sir.

18 Q All right. And when you picked out, when they say  
19 you immediately simultaneously pointed to Andre Green in  
20 that photo lineup, you had already seen Andre Green,  
21 correct?

22 A The dates I'm not --

23 Q Based on your testimony.

24 A I said I wasn't sure of the dates. By the dates, I  
25 am not sure, sir.

1 Q Okay. You're not sure, but there's a chance you  
2 had already seen him, correct?

3 A There possibly could be.

4 Q All right. If I can spend a little time with you,  
5 and I'll try to be as brief as I can, but obviously,  
6 this is extremely important. And I know it's important  
7 to you, and it's important to Mr. Green. It's important  
8 to the State.

9 This second interview we'll start with, with  
10 Detective Massey, and there's a few things I'm concerned  
11 about and I want to ask you.

12 You went in there that day to reiterate, once  
13 again, your concerns about your ability to identify Mr.  
14 Green. Correct?

15 A And my daughter's safety.

16 Q And your daughter's safety. Throughout all this  
17 allegations -- or let's not say allegations -- this  
18 discussion about witness tampering, intimidation,  
19 threats, I appreciate that I understand what you said,  
20 but you made it a point to tell Detective Sergeant  
21 Massey that not only once, twice, three times, never did  
22 Andre Green make those threats to you, correct?

23 A Correct.

24 Q Matter of fact, has this guy called you? No. I  
25 can find that out fast, according to Detective Sergeant

1 Massey. Has the guy called you? Has he threatened you?

2 No. Has he called you at all? No. Correct?

3 A Correct.

4 Q All right. You go on, and I think you mentioned it  
5 during your direct examination by Mr. Hall, at three  
6 minutes, six seconds into this interview with Detective  
7 Sergeant Massey, more or less it says:

8 *OTHER PERSON: I'm going by what I recall. It's*  
9 *not a definite.*

10 A Correct.

11 Q Then Sergeant Massey goes on to indicate to you:  
12 *I'm very personal about my job.*

13 Do you recall that? Matter of fact, we just heard  
14 that on the tape.

15 A Correct.

16 Q And you went on to say: *I told you that looks like*  
17 *the guy. I know what my statement said. I know that*  
18 *without a doubt, and I don't personally know that guy.*

19 A Correct.

20 Q All right. Detective Sergeant Massey says: *You*  
21 *know him well enough to identify him.*

22 You said: *No. That's a lie.*

23 A Correct.

24 Q Matter of fact, you went down and repeat yourself:  
25 *That's a lie. I guarantee that's a lie.*

1 A Off the -- off the preceding statement that he  
2 said.

3 Q Yes, sir. Detective Sergeant Massey, and correct  
4 me if I'm wrong, what we just heard, said: *Is it not*  
5 *one or both of the two people that did it?*

6 And you said: *Correct. One or both, but all I*  
7 *know for sure is that Brad -- Brandon Parker was the*  
8 *one.*

9 A Yes, sir.

10 Q All right. This discussion that you had with Mr.  
11 Green, you didn't feel intimidated; you didn't indicate  
12 you felt intimidated during that discussion.

13 A If you recall my statement, I said -- I was talking  
14 about my kids. I was more concerned about my kids if  
15 anything else, sir.

16 Q Absolutely. And that discussion, the extent of  
17 that discussion from Andre was, listen, man, I heard  
18 there might be charges; are you sure; you sure it was  
19 me. Correct?

20 A I believe so, that's the extent of it.

21 Q All right. I want to get on to these phone calls  
22 from Atlanta that you say you made.

23 A I didn't say I made any phone calls.

24 Q I'm sorry. I'm sorry. The phone calls you  
25 received from Atlanta, correct? There was some mention

1 about these phone calls from Atlanta.

2 A I said -- I said phone calls and other phone calls.

3 Q Atlanta area code.

4 A Yes.

5 Q Now, Dennis, my job, I take no pleasure, and my job  
6 is not to make you out to be anything other than who you  
7 are, and ready to hopefully get to the truth. Okay? So  
8 bear with me on this. But isn't it true that all of  
9 these purported calls from third parties in reference to  
10 Andre Green, even Detective Sergeant Massey said  
11 specifically what phone did you get them on. What phone  
12 did you receive these calls from. And in the video, it  
13 shows in the audio, you immediately pointed to your cell  
14 phone that was with you.

15 MR. HALL: Your Honor, is there a question coming?

16 THE COURT: Well, how am I supposed to know the  
17 answer to your question? Are you objecting?

18 MR. HALL: I'm objecting.

19 THE COURT: All right. State that in the form of a  
20 question such that we can all understand the question.

21 MR. COLONGELI: Yes, sir. I apologize..

22 BY MR. COLONGELI:

23 Q Did Sergeant Massey know what phone you received  
24 these purported calls from an Atlanta exchange on?

25 A Yes.

1 Q And was it not, in fact, the phone that's sitting  
2 right next to you there at the table?

3 A Yes.

4 Q Thank you. He proceeded to ask you what number  
5 they called. *What's the number it came from.*

6 Is that true?

7 A Correct.

8 Q And you stated, and I think we heard this, *I erased*  
9 *-- I erased them.*

10 More or less, you said, I erased them.

11 A I said I erased them and they just bumped out my  
12 phone. I believe that's what my exact words were.

13 Q Okay. And you did state this on more than one  
14 occasion that I don't save calls like that.

15 A Correct.

16 Q Do you often receive calls like that?

17 A I mean, I'm -- I'm -- when you say I don't -- when  
18 I would say I don't receive that -- calls like that,  
19 meaning, I don't receive calls like that period. I  
20 mean, I get a lot of phone calls because I'm at school  
21 and I work as a chef, but me to save a phone call with a  
22 -- with the purpose of that, me saying that, do I  
23 actually save phone calls that I get? No, I don't.

24 Q Okay. Well, the fact remains this -- what the  
25 State's trying to allege were these threatening,

1 intimidating phone calls, obviously, you didn't take  
2 them that much of a threat; you got rid of the numbers,  
3 correct?

4 A Correct.

5 Q Absolutely. He asked you who your service was  
6 with. You said Verizon. Right?

7 A Correct.

8 Q Prepaid. Correct?

9 A Correct.

10 Q And then he asked you can you get a printout of  
11 numbers that called you at 12 minutes and 58 seconds  
12 into the interview. Can you get a printout of those  
13 numbers if you go to your service provider.

14 A Yes, sir.

15 Q Okay. You told him that you could. And didn't he  
16 specifically request at 13 minutes, 20 seconds into that  
17 interview, that: *I want that, I want that by the end of*  
18 *the week.*

19 A Correct.

20 Q All right. He then asked you again, *Did Andre*  
21 *Green call you at all yesterday?*

22 And what did you say?

23 A No.

24 Q One of the interesting parts that gets skipped  
25 forward to in this tape, do you recall him telling you,

1 Detective Sergeant Massey, that he would do his  
2 background check or search himself and say that for  
3 every phone call you get, I'm going to drop more  
4 charges. For each call you get, that's tampering with a  
5 victim, tampering with a witness.

6 A I don't recall. I didn't hear that in the part of  
7 the -- the tape.

8 Q All right. What you do recall, though, is what he  
9 said right after that with point-blank accuracy: *I am*  
10 *not dropping any charges. We are going forward with*  
11 *this case.*

12 A Correct.

13 Q It then goes into a fine line between murder and  
14 protection.

15 A Correct.

16 Q *Don't cross the line with Massey, because once you*  
17 *cross it, there ain't no coming back.*

18 Did I hear that?

19 A If you listened to the same tape, I believe you  
20 did.

21 Q I think I did. At 17 minutes into this interview,  
22 he also stated, and correct me if I'm wrong: *You can't*  
23 *drop charges, even if you wanted to.*

24 Is that correct?

25 A I can't remember that, sir,

1 Q And in closing, as far as this interview goes,  
2 Sergeant Massey had a discussion with you about how he  
3 handles threats. Do you recall that? Seventeen  
4 minutes, 19 seconds into the interview: *Threaten me. I*  
5 *live for it.*

6 Do you recall that?

7 A I wouldn't call that how he handles it.

8 Q Okay. Let's move on. Eighteen minutes, 18 seconds  
9 into the interview, once again he tells you: *Give me*  
10 *the phone records. I want them by Friday. If I don't*  
11 *see them by Friday, I'll be very mad.*

12 Do you recall that?

13 A Yes, sir.

14 Q All right. That's when you got into this whole  
15 where I'm three steps ahead.

16 A Correct.

17 Q All right. You never got him those phone records,  
18 did you?

19 A No, sir.

20 Q Is it safe to assume -- and I'm going out on a limb  
21 here, Mr. Boskey. Is it safe to assume that if you had  
22 provided the State with those phone records, that they  
23 would have also seen calls that you were making to Kia  
24 Parker --

25 MR. HALL: Objection, your Honor. Relevance.

1       Sidebar break, please.

2               THE COURT:   Okay.

3                       OFF-THE-RECORD BENCH CONFERENCE,

4                       THE COURT, MR. HALL, MR. STEPHENS,

5                       MR. COLONGELI.

6                       BACK ON THE RECORD.

7       BY MR. COLONGELI:

8       Q     Mr. Boskey, I guess I'll leave it at the fact that  
9       you did not -- you did not give those records as  
10      requested, correct?

11      A     Correct.

12      Q     Okay. And as far as you know, I mean, the State  
13      could have -- the great town of Port Royal or South  
14      Carolina probably could have gotten those records if  
15      they wanted to. I guess that calls for speculation,  
16      your Honor.

17               In closing, as far as how this interview ended, was  
18      there some discussion about Detective Sergeant Massey's  
19      military career? The fact he was in the Army?

20      A     I mean, he didn't bring that up. I brought that  
21      up.

22      Q     You did. You asked him about it.

23      A     I knew about it.

24      Q     You knew.

25      A     I mean, -- yeah, pretty much.

1 Q And this was in relation to all this discussion  
2 about threats and intimidation from third parties,  
3 correct? How he would handle it.

4 MR. HALL: Your Honor, I'd object to the relevance  
5 of this line of questioning. I don't really think it's  
6 any concern how Sergeant Massey would handle this.  
7 We're talking about the victim here.

8 MR. COLONGELI: It's very relevant, your Honor.  
9 The State's alleging threats and --

10 THE COURT: I sustain the objection.

11 MR. COLONGELI: Objection sustained?

12 THE COURT: Yes.

13 MR. COLONGELI: All right.

14 BY COLONGELI:

15 Q The very end of the interview, there's some  
16 discussion about your daughter, correct?

17 A Correct.

18 Q And he goes on to say, make it a point to tell you,  
19 that children are innocent in his eyes, correct? Do you  
20 remember that?

21 A I -- I do believe so.

22 Q And that they will always remain so in his eyes,  
23 correct?

24 A Correct.

25 Q That was during this entire preceding discussion

1 while your how-old-daughter was sitting there?

2 A She's four.

3 Q All right. That was the second interview you had  
4 with Detective Sergeant Massey, correct?

5 A To back track, she wasn't -- she wasn't in there  
6 the whole time, sir. You asked me if while the entire  
7 -- during the entire interview.

8 Q I watched the video. I saw your daughter in there  
9 with you.

10 A She wasn't in there the whole time.

11 Q Okay. Well. Maybe that was a different video.  
12 You met Mr. Detective Sergeant Massey back -- do you  
13 recall the time prior to that that you met him? The  
14 first interview?

15 A I believe it was a Monday or Tuesday.

16 Q Okay. And more or less, I'm trying not to belabor  
17 this issue, during this interview, you went on to state  
18 to him, even though you, as the State said, pointed to a  
19 picture that turned out to be Andre Green, that you had  
20 concerns about being able to identify him as the  
21 perpetrator of the crimes alleged, correct?

22 MR. HALL: Your Honor, I'm going to object to that.  
23 He's testifying for Mr. Boskey. I think he can answer  
24 the question and have Mr. Boskey answer it, instead of  
25 putting it in his mouth.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: Overruled. Go ahead.

BY MR. COLONGELI:

Q Did you not also air your concerns, not only --

A Correct.

Q Correct.

A Yeah, correct.

Q Not only about him being the one that perpetrated the crimes, but the fact that you did not want to prosecute.

A Correct.

Q All right. You stated in that first interview: *I've never seen him before.*

A Correct.

Q Correct? There was also something interesting to me, and I don't mean any disrespect by this, but Detective Massey asked you about the gun. And obviously, I guess you didn't have a good chance to see the gun, correct? You weren't able to describe it.

A I know it was a old gun.

Q I'm sorry?

A I know it was an old gun.

Q You know it was an old gun, but he asked you some questions as far as revolver or automatic, and you were unsure of the difference.

A I know what the difference is.

1 Q All right. At 12 minutes, so many seconds into the  
2 interview, do you recall him asking you who had the gun?

3 A I -- I can't recall, sir.

4 Q Okay. Well, then I won't ask you that. What you  
5 did testify as to having happened outside of that car  
6 was a great deal of tussling with Brandon Parker.

7 A Correct.

8 Q You all were, I guess, fighting, for lack of a  
9 better term?

10 A More or less.

11 Q All right. All the while that this second  
12 unidentified subject had a gun.

13 A Correct.

14 Q You then proceed to the fact that there is  
15 discussion of you getting in the trunk of the car,  
16 correct?

17 A Correct.

18 Q And I want to ask you this, because I think  
19 Detective Sergeant Massey had some questions for you,  
20 too, as to trying to figure this out. You voluntarily  
21 got in the trunk of that car?

22 MR. HALL: Objection, your Honor. He's speculating  
23 as to what Sergeant Massey would have been asking him  
24 about.

25 THE COURT: Well, if it's just a preface about

1 something that's already been testified to, it's not  
2 objectionable.

3 MR. COLONGELI: I can lead him out of it, your  
4 Honor.

5 THE COURT: Okay. Thank you.

6 MR. COLONGELI: Thank you.

7 BY MR. COLONGELI:

8 Q Were you questioned, didn't you get specifically  
9 questioned as to how this whole thing went down with you  
10 getting into the trunk of this vehicle?

11 A Yes, sir.

12 Q And let me ask you this. You more or less made the  
13 decision, based on this other unidentified subject  
14 having a gun, that you just voluntarily got in the  
15 trunk.

16 A What I -- that's a crazy question. Would I  
17 voluntarily get in the trunk of my car? No, sir.

18 Q Well, I guess you didn't voluntarily get in the  
19 trunk, but it appears you did get in the trunk. You  
20 weren't forced into the trunk.

21 A Obviously --

22 Q I guess you were forced. You were held at  
23 gunpoint. But you did get in the trunk. They didn't  
24 physically, bodily put you in the trunk.

25 A You answered your question, sir.

1 Q Thank you. And then, you had the foresight, I  
2 guess, to realize that there was some sort of emergency  
3 latch in the trunk of your car?

4 A Yes, sir.

5 Q And you had to kind of get yourself together, calm  
6 yourself down, because you couldn't operate it, and you  
7 actually were able to read the instructions to get out.

8 A Yes.

9 Q And Detective Sergeant Massey asked you where did  
10 the light source come from for you to be able to read  
11 the instructions.

12 A Well, I mean, it's a little light in the back of --  
13 I mean, a piece -- a piece of a light that I saw.

14 Q I understand. I'm only asking did he ask you that,  
15 how'd you see it.

16 A Yes, sir.

17 Q You even went so far as to state to Sergeant Massey  
18 that you opened it up real slowly, because you knew that  
19 a light would come on in the dash that the trunk was  
20 ajar.

21 A Correct.

22 Q All right. At 23 minutes, 29 seconds into that  
23 first interview, would it be incorrect for me to state  
24 your statement to Detective Sergeant Massey in reference  
25 to Andre Green: *This is the first time I ever saw him*

1       in my life?

2       A     Correct.

3               MR. HALL:  Your Honor, I'm sorry.  Could I get some  
4       clarification as to when specifically we're discussing,  
5       like date-wise?

6               MR. COLONGELI:  Your Honor, this is their  
7       interview.  The first interview.  *Boskey Interview with*  
8       *Massey, Audio-Video, Date question mark.*  You know, the  
9       other day it was October 18th, which I just learned  
10      today.  I'm assuming, based on their own report, that  
11      the first interview with Boskey would have been -- it's  
12      their case, your Honor.  I don't know when the first  
13      interview was.  It was the one before the second.

14              THE COURT:  I think he understands.

15              MR. COLONGELI:  All right.

16      BY MR. COLONGELI:

17      Q     This first interview was where you told the members  
18      of the jury is where you immediately pointed to the  
19      picture that turned out to be Andre Green.

20      A     Correct.

21      Q     We've already discussed that.  But 30 minutes, 54  
22      seconds into this, do you recall Sergeant Massey  
23      saying:  *This other person I pointed out, once we*  
24      *identify him, --*

25              I thought he'd already been identified.

1 A I don't understand your question, sir.

2 Q Do you remember discussing whether or not  
3 fingerprints would be taken from the car? Matter of  
4 fact you told them, there should be prints all over the  
5 car.

6 A When the first -- correct.

7 Q Okay. Do you know whether they ever followed up  
8 with fingerprints?

9 A I believe they couldn't get any fingerprints.

10 Q Are you just -- are you guessing that? Or did they  
11 tell you?

12 A When the first -- when I had the first -- my first  
13 initial report of when the incident happened, there was  
14 no fingerprints, if I'm mistakenly correct.

15 Q Okay. I've never received any fingerprints. So,  
16 you're assuming, as do I, that there are no  
17 fingerprints, right?

18 A You asked me that to --

19 MR. HALL: Well, your Honor, objection.

20 A All right.

21 MR. HALL: They're assuming lack of facts in  
22 evidence, I guess, at this point.

23 THE COURT: Sustained.

24 BY MR. COLONGELI:

25 Q I'm almost done, Mr. Boskey. You're aware that

1 Brandon Parker, the one that you had no doubt whatsoever  
2 was the perpetrator of an armed robbery, car jacking,  
3 and kidnaping, was arrested within days after this  
4 incident.

5 A Correct.

6 Q Matter of fact, Brandon Parker, warrants were sworn  
7 out for him on June 9th, that same day. Did you know  
8 that?

9 A Correct.

10 Q And he was arrested on June 15.

11 A I don't know the exact date, sir.

12 Q All right. That's fine. Are you aware that  
13 warrants for Andre Green were also sworn out on June --  
14 I'm sorry -- were sworn out on June 14th?

15 A I don't know the date, sir.

16 Q Okay. But that Andre Green did not get arrested  
17 till this past October. Are you aware of that? As the  
18 victim, you should be.

19 A I believe so.

20 Q All right. So, for some reason, four months  
21 transpired between Brandon's arrest and Andre's.

22 A I mean, you got the dates.

23 Q All right.

24 MR. HALL: your Honor, I guess I'll object to any  
25 further line of questioning, if there is a further line,

1 as to relevance as to when these people were arrested.  
2 There's no relevance to it.

3 THE COURT: Sustained.

4 BY MR. COLONGELI:

5 Q Beg the Court's indulgence, your Honor. Out of an  
6 abundance of caution, if I could just take one second to  
7 review my notes, I think I'm close to being done.

8 When you spoke to the 911 operator -- we had a  
9 witness earlier, I'm not sure if you were present, that  
10 makes the discs from which the recordings were taken  
11 where you were on the phone.

12 A Yes, sir.

13 Q Do you recall stating to this 911 dispatcher: *I*  
14 *really don't want to get into it*, as far as what  
15 happened?

16 A Correct.

17 Q Okay. You also -- I don't know if the phone just  
18 cut off or you didn't answer or hang up, but they asked  
19 you what your name was, and then that's the last we  
20 heard.

21 In closing, Mr. Boskey, in your direct examination  
22 by Mr. Hall, if I could make sure I've got this correct,  
23 and you became quite adamant towards the end of his  
24 questioning. You stated in response to a question of  
25 his that it is very likely this is not the individual.

1 Meaning Andre Green.

2 MR. HALL: Objection, your Honor. Asked and  
3 answered here. I think he's already given his response  
4 on that.

5 THE COURT: Fine. Overruled. Go ahead.

6 BY MR. COLONGELI:

7 A Correct.

8 Q Is that true? Is that true?

9 A Correct.

10 Q So you did not want to proceed with this.

11 A Correct.

12 Q You cannot identify Andre Green outside of the fact  
13 of what he's admitted to as far as your knowledge of  
14 him.

15 A Of what who admitted to?

16 Q Of your knowledge -- let me rephrase that. You  
17 cannot identify Andre Green short of the knowledge you  
18 have of him from the visit he paid you at the house that  
19 day.

20 A Can you re-ask your question. To answer your  
21 question correct.

22 Q When's the first time you saw Andre Green?

23 A The first time I actually saw Andre Green would be  
24 when he -- at my house.

25 Q At your house. That's what I was wondering. And

1 your testimony here today is that you cannot identify  
2 him as the other individual that was in the car with you  
3 and Brandon Parker, correct?

4 A I been asked that a thousand times, and I believe I  
5 gave my answer already.

6 Q And I am sorry to have to ask you that again. But  
7 that's your answer, correct?

8 A Correct.

9 MR. COLONGELI: Thank you. Nothing further, your  
10 Honor. And I've got a motion.

11 THE COURT: Mr. Hall.

12 MR. HALL: Your Honor, if Mr. Colongeli has a  
13 motion before I begin my --

14 THE COURT: We're not through this examination yet.

15 MR. COLONGELI: I apologize, your Honor.

16 MR. HALL: Your Honor, before I forget, just as a  
17 housekeeping matter, I'm going to ask that State's  
18 Exhibit 5 be moved into evidence.

19 THE COURT: It's been admitted without objection.

20 MR. HALL: Thank you.

21 COMPACT DISC OF REDACTED INTERVIEW,

22 DETECTIVE SERGEANT ANDRE MASSEY OF

23 DENNIS BOSKEY, MARKED STATE'S

24 EXHIBIT 5, AND ENTERED AS EVIDENCE.

25 DENNIS BOSKEY

## 1 RE-DIRECT EXAMINATION

2 MR. HALL:

3 Q Mr. Boskey, I know it's not fun for you to continue  
4 to have to harp on this day where, obviously, it's being  
5 made clear to everyone. Did you give a ride to anyone  
6 else that day in June? The day that you've alleged that  
7 you were robbed, kidnaped, car jacked, where you climbed  
8 out of your trunk of your own moving car, on that day,  
9 did you give anybody else a ride?

10 A Anybody else meaning who was the other -- I mean,  
11 you asking me anybody else. Who was the other people?

12 Q Sure. Did you give --

13 A I mean, did I give anybody a ride that day?

14 Q Yes.

15 A Yes.

16 Q Who?

17 A Two people.

18 Q Who?

19 A Brandon Parker and another individual.

20 Q And so, it was Brandon Parker and this other  
21 individual who Mr. Green admits was him.

22 A I don't know what he admitted to correctly. I  
23 mean, by prior statements, I mean, I read statements of  
24 what he admitted to, but I personally wasn't there what  
25 he admitted to.

1 Q Okay. But you're aware of Mr. Green's statement  
2 that he accepted a ride with you in your car.

3 A Correct.

4 Q So, I'm trying to follow your logic. The two  
5 people that were in the car were the two people that  
6 robbed you. Yes or no?

7 A Correct.

8 Q And so, the two people in the car were Brandon  
9 Parker, yes?

10 A Which I know.

11 Q And Andre Green.

12 A Incorrect. I don't know --

13 Q You chose --

14 A Directly, I know Brandon Parker, and I said that a  
15 thousand times over.

16 Q All right. All right. We're not talking about  
17 whether you know this person. I just asked you a  
18 question about --

19 A No, sir.

20 Q All right. Please let me finish. I just asked you  
21 a question whether you were aware that Andre Green said  
22 he was in your car.

23 A Yes, sir.

24 Q And he was, correct?

25 MR. COLONGELI: Your Honor, I'm going to object. I

1 mean, it is -- with all due respect to this Court, it is  
2 what it is. Mr. Boskey's been put in a position. I  
3 think any further questioning -- what he's trying to  
4 elicit has been answered more than enough times by me.

5 THE COURT: Sustained.

6 BY MR. HALL:

7 Q Do you know Brandon Parker?

8 A Correct.

9 Q How long have you known Brandon Parker?

10 A For a while.

11 Q And what is the nature of the --

12 A Well, my fiancée used to live exactly in the area  
13 where he used to be.

14 Q And how long have you known him?

15 A Six -- five -- six years.

16 Q And I guess, again, finally, with respect to  
17 everything that's been alleged to have happened to you,  
18 you've been able to give the jury some very minute  
19 details.

20 A What you mean by minute?

21 Q Very exacting details.

22 A Correct.

23 Q You've been given -- you've given the jury details  
24 about a trunk latch that you found, correct?

25 A Correct.

1 Q You know, you've given a general description of the  
2 gun. You've described the people that were there,  
3 correct?

4 A Correct.

5 Q But yet, you still, despite all that, maintain that  
6 you cannot identify Andre Green.

7 A Correct.

8 MR. HALL: No other questions, your Honor.

9 THE COURT: All right. You may step down. We're  
10 going to recess for lunch. Remember the caution I've  
11 given you previously. Don't talk about the case among  
12 yourselves or with anybody else. Don't conduct any  
13 research. Don't do your own investigation.

14 Have a good lunch. And please report to the jury  
15 room at 2:45. 2:45 this afternoon.

16 MR. COLONGELI: Your Honor, I would ask that Mr.  
17 Boskey be released at this point in time.

18 THE COURT: We'll address that in just a minute.

19 JURY LEAVES COURTROOM 1:25 P.M.

20 BAILIFF: Jury's clear. Door is closed, your  
21 Honor.

22 THE COURT: Okay. What's your request, Mr.  
23 Colongeli?

24 MR. COLONGELI: There was some question about  
25 bailiffs, whether or not Mr. Boskey was excused. In an

1 abundance of caution, I'll leave that up to your Honor.

2 THE COURT: Okay.

3 MR. COLONGELI: I'll leave that up to you.

4 THE COURT: Well, do either of you need him?

5 MR. COLONGELI: He's under my subpoena. I'm  
6 finished with him, so.

7 THE COURT: Okay.

8 MR. COLONGELI: As far as I'm concerned, he's  
9 released.

10 THE COURT: Neither of you need him. All right.  
11 He's released.

12 All right. You got a motion, Mr. Colongeli?

13 MR. COLONGELI: I do, your Honor. Your Honor,  
14 we're all very familiar for the past two days as to what  
15 we thought we might hear today, and I think we finally  
16 heard it.

17 THE COURT: Well, you realize the State has not  
18 rested.

19 MR. COLONGELI: I'm sorry?

20 THE COURT: The State has not rested in their  
21 presentation. You do know that.

22 MR. COLONGELI: I do know that.

23 THE COURT: Okay. So, what is your motion? How  
24 would you describe it?

25 MR. COLONGELI: In the interest of justice, your

1 Honor, I'm trying to think of procedurally what the  
2 correct motion would be at this point in time.

3 THE COURT: Do you want to think about it during  
4 lunch?

5 MR. COLONGELI: Yes, sir. Thank you.

6 THE COURT: Okay. Recess for lunch. We'll be back  
7 at 2:45.

8 MR. COLONGELI: Thank you, your Honor.

9 OFF THE RECORD 1:27 P.M.

10 BACK ON THE RECORD 3:03 P.M.

11 BY THE COURT:

12 THE COURT: Thank you. Be seated. Ready for the  
13 jury.

14 MR. HALL: Your Honor, I have some matters that I'd  
15 like to raise before the jury comes.

16 THE COURT:

17 MR. HALL: The first one is just kind of noting for  
18 the record, it came to my attention via email that I  
19 received while we were in the course of trial, before we  
20 broke, that the first witness who testified for the  
21 State, Monica Wiser, upon her leaving was approached by  
22 someone on the entourage that's seated here in the  
23 courtroom, and was asked a question about how her child  
24 was doing. The victim felt, obviously, very intimidated  
25 by that, was very upset by that. Conveyed that to my

1 victim advocate, which then, obviously, was conveyed to  
2 me. I was not able to, obviously, be checking my emails  
3 during the course of the trial, so it only came to my  
4 attention after we broke.

5 Simply wanted it noted for the record that that  
6 took place.

7 THE COURT: Well, I'd recommend that that be  
8 disclosed to the sheriff, and then the sheriff can try  
9 to determine who's making those comments. And if any  
10 other witness has any comment directed to them by  
11 anybody, without my knowledge and consent, you will be  
12 going to the Beaufort County Jailhouse. So, hopefully,  
13 that's understood. That will not be tolerated for  
14 certain.

15 MR. HALL: That's the first matter. The second  
16 matter is Attorney Colongeli had made a motion to  
17 sequester witnesses. I, obviously, in the course of  
18 putting my case up failed to realize, and I'm going to  
19 guess that maybe perhaps Attorney Colongeli failed to  
20 realize, that one of the witnesses on his list has been  
21 sitting here in court all morning during the  
22 proceedings.

23 THE COURT: And who is that?

24 MR. HALL: Kia Parker.

25 THE COURT: Okay.

1 MR. HALL: And because of that, and because she was  
2 not sequestered, I'm going to ask that any potential  
3 testimony from Kia Parker be excluded.

4 THE COURT: Okay. Mr. Colongeli.

5 MR. COLONGELI: Without objection, your Honor.

6 THE COURT: Okay. She's not testifying,  
7 apparently.

8 MR. HALL: And finally, it's my intent to introduce  
9 Mr. Green's statement through Detective Massey, and we  
10 had not done any type of *Jackson v. Denno* hearing to  
11 assess his, you know, his willingness to give a  
12 statement under *Miranda*. I just wanted to bring that up  
13 for the record that, usually, that would be something  
14 done pretrial, but we had not done it. But it'd be my  
15 intent to introduce that statement through Detective  
16 Massey.

17 THE COURT: All right. Mr. Colongeli, you're aware  
18 of what statement Mr. Hall was referring to?

19 MR. COLONGELI: Yes, your Honor.

20 THE COURT: Have you discussed with your client the  
21 right to have a hearing to determine the voluntariness  
22 of it?

23 MR. COLONGELI: I have not, your Honor. I can do  
24 that briefly. I apologize.. I did not.

25 THE COURT: Well, let's make that determination,

1 then. It might be that it was just voluntarily made and  
2 we can forego having a hearing about it.

3 MR. COLONGELI: Having said that, your Honor, let  
4 me take that back one notch. Yes, that was addressed,  
5 but I may have misinterpreted what you just asked me.  
6 And if you just give me a couple seconds, that can be  
7 addressed.

8 THE COURT: Okay.

9 MR. COLONGELI CONFERRING WITH CLIENT.

10 MR. COLONGELI: There's no issues, your Honor. I  
11 apologize.

12 THE COURT: All right. So your client's position  
13 is that any statements made to Sergeant Massey were  
14 freely and voluntarily made?

15 MR. COLONGELI: That's correct, your Honor.

16 THE COURT: No coercion, no threats, no rewards, no  
17 promises?

18 MR. COLONGELI: Yes, that's correct.

19 THE COURT: Is that true, Mr. Green?

20 DEFENDANT GREEN: Yes, sir.

21 THE COURT: Okay. All right. Anything else?

22 MR. COLONGELI: With that, I have nothing else,  
23 your Honor.

24 THE COURT: All right. Bring the jury in, please.

25 BAILIFF: Yes, your Honor.

1 BAILIFF: The jury is entering, your Honor.

2 JURY ENTERS COURTROOM 3:09 P.M.

3 THE COURT: Good afternoon, ladies and gentlemen.  
4 We're going to continue with the State's presentation of  
5 evidence.

6 MR. HALL: Thank you, your Honor. The State calls  
7 Sergeant Andre Massey to the stand.

8 WITNESS SWORN.

9 DETECTIVE SERGEANT ANDRE MASSEY

10 DIRECT EXAMINATION

11 MR. HALL.

12 A My name is Andre Massey. It's A/n/d/r/e  
13 M/a/s/s/e/y.

14 Q And Sergeant Massey, how are you employed?

15 A With the Port Royal Police Department as an  
16 investigator.

17 Q And how long have you been employed with the Port  
18 Royal Police Department?

19 A Approximately 17 years.

20 Q And can you briefly describe to the jury what your  
21 duties are as investigator for the Port Royal Police  
22 Department?

23 A Easily put, I'm the finder of facts. I go out,  
24 investigate crimes, relieving the road officers from  
25 their job as far as trying to figure out if a crime

1 really took place. Is there any truth behind it, is  
2 there false anything behind it. I collect evidence,  
3 process the evidence, and store the evidence, which is  
4 in our evidence locker.

5 Q Now, are you familiar with a case involving Andre  
6 Green?

7 A I am.

8 Q And do you recall when that incident occurred?

9 A June the 9th, 2011.

10 Q And at that time, did you have the occasion to meet  
11 with the victim in this case, Dennis Boskey?

12 A I did.

13 Q And where did this meeting take place?

14 A At the Port Royal Police Department.

15 Q And during the course of your conversation with Mr.  
16 Boskey did you take photographs of injuries sustained by  
17 Mr. Boskey?

18 A I did.

19 MR. HALL: Your Honor, may I approach the witness?

20 THE COURT: You may.

21 MR. HALL: Thank you.

22 BY MR. HALL:

23 Q Sergeant Massey, I'm showing you what's been marked  
24 as State's Exhibits 2-A through 2-E. Ask you to -- ask  
25 if you can identify each of those pictures.

1 A Yes, sir.

2 Q And what do they depict?

3 A These are photographs that I took of the victim the  
4 night of the incident, also of the car, where it was  
5 located.

6 Q So let's discuss that car. Where was the car that  
7 Mr. Boskey was driving located?

8 A The lower part of Mossey Oaks Village Apartments.

9 Q And where is that in relation to the McTeer Bridge  
10 on Ribaut Road?

11 A If you come off the McTeer Bridge, you can turn  
12 right onto Professional Boulevard, or you can come to  
13 the light and make a right, make an immediate right.  
14 You'll be on Johnny Morrall Circle. You follow Johnny  
15 Morrall Circle all the way around, you'll come to a set  
16 of apartments over near the Piggly Wiggley. Those  
17 apartments are Mossey Oak Village Apartments.

18 Q And that's where the car was located?

19 A Yes, sir.

20 Q And anybody associated with that car located at the  
21 scene at that time?

22 A No, sir.

23 Q And who's the car registered to?

24 A It's -- I believe it's registered to a Mr. Boskey's  
25 girlfriend. I don't know her name off top of my head.

1 Q But in Mr. Boskey's statement, that was the car he  
2 was driving.

3 A Yes, sir.

4 MR. HALL: Your Honor, I would ask that State's  
5 Exhibits 2-A through 2-E be admitted into evidence and  
6 that I publish them to the jury.

7 MR. COLONGELI: Without objection, your Honor.  
8 They're admitted.

9 MR. HALL: Thank you.

10 PHOTOGRAPHS MARKED STATE'S  
11 EXHIBITS 2-A THROUGH 2-E, AND  
12 ADMITTED AS EVIDENCE.  
13 PHOTOGRAPHS PUBLISHED TO JURY.

14 BY MR. HALL:

15 Q Sergeant Massey, when you arrived at the scene  
16 where the car was located, did you do anything in the  
17 way of processing the scene or checking the car out?

18 A Yes, sir, I did.

19 Q Were you able to lift fingerprints from areas of  
20 the car?

21 A I was able to lift some partials and some partial  
22 palm prints.

23 Q And did you ever submit those to be examined to be  
24 referenced against any other samples?

25 A No, sir.

1 Q What was the reason for you not doing that?

2 A Because after interviewing both suspects involved  
3 in the case, neither one of them denied being in the  
4 vehicle or having been anywhere around the vehicle.  
5 Which, in that case, what -- they'd legally had their  
6 prints on that vehicle or around that vehicle, because  
7 they were legally in the vehicle.

8 Q Now, how was Andre Green developed as a suspect in  
9 this case?

10 A Well, later during the -- after the investigation,  
11 at first, they didn't know -- he did not know who Andre  
12 Green was. All he knew is --

13 Q Now, when you say *he*, you're referring to whom?

14 A Mr. Boskey.

15 Q Thank you.

16 A I'm sorry. Mr. Boskey didn't know who Andre Green  
17 was as far as the second person in the vehicle. All he  
18 knew him as is Arnie. And we asked around, couple  
19 people in some of the offices knew a guy by the name of  
20 Arnie and had dealings with him before, which was later  
21 known to be Andre Green. Those pictures -- also, Mr.  
22 Boskey did call and let us know that there was a guy  
23 named Arnie that he knew of named Arnie, but he didn't  
24 know his real name.

25 Well, we put Andre Green in the photograph lineup,

1 along with five other individuals, and which he  
2 immediately identified Mr. Andre Green as the second  
3 person in the vehicle.

4 Q Let's back up here for a little bit. I'm going to  
5 show you what's already been marked as State's Exhibit 1  
6 and A -- 1-A and 1-B, for purposes of identification.  
7 And I'm going to ask you to take a look at these. Do  
8 you recognize both of those documents?

9 A I do, sir.

10 Q Okay. Can you tell the jury what they are?

11 A This is known as a photograph lineup, and this is  
12 what we get off our data base as far as Law Track.

13 Q And how are those compiled?

14 A Law Track is the data base which we use for our  
15 reports. And also, it has --

16 THE COURT: Excuse me just a minute, please. Let  
17 me see you all just a minute.

18 MR. HALL: You know what, your Honor, I'll withdraw  
19 that line of questioning.

20 THE COURT: All right. Go ahead.

21 MR. HALL: I'm going to ask that State's Exhibits  
22 1-A and 1-B be admitted into evidence and that I be able  
23 to publish these to the jury.

24 MR. COLONGELI: I'm sorry. Which ones?

25 MR. HALL: The lineup.

1 MR. COLONGELI: I have an objection to that.

2 THE COURT: You do?

3 MR. COLONGELI: Yes.

4 THE COURT: Let me ask the jury to please go to  
5 your jury room, and I'll bring you back in just a few  
6 minutes once I address this issue.

7 BAILIFF: The jury is clear, your Honor.

8 JURY LEAVES COURTROOM 3:22 P.M.

9 ON-THE-RECORD BENCH CONFERENCE,

10 OBJECTION, MR. COLONGELI:

11 THE COURT: Okay. What's your objection?

12 MR. COLONGELI: I think, your Honor, I didn't mean  
13 to have to break Court, so to speak, and have the jury  
14 go out. But if so, first of all, he didn't show me what  
15 those were, so I'd like to see them.

16 THE COURT: The lineup photos.

17 MR. COLONGELI: I understand that, but those appear  
18 different than what I have.

19 THE COURT: Okay. Well, look at them.

20 MR. HALL: They're the originals.

21 MR. COLONGELI: Exactly. I've not had an  
22 opportunity to see the originals.

23 THE COURT: Okay. Do they appear to be the same as  
24 the copies that you were provided?

25 MR. COLONGELI: Short of some sort of evidence

1 sticker that was on both of them, which isn't on both  
2 the copies that I have.

3 MR. HALL: Correct. Correct, because they --

4 MR. COLONGELI: Which was placed on them here  
5 today.

6 THE COURT: Well, we're not introducing the copies.  
7 We're introducing the originals.

8 MR. COLONGELI: Exactly. They do -- they do appear  
9 to be what I have copies of. Your Honor, for purposes  
10 of preserving the record, we discussed this earlier in  
11 chambers, I have no information within the four corners  
12 of this report or investigation as to the protocol that  
13 was used. Obviously, this is discoverable information  
14 that I'm just learning of now. I think he refrained  
15 from going into that just a second ago as far as the  
16 procedure which was used. And we discussed that  
17 earlier.

18 I'd like to make note of -- on the record that,  
19 obviously, there was nothing in the report that  
20 indicated the procedure that was used, and that my  
21 position has been and always was that this lineup was  
22 unduly suggestive, based on the picture itself. But we  
23 had discussed this earlier. And I just think for  
24 preserving the record, I need to make note of that at  
25 this point in time. That would be the objection that I

1 have.

2 MR. HALL: Your Honor, the reason that I abandoned  
3 my line of questioning was because I wanted to avoid  
4 having Sergeant Massey potentially answering a question  
5 where the photos that were put into the lineup were  
6 called from jail photo -- jail photos themselves. I  
7 didn't want to end up doing something that was going to  
8 prejudice the defendant by giving the jury the  
9 impression that because he's in this lineup, obviously,  
10 he's been in jail before.

11 MR. COLONGELI: Well, that would be a correct  
12 impression. But that's what we're trying to avoid, of  
13 course.

14 MR. HALL: Right. And that's why I stopped my line  
15 of questioning.

16 THE COURT: Okay.

17 MR. COLONGELI: That, in addition, would be,  
18 obviously, part of my motion. The fact that that does  
19 seem to indicate --

20 THE COURT: That's not obviously part of the  
21 motion. You'll have to include it if you want to  
22 include it.

23 MR. COLONGELI: I'd like to include it, your Honor.

24 THE COURT: All right. Tell me what you want to  
25 include.

1 MR. COLONGELI: It seems clear to me that it would  
2 indicate, if the jury were to see this lineup, that it  
3 would indicate that Mr. Green has been incarcerated.

4 THE COURT: How does it indicate that?

5 MR. COLONGELI: Well, there is a -- there's  
6 something called *Mug Faces* here in Beaufort County.  
7 There is also a periodical that is in every gas station  
8 in Beaufort County where it shows people that have been  
9 arrested during the proceeding week, month. Every  
10 individual obviously appears in these black and white  
11 photos. It appears that you can tell that they are in a  
12 jail uniform. And obviously, --

13 THE COURT: Well, let me have a look at it.  
14 Nobody's explained that to me before right now.

15 MR. HALL: I'll let you have the originals, Judge,  
16 if you want them.

17 THE COURT: Well, we did have this discussion, but  
18 the last discussion we had was that there was not going  
19 to be an objection to the lineup.

20 MR. HALL: That was my --

21 MR. COLONGELI: I understand that. And I didn't  
22 think he was going to admit the photos, your Honor. I  
23 didn't think he was actually going to publish the  
24 photos.

25 MR. HALL: They'd already been introduced, at least

1 for identification purposes, but.

2 THE COURT: All right. What else, Mr. Colongeli?  
3 You do know these photographs are derived from a jail  
4 computer program that selects photographs from the  
5 pictures taken when defendants are arrested.

6 MR. COLONGELI: I do understand that. And I think  
7 my motion generally would be, under 402, that -- I don't  
8 see -- I only see prejudice coming from that. I don't  
9 see anything probative coming from that. We've already  
10 discussed this lineup at length. I just don't  
11 understand why we have to go further with the actual  
12 lineup now. I just think it's unduly prejudicial to my  
13 client at this point. Particularly in light of the fact  
14 that I think it does suggest that he has a criminal  
15 history. So, in doing so, that would be against the  
16 interests of my client and prejudicial. That would be  
17 the basis of my motion and objection, your Honor.

18 THE COURT: When was the lineup conducted?

19 MR. HALL: The lineup was prepared on June 10th,  
20 and Mr. Boskey viewed it on June 13th.

21 MR. COLONGELI: And there's some question, your  
22 Honor, whether or not that was a mug shot from a prior  
23 arrest. That's my concern. I mean, I'm not sure how we  
24 get around it, other than me noting it for the record,  
25 but --

1 THE COURT: Well, I don't mind excluding it  
2 altogether if you're not going to challenge Mr. Boskey's  
3 identification of the defendant from that lineup. But  
4 if you are, then they've got a right to introduce  
5 evidence that he --

6 MR. COLONGELI: Understood.

7 THE COURT: -- identified the defendant shortly  
8 after this event occurred.

9 MR. COLONGELI: Understood, your Honor. And I  
10 think -- that's what I'm saying. That has already been  
11 addressed. I didn't challenge that. As a matter of  
12 fact, I discussed that with the witness, with the  
13 alleged victim. We discussed his purported  
14 identification from this lineup. It's been discussed at  
15 length. And that's why I think anything further and the  
16 Solicitor being able to go forward and actually  
17 introducing it is prejudicial at this point. We've  
18 discussed it at length with the victim.

19 THE COURT: Well, I realize it's prejudicial, but  
20 everything -- most everything they've introduced has  
21 been prejudicial. That's the point of it. The question  
22 is whether or not it's unduly prejudicial.

23 THE COURT: Do you need to go into that line of  
24 questioning, Mr. Hall, or would you be satisfied with  
25 just asking Mr. Massey if you prepare a photographic

1 lineup which contained the picture of the defendant and  
2 then Mr. Boskey selected Mr. Green's picture from that  
3 lineup as being the person who was with Mr. Parker that  
4 day?

5 MR. HALL: That's fine. I'd be fine with that.

6 THE COURT: Okay. And then, if you're going to  
7 challenge the lineup and how the selection was obtained  
8 and that sort of thing, then they got a right to  
9 introduce the lineup.

10 MR. COLONGELI: I understand. I withdraw that  
11 objection.

12 THE COURT: Okay.

13 MR. COLONGELI: And I'm fine with what you've  
14 decided -- with what the State's decided.

15 THE COURT: Okay. All right. That satisfactory?

16 MR. COLONGELI: Absolutely.

17 THE COURT: Okay. Bring the jury in.

18 BAILIFF: Yes, your Honor.

19 THE COURT: In other words, you can ask him about  
20 what he did that resulted in identification, but the  
21 photographs won't come in.

22 MR. HALL: Excellent. Okay.

23 BAILIFF: The jury is entering, your Honor.

24 THE COURT: You may proceed.

25 MR. HALL: I am, your Honor. Thank you.

1 JURY ENTERS COURTROOM 3:30 P.M.

2 BY MR. HALL:

3 Q Detective Boskey [sic], back to the photo lineup,  
4 when was that conducted?

5 A Sir, I prepared the lineup in June. I'm sorry.  
6 June 10th, 2011, and Mr. Boskey was given the photo  
7 lineup to identify on the 13th of June.

8 Q All right. And when you showed him the lineup, was  
9 he able to select anyone out of the lineup?

10 A Yes, sir.

11 Q And who did he select? May I approach the witness  
12 again, your Honor?

13 Q There are obviously six pictures on here. Which  
14 number did he select?

15 A Number 2.

16 Q All right. And below Picture Number 2 are a set of  
17 initials.

18 A Yes, sir.

19 Q And what do those say?

20 A D.R.B. the III.

21 Q All right. And did you witness Mr. Boskey place  
22 those initials --

23 A I did.

24 Q -- under that picture? How quickly did he make  
25 that selection?

1 A Immediately.

2 Q So there was no hesitation whatsoever.

3 A No, sir.

4 Q No hemming and hawing. No 30-second, pregnant  
5 pause.

6 A No, sir.

7 MR. COLONGELI: Asked and answered, your Honor.

8 Q Okay. Now, Mr. Green wasn't immediately located.  
9 Is that correct?

10 A Excuse me?

11 Q Mr. Green was not immediately located.

12 A No, sir, he was not.

13 Q And in the interim, did you become aware of any  
14 issues involving Dennis Boskey and people contacting  
15 him?

16 A Yes, sir.

17 Q In fact, you've heard that testimony here today  
18 while you've been sitting here.

19 A Yes, sir.

20 Q What I want to attempt to clear up with you,  
21 Sergeant Massey, is, did you yourself ever pressure  
22 Dennis Boskey into making the identification?

23 A No, sir, I did not.

24 Q Did you ever try to convince him that he had the  
25 right man?

1 A No, sir, I did not.

2 Q And that's throughout the pendency of these  
3 proceedings?

4 A That's affirmative.

5 Q Now, Andre Green was ultimately arrested.

6 A Yes, sir.

7 Q And did you get a request from Mr. Green to have a  
8 chat?

9 A He asked me at one of the bond hearings, he said he  
10 needed to talk to me.

11 Q Okay. And did you have that conversation with him?

12 A I did have a conversation with him. I did, yes,  
13 sir.

14 Q Okay. And was that conversation recorded?

15 A It was audioed, and I believe, video-recorded, yes.

16 MR. HALL: Your Honor, may I approach?

17 THE COURT: You may.

18 BY MR. HALL:

19 Q I'm going to show you what's been marked as State's  
20 Exhibit Number 4 and ask you to identify that.

21 A Yes, sir. This is a copy of the -- looks -- says  
22 *Redacted Copy* of my actual interview.

23 Q And on that disc, there appear to be a set of  
24 initials?

25 A Yes, sir.

1 Q Are those your initials?

2 A They are.

3 Q And the date?

4 A Yes, sir.

5 Q And that is what?

6 A 4-24-2012.

7 Q So you've reviewed this. And the redacted version  
8 is a -- it's the same as the original version,  
9 obviously, with some of the parts taken out.

10 A Yes, sir.

11 Q How long did your interview with Mr. Green last?

12 A Approximately a hour and a half, total time.

13 MR. HALL: Your Honor, at this time, I would ask  
14 that State's Exhibit 4 be moved into evidence, and I'd  
15 like to play it for the jury.

16 MR. COLONGELI: Your Honor, only with the exception  
17 if we -- if stipulated prior to this that what the  
18 Solicitor's told me is, in fact, true. We discussed  
19 this at lunch. This is what I was going to possibly  
20 have a Big Mac and go over with my client. We did not  
21 have that opportunity, I did not, to listen to this.  
22 So, to that extend, I don't have a problem with it, to  
23 that extent.

24 THE COURT: Let me see you all just a minute.

25 OFF-THE-RECORD BENCH CONFERENCE,

1 THE COURT, MR. HALL, MR. STEPHENS,

2 MR. COLONGELI.

3 THE COURT: It's admitted.

4 MR. HALL: Thank you, your Honor. Play it for the  
5 jury?

6 THE COURT: You may.

7 MR. HALL: Thank you.

8 COMPACT, REDACTED INTERVIEW,

9 DETECTIVE SERGEANT ANDRE MASSEY

10 OF ANDRE GREEN, MARKED STATE'S

11 EXHIBIT NUMBER 4, AND ADMITTED

12 AS EVIDENCE.

13 COMPUTER MADE SOUND.

14 MR. HALL: Wow. Very sorry about that. I  
15 apologize, your Honor. It appears my computer is in the  
16 process of shutting down.

17 Wish it would start up faster. It just doesn't.

18 COMPACT DISC PLAYING.

19 MR. COLONGELI: Sorry. I have an objection, your  
20 Honor.

21 THE COURT: All right. Let me ask the jury to  
22 please go to your jury room. And don't talk about the  
23 case. I'll bring you back in just a moment.

24 JURY LEAVES COURTROOM 3:47 P.M.

25 BAILIFF: Jury's clear. The door is closed, your

1 Honor.

2 BY THE COURT:

3 THE COURT: All right. Your objection.

4 MR. COLONGELI: Your Honor, I know -- obviously, I  
5 think you heard the same thing I did.

6 THE COURT: Well, I didn't. I'm having a hard time  
7 hearing any of it. So you'll have to tell me what you  
8 heard.

9 MR. COLONGELI: Well, I just heard my client  
10 indicate something in reference to his background. It  
11 was clear to me, and I'm having a difficult time hearing  
12 it, too. But he said something to the effect that there  
13 was, in his mind, based on what Sergeant Massey was  
14 telling him, that, in his mind, it must have been  
15 something between Brandon and Boskey trying to get him  
16 because of his background. Because of his background.

17 THE COURT: All right. Well, I don't perceive an  
18 issue there.

19 MR. COLONGELI: You don't. Okay. If I could just  
20 make the objection, your Honor.

21 THE COURT: You did.

22 MR. COLONGELI: Yes. Thank you.

23 THE COURT: All right. Any other?

24 MR. COLONGELI: Only that, you know, as I stated  
25 earlier, obviously, I did not get to hear the earlier

1 tapes that were admitted. And Mr. Hall had stated that  
2 the redactions were made. I'm taking his word that the  
3 redactions were made on this tape also, notwithstanding  
4 the fact that I was instructed to listen to it at lunch.

5 THE COURT: And did you?

6 MR. COLONGELI: I did not.

7 THE COURT: Yeah.

8 MR. COLONGELI: But once again, I'll take  
9 responsibility for that, but I've, once again, relied on  
10 Mr. Hall here that he gave me his word this morning that  
11 the redactions were made.

12 MR. HALL: And they have been.

13 THE COURT: Okay. Well, I'm going to let you  
14 defend your position in just a moment.

15 MR. COLONGELI: Okay. I apologize.

16 THE COURT: I don't see how that -- the discussion  
17 was, is they weren't supposed to be talking about his  
18 criminal history. I don't think that does, but you  
19 apparently think it does.

20 MR. COLONGELI: Just -- yes. Background, I do. I  
21 imply that as -- his background could be that he's  
22 Haitian. That's --

23 THE COURT: He probably wasn't talking to Mr.  
24 Parker and Mr. Boskey about his background in the  
25 context of his criminal history. I would guess.

1 MR. COLONGELI: I understand, your Honor.

2 THE COURT: Anyway. What else would you like to  
3 say, Mr. Hall? Do you have anything you'd like to say  
4 in response to Mr. --

5 MR. HALL: I don't, your Honor. Well, I'll just  
6 reiterate for the record that I have taken great pains  
7 to redact this audio. And if Mr. Colongeli's relying on  
8 me, obviously, that I've done my job, and as I stand  
9 here, I believe I have.

10 THE COURT: Okay. Anything else?

11 MR. COLONGELI: No, your Honor.

12 THE COURT: All right. Bring the jury back.

13 MR. HALL: I was going to ask before they come back  
14 in that I rewind a little bit.

15 THE COURT: Okay.

16 MR. HALL: Because I think there was some time  
17 lapse by the time I made it here.

18 THE COURT: Well, just be sure that it's after that  
19 part that they've already heard that Mr. Colongeli is  
20 objecting to.

21 MR. HALL: I will.

22 MR. COLONGELI: Thank you, your Honor.

23 MR. HALL WORKING WITH COMPUTER.

24 MR. HALL: I don't know exactly where that comment  
25 is.

1 DETECTIVE SERGEANT MASSEY: You've got to go back  
2 some.

3 MR. HALL: There it is.

4 THE COURT: Okay. Bring the jury in, please. How  
5 much longer is this tape?

6 MR. HALL: Seventeen minutes.

7 THE COURT: Okay.

8 THE COURT: Mr. Hall, you're going to need to stand  
9 near that thing, so in case Mr. Colongeli has another  
10 objection since he hadn't reviewed that tape. You might  
11 need to stop it.

12 MR. HALL: I will do that, your Honor.

13 MR. COLONGELI: Thank you, Judge.

14 BAILIFF: The jury is entering, your Honor.

15 JURY ENTERS COURTROOM 3:48 P.M.

16 THE COURT: All right. You may continue.

17 MR. HALL: Thank you, your Honor.

18 CONTINUE PLAYING COMPACT DISC.

19 BY MR. HALL:

20 Q Sergeant Massey, as part of the -- as part of that  
21 process, when you were interviewing Andre Green, you had  
22 made reference to a statement that had been written out  
23 by Dennis Boskey, correct?

24 A Yes, sir.

25 Q Do you remember when Mr. Boskey wrote that

1 statement out?

2 A I believe it was on the 9th of June.

3 Q So, the incident date.

4 A Yes, sir.

5 Q So, at that time, he was only able to identify  
6 Brandon Parker.

7 A Yes, sir.

8 Q He didn't know who the other person was.

9 A No, sir.

10 Q But yet, he identified him later as part of the  
11 photo lineup.

12 A Yes, sir.

13 Q So it wouldn't be unusual, obviously, to have  
14 something in a report where you have an unidentified  
15 subject if you don't know who they are.

16 A Correct, sir.

17 MR. HALL: I don't have any other questions, your  
18 Honor.

19 MR. COLONGELI: May it please the Court, your  
20 Honor.

21 DETECTIVE SERGEANT ANDRE MASSEY

22 CROSS-EXAMINATION

23 MR. COLONGELI:

24 Q Detective Massey, correct? Good afternoon.

25 A Good afternoon, sir. How you doing?

1 Q All right. That interview, according to Mr. Hall,  
2 was originally an hour and a half. Is that not correct?

3 A Approximately. Yes, sir.

4 Q And I've got a lot of respect for you. You've been  
5 in law enforcement 17 years, and you've got a hard job  
6 to do. But you are trained -- you've been asked this  
7 question before. You're trained originally in criminal  
8 justice academy that what you do has to all be put in  
9 writing in what's called an incident report, correct?

10 A That's correct.

11 Q Okay. And you did prepare an incident report in  
12 this case.

13 A I did.

14 Q Okay. And that one-and-a-half inter -- one-and-a-  
15 half-hour interview basically is three paragraphs at the  
16 end of that report. Would you agree?

17 A I agree. That's because it's a synopsis of the  
18 interview.

19 Q A synopsis of the -- correct. And correct me if  
20 I'm wrong, but what I get out of this incident report  
21 that you wrote was that -- and what we heard Mr. Green  
22 say was that he did catch a ride with Brandon Parker and  
23 Dennis Boskey; that he got out at the basketball court,  
24 and Boskey and Parker continued to the house down the  
25 dirt road from the basketball court.

1 A That's -- that's correct, sir.

2 Q And that's what he told you.

3 A Yes, sir.

4 Q Okay. You didn't believe him.

5 A No, sir.

6 Q You still don't believe him.

7 A No, sir.

8 Q You weren't there, though, were you?

9 A No, sir.

10 Q So you're relying on information, just like  
11 everyone else is, to make up your mind as to what  
12 happened.

13 A I'm relying on the actual victim's testimony.

14 Q And this actual victim, as you heard before, was  
15 quite adamant that he did not want to be here, correct?

16 A Somewhat, sir, yes, sir.

17 Q And that he also could not identify who that other  
18 black male subject was today here in court, and the  
19 perpetrator of the armed robbery, car jacking, and  
20 kidnaping, correct?

21 A He did say that here in court, yes, he did.

22 Q All right. Now, I want to reiterate that you  
23 stated in your own report that Green maintained that he  
24 had nothing to do with the situation.

25 A That's correct, sir.

1 Q And that he stated he would take his chances in  
2 court.

3 A That's correct, sir.

4 Q As serious as these charges are, that he would take  
5 his chances in court, after listening to all that we  
6 just heard. And I know you got a tough job to do, and  
7 you do get at it, but after everything we just heard,  
8 him saying I did not do this, I'll take my chances in  
9 court.

10 A Yes, sir.

11 Q Now, there's been a lot of discussion of threats  
12 and intimidation in this case, or alleged threats or  
13 intimidation. And you went so far as to indicate to  
14 this alleged victim, Mr. Boskey, and it was a correct  
15 allegation by you that that's a federal offense.

16 A Yes, sir. It's a felony. Yes, sir.

17 Q Tampering with a witness, it's a felony. And  
18 actually, the federal government could get involved with  
19 that, particularly with out-of-state people calling  
20 local people, correct?

21 A To my understanding, yes, sir.

22 Q No charges have been filed, though, correct?

23 A No, sir.

24 Q Not even an investigation has been conducted.

25 A No, sir.

1 Q No supplemental report as to intimidation or  
2 tampering with witnesses.

3 A No, sir.

4 Q These phone calls that Mr. Boskey went in length  
5 about during that second interview, the ones that he  
6 erased, the ones that he couldn't bring you the records  
7 for, did you ever, in your investigation, look into  
8 whether or not those possibly were in reference to  
9 Brandon Parker or coming from Brandon Parker?

10 A No, sir. He never gave me the numbers.

11 Q Brandon Parker never gave you the numbers.

12 A No. Mr. Boskey never gave me the --

13 Q Okay. I'm sorry. I didn't ask you the question  
14 correctly. Did it come up, did you ever think, as part  
15 of your investigation into this case, there is Brandon  
16 Parker who is a definite?

17 A Yes, sir.

18 Q Did you ever think that these threats, alleged  
19 threats or purported threats and intimidation -- alleged  
20 intimidation, from these phone calls were in relation to  
21 Brandon Parker and may be friends of his or a third  
22 party?

23 MR. HALL: Objection. That would call for  
24 speculation.

25 THE COURT: Overruled.

1 BY MR. COLONGELI:

2 Q I mean, Brandon Parker is a co-defendant, correct?

3 A Yes, sir.

4 Q And he has not been tried yet.

5 A No, sir.

6 Q Correct.

7 Q Obviously, he's not here to testify against Mr.  
8 Green that he had anything to do with it today, is he?

9 A No, sir.

10 Q I'm saying -- I don't think it calls for  
11 speculation. You, as a 17-year veteran with a reputable  
12 law enforcement agency, did it ever enter your mind, and  
13 I'm saying, if it didn't, it's okay, but did it ever  
14 enter your mind that this may have been in relation to  
15 Brandon Parker? These phone calls that were coming in.

16 A Those phone calls could have been from anybody.

17 Q Anybody.

18 A They could have been from anybody.

19 MR. COLONGELI: Thank you. And -- that's it.

20 That's it. Thank you very much.

21 MR. HALL: Just a brief follow-up, your Honor.

22 DETECTIVE SERGEANT ANDRE MASSEY

23 RE-DIRECT EXAMINATION

24 MR. HALL:

25 Q Mr. Colongeli referenced something from the audio

1 that we all listened to about how Mr. Green would take  
2 his chances in court. Is that correct?

3 A Yes, sir.

4 Q Now, he told you that when, exactly?

5 A It was at the end of the interview.

6 Q Okay. But date-wise. In relation to the event.

7 A Approximately around the 18th or 19th when I  
8 actually spoke to him at the detention center.

9 Q What month?

10 A June. June 2011.

11 Q When you spoke to Mr. Green?

12 A I'm sorry. Not June. October 2011. I'm sorry.

13 Q In the sense that it happened in June of 2011,  
14 correct?

15 A Yes, sir.

16 Q And we've heard testimony that Mr. Green visited  
17 Mr. Boskey in the interim.

18 A Yes, sir.

19 Q So Andre Green taking his chances in court, that  
20 statement is made after he's gone to see Dennis Boskey.

21 A Yes.

22 MR. COLONGELI: I'm going to object, your Honor.  
23 I'm not sure what the relevance is of that.

24 THE COURT: Overruled.

25 MR. HALL: That's all I have. Thank you.

1 MR. COLONGELI: Re-cross?

2 THE COURT: Okay.

3 DETECTIVE SERGEANT ANDRE MASSEY

4 RE-CROSS-EXAMINATION

5 MR. COLONGELI:

6 Q And if I'm out of bounds, Judge, please tell me.  
7 Detective Massey, the incident report, your incident  
8 report, --

9 A Um-hmm.

10 Q -- says that Mr. Boskey identified the second guy  
11 as a black male only, correct?

12 A Initially, yes.

13 Q Okay. Two days later, is it not true that people  
14 on the street, according to a supplemental report,  
15 informed Mr. Boskey that sounds like a guy named Arnie.

16 MR. HALL: Your Honor, I'll object to that. He's  
17 testifying as to what Mr. Boskey told him.

18 THE COURT: Well, let me see you all just a minute.

19 OFF-THE-RECORD BENCH CONFERENCE,

20 THE COURT, MR. HALL, MR. STEPHENS,

21 MR. COLONGELI.

22 BACK ON THE RECORD.

23 THE COURT: All right. Objection sustained.

24 MR. COLONGELI: That's withdrawn, your Honor. I  
25 have nothing further. Thank you, Detective.

1 MR. HALL: I have nothing more for this witness,  
2 your Honor.

3 THE COURT: You may step down.

4 A Thank you, your Honor.

5 STATE RESTS, MR. HALL:

6 MR. HALL: At this time, your Honor, the State  
7 rests.

8 THE COURT: Ladies and gentlemen, that is all of  
9 the testimony and evidence to be offered by the State,  
10 at least in their case in chief. Before we go further,  
11 I've got some matters to address with the lawyers.  
12 Should take only a few minutes. So, please go to your  
13 jury room, but do not yet discuss the case. I'll bring  
14 you back shortly.

15 JURY LEAVES COURTROOM 4:20 P.M.

16 BAILIFF: Jury's clear. Door's closed, your Honor.

17 MOTION FOR DIRECTED VERDICT;

18 MR. COLONGELI:

19 THE COURT: All right. Motions? Do you have any  
20 motions you'd like heard?

21 MR. COLONGELI: Yes, I do, your Honor. May it  
22 please the Court. Your Honor, prior to our break -- and  
23 that's one of the things that threw me off, your Honor,  
24 as far as not paying attention and having listened to  
25 one of the tapes that I should have listened to. I was

1 thinking of procedurally what kind of motion I could  
2 make prior to the State's resting its case. And the  
3 only thing I could come up with before coming back from  
4 lunch, and I don't mean to belabor this, is possibly  
5 assistance from the Court in requesting that the State  
6 do what, in the interest of justice, would be at that  
7 time to cease its prosecution. Based on what we had  
8 heard up until that time.

9 Having said that, your Honor, in the interest of  
10 justice, I would respectfully move for a directed  
11 verdict.

12 The evidence, even in a light most favorable to the  
13 State, has failed irrefutably to establish the  
14 identification of Andre Green as the perpetrator of the  
15 offenses alleged.

16 We know in Criminal Law 101, and I will be the  
17 first to admit, I'm not the brightest attorney around  
18 with my years of experience, but Criminal Law 101,  
19 identification and jurisdiction. And I would say to  
20 this Court that I'm not so sure even jurisdiction was  
21 established. There was never a point in the testimony  
22 where -- I think everything got derailed once the victim  
23 said that he could not identify Mr. Green. But it went  
24 kind of off track at that point. I don't recall, and I  
25 stand to be corrected, whether or not there was any

1 point in this testimony where the State elicited  
2 testimony that would have established that this alleged  
3 -- these alleged offenses occurred in Port Royal, South  
4 Carolina on such and such dates.

5 THE COURT: What about Beaufort County?

6 MR. COLONGELI: I didn't hear Beaufort County,  
7 either, your Honor.

8 THE COURT: Okay.

9 MR. COLONGELI: And I stand to be corrected. If  
10 you did and I didn't, that's --

11 THE COURT: I'm not saying I did. I'm just saying  
12 it's not limited to Port Royal.

13 MR. COLONGELI: Understood. And that would be part  
14 of my motion. Not only did I not hear Port Royal  
15 itself, I did not hear Beaufort County. We would argue  
16 that, based on the lack of identification, and in the  
17 interest of justice, that you prevent this from going to  
18 the jury.

19 I think this is a very difficult decision if I were  
20 a judge to make. Because it's one of those situations  
21 where I guess you could say because of this purported  
22 intimidation tactics or whatever, the stuff that never  
23 was within the four corners of what I had discoverable  
24 to me, that possibly, that's a question for the jury to  
25 determine. But I believe, based on the State's chief

1 lead witness, the person, the victim, who adamantly  
2 expressed to this Court his bewilderment why he, as  
3 victim, had to continue to waste the State of South  
4 Carolina's time in the prosecution of a case he wanted  
5 nothing to do with.

6 And in addition to that, repeatedly said, at my  
7 questioning, and even at the State's direct -- during  
8 the State's direct examination, whether, one, he could  
9 identify this man, or two, specifically as to my  
10 questions, whether or not only could he identify him,  
11 but was this the man who perpetrated these offenses  
12 alleged by you on June 6 -- June 6 or 9th of 2011. No,  
13 I can't. I've been telling you all that from day one.  
14 I can't.

15 So, I don't know what more I can say, your Honor.  
16 And that's why Detective Massey, I've got a great deal  
17 of respect for law enforcement and for him. It is what  
18 it is, what we've heard up till now. But I'm not sure  
19 why the State wanted to continue with his testimony and  
20 with that tape. It summed up, and Detective Massey  
21 agreed with me, in Andre Green's statement, he admitted,  
22 and there was no question as to that as far as him being  
23 in the vehicle for a ride, but he agreed that, number  
24 one, he was not guilty; he did not participate in any of  
25 these offenses; and that he was dropped off at the

1 basketball court.

2 Which makes perfect sense if you put everything  
3 together with what confusion we may draw or speculate as  
4 to what Dennis Boskey was really saying that whatever  
5 happened, happened after he got out of the car. The  
6 only person Dennis Boskey has identified throughout this  
7 case is Brandon Parker. Why the State has chosen to go  
8 proceed with this action against Andre Green, I think I  
9 know why, but I still think the interest of justice  
10 dictate at this point that this matter must cease. And  
11 I would respectfully ask and urge that you agree.

12 THE COURT: Mr. Hall.

13 MR. HALL: Thank you, your Honor. Well, obviously,  
14 there were some issues with the victim identifying Mr.  
15 Green in court. But there was testimony that Mr. Boskey  
16 identified Mr. Green in the lineup. There was also  
17 testimony in the form of Mr. Boskey's statement that was  
18 played in front of the jury that he received phone  
19 calls, he received threats. And I think that the jury  
20 should be able to infer from that, if they choose, that  
21 he was threatened into testifying the way that he  
22 testified today.

23 There was an identification made. There was also  
24 no doubt that Andre Green was in Mr. Boskey's car; and  
25 Mr. Boskey testified that he had given a ride to two

1 people; that those two people robbed him, and Mr. Green  
2 has admitted that he was one of the people in the car.  
3 So I think there's more than sufficient evidence to go  
4 to the jury. And I'd ask that the directed verdict  
5 motion be denied.

6 THE COURT: What about the jurisdiction?

7 MR. HALL: Jurisdiction was brought up even at an  
8 early stage with the 911 caller, also with the 911  
9 dispatch that the incidents occurred in Port Royal here  
10 in Beaufort County.

11 THE COURT: Didn't she testify it was on the  
12 bridge? She testified as to the name of the road.

13 MR. HALL: The McTeer Bridge.

14 THE COURT: McTeer Bridge?

15 MR. HALL: Yes.

16 THE COURT: Can we take judicial notice that McTeer  
17 Bridge is in Beaufort County, Mr. Colongeli?

18 MR. COLONGELI: I don't think that's sufficient,  
19 your Honor. I would tell you that I know the McTeer  
20 Bridge she was referring to was, but I don't think that  
21 establishes jurisdiction.

22 MR. HALL: Well, in the alternative, I guess if  
23 there's some doubt, I would move to briefly re-open and  
24 put Detective Massey on the stand to establish whatever  
25 Mr. Colongeli thinks I haven't. Although, I believe

1 that I have.

2 MR. COLONGELI: If I could rebut just some of his  
3 statements. If not, I'll be glad to stand down.

4 THE COURT: Okay.

5 MR. COLONGELI: I am somewhat, if not for the great  
6 part, bewildered by the State's continued position,  
7 adamance, in wanting to continue with the prosecution in  
8 this case. I understand the big picture, your Honor,  
9 but I find it hard to believe --

10 THE COURT: Well, let me ask you this. Are you  
11 trying to add to your motion, or are you trying to  
12 convince Mr. Hall that he shouldn't be prosecuting the  
13 case? Because I don't think you're going to be able to  
14 convince him of that, whether it's through me or  
15 directly.

16 MR. COLONGELI: I apologize. You're right. I  
17 apologize. You're right. That's not germane.

18 THE COURT: Okay. Anything else?

19 MR. COLONGELI: Only what I stated prior, your  
20 Honor, as far as my grounds for the directed verdict.

21 THE COURT: All right. Motion for directed verdict  
22 is denied.

23 What about the Defense? Are you going to offer any  
24 testimony or evidence?

25 MR. COLONGELI: If I could just have a minute to

1 discuss that with my client.

2 THE COURT: Okay.

3 MR. COLONGELI CONFERRING WITH CLIENT.

4 DEFENSE RESTS, OUT OF PRESENCE OF

5 JURY, MR. COLONGELI:

6 MR. COLONGELI: Thank you, your Honor. There will  
7 be no testimony from the Defense. We hereby rest.

8 THE COURT: All right. Mr. Green, you heard your  
9 lawyer tell me that he's not going to call you or any  
10 other witness or present any other evidence. Have you  
11 discussed with your lawyer your right to testify, as  
12 well as not testify?

13 DEFENDANT GREEN: Yes, sir.

14 THE COURT: Do you understand that when you're  
15 charged with a crime, as you are now, that you have an  
16 absolute right to remain silent, which just means nobody  
17 can make you take the witness stand and testify during  
18 the case or answer any questions or make any statements  
19 that relate to the charges. So it's your choice as to  
20 whether or not you'll testify.

21 But if you do testify, you've got to answer not  
22 just your lawyer's questions, but you've got to answer  
23 any questions that are asked of you that are relevant to  
24 the case, even if the responses to those questions might  
25 tend to prove you guilty of some crime the State claims

1       you committed.

2               If you don't take the witness stand, I'm going to  
3       instruct the jury they can't hold that against you. As  
4       I've already said before, they can't consider the fact  
5       that a defendant doesn't testify in any way in their  
6       deliberations or their determination as to your guilt.

7               But you understand it's your choice, and you can  
8       make that decision based upon whatever facts that you  
9       feel are appropriate, but only you can make that  
10       decision. Mr. Colongeli can't make that decision for  
11       you.

12              You know, if you ask him what he thinks, he can  
13       tell you what he thinks. It doesn't matter what he  
14       thinks, so far as the ultimate decision is concerned,  
15       because you're the only one that can make the decision,  
16       because you're the only one that's going to suffer any  
17       consequence from that decision.

18              Now, have you had plenty of time to think about  
19       your decision about whether or not you will take the  
20       witness stand and testify?

21              DEFENDANT GREEN: Yeah.

22              THE COURT: And have you and Mr. Colongeli  
23       discussed the advantages and the disadvantages of  
24       testifying, as well as not testify?

25              DEFENDANT GREEN: Yes, sir.

1 THE COURT: And do you appreciate what those  
2 advantages and disadvantages are?

3 DEFENDANT GREEN: Yes, sir.

4 THE COURT: And have you had plenty of time to  
5 reflect upon your decision about whether or not you'll  
6 testify?

7 DEFENDANT GREEN: Yes, sir.

8 THE COURT: What is it?

9 DEFENDANT GREEN: That I'm not.

10 THE COURT: And is that a decision that you reached  
11 of your own free will and accord?

12 DEFENDANT GREEN: Yes, sir.

13 THE COURT: Has anybody forced you into it?

14 DEFENDANT GREEN: No, sir.

15 THE COURT: Anybody pressured you into it?

16 DEFENDANT GREEN: No, sir.

17 THE COURT: Anybody even suggested that that's what  
18 you ought to do?

19 DEFENDANT GREEN: No, sir.

20 THE COURT: It's your decision?

21 DEFENDANT GREEN: Yeah.

22 THE COURT: And you're satisfied with it?

23 DEFENDANT GREEN: Yes, sir.

24 THE COURT: Do you have any other witness you want  
25 Mr. Colongeli to call?

1 DEFENDANT GREEN: Naw. No, sir.

2 THE COURT: You don't have any other witnesses?

3 DEFENDANT GREEN: (Shook head, indicating  
4 negative.)

5 THE COURT: Got any other evidence you want  
6 introduced?

7 DEFENDANT GREEN: No, sir.

8 THE COURT: All right. Thank you. You can have a  
9 seat. All right. All right. I'll bring the jury back.  
10 We'll recess for the day. We'll conclude with arguments  
11 and jury instructions in the morning. I'll need you all  
12 to give me any suggestions that you have, if you have  
13 any, before we leave.

14 All right. Bring the jury in, please. You'll need  
15 to rest in front of the jury, too.

16 MR. COLONGELI: Yes, sir. And go directly into  
17 closing, sir?

18 THE COURT: No, no. In the morning.

19 MR. COLONGELI: Oh, in the morning.

20 THE COURT: I haven't got your suggestions about  
21 the instructions yet.

22 BAILIFF: The jury is entering, your Honor.

23 JURY ENTERS COURTROOM 4:33 P.M.

24 DEFENSE RESTS IN PRESENCE OF JURY,

25 MR. COLONGELI:

1 THE COURT: All right. Ladies and gentlemen, as  
2 you know, the State has concluded in their presentation.  
3 So we'll now proceed with any additional to be offered  
4 by the Defense.

5 Mr. Colongeli, does the Defendant wish to present  
6 any additional evidence?

7 MR. COLONGELI: He does not, your Honor. At this  
8 point, the Defense also rests.

9 THE COURT: All right. That's all of the testimony  
10 and the evidence to be offered in the trial of this  
11 case. Therefore, what remains to be done are the  
12 lawyers final summations, after which I'm going to  
13 instruct you on the law that you are to apply. And then  
14 you can begin with your deliberations in the case. And  
15 I expect that's going to take a good bit longer than 25  
16 minutes.

17 So, we're going to recess for the afternoon. We'll  
18 conclude in the morning with the final summations, my  
19 instruction, and your deliberations. We'll do that  
20 beginning at 9:30 in the morning.

21 So keep in mind the caution I've already provided  
22 you. No discussions about the case with anyone in any  
23 fashion whatsoever. No investigation, no research into  
24 any issue. No exposure to any type of information,  
25 media coverage or otherwise. Okay?

1 Have a good evening. Please report to your jury  
2 room at 9:30 in the morning.

3 JURY LEAVES COURTROOM 4:35 P.M.

4 BAILIFF: Jury's clear. Door is closed, your  
5 Honor.

6 THE COURT: All right. Court is in recess till  
7 9:30 in the morning. And I need to see the lawyers in  
8 chambers for a charge conference, please.

9 MR. HALL: Yes, your Honor.

10 OFF THE RECORD 4:36 P.M.

11 END DAY TWO, APRIL 24, 2012.

12 BEGIN DAY THREE, APRIL 25, 2012,

13 10:05 A.M.

14 BY THE COURT:

15 THE COURT: Thank you. Be seated. All right. Any  
16 matters we need to address before the jury is brought  
17 in?

18 MR. HALL: None from the State, your Honor.

19 MR. COLONGELI: Nothing from the Defense, your  
20 Honor.

21 THE COURT: Okay. Bring them in, please.

22 BAILIFF: Yes, your Honor.

23 BAILIFF: The jury is entering, your Honor.

24 JURY ENTERS COURTROOM 10:07 A.M.

25 THE COURT: Good morning, ladies and gentlemen. As

1 you know, when we recessed yesterday, all the evidence  
2 had been received, and therefore, what remains to be  
3 done are the lawyers' final summations, after which,  
4 I'll instruct you on the law. And then you can begin  
5 with your deliberations. So please give the lawyers  
6 your attention now, as they give you their final  
7 summations.

8 Mr. Hall.

9 MR. HALL: Thank you, your Honor. May it please  
10 the Court.

11 THE COURT: Yes, sir.

12 CLOSING STATEMENTS

13 ON BEHALF OF THE STATE

14 MR. HALL:

15 MR. HALL: Ladies and gentlemen of the jury, first  
16 of all, I want to start by thanking you for paying close  
17 attention over the last day, listening to the testimony.  
18 Some of the testimony, obviously, came in through audio  
19 recordings. Some of you may have struggled to hear  
20 everything, but those things are in evidence, and you'll  
21 have the opportunity to listen again, to those again,  
22 back in the jury room.

23 When I first talked to you, I told you that June  
24 9th of 2011 was a bad day for Dennis Boskey. And you  
25 saw Mr. Boskey testify yesterday. It wasn't the --

1 wasn't the first bad day he had had. He had had a few  
2 more bad days after that, but we'll get to that in a  
3 little bit.

4 What I'd like to do is go through with you what  
5 occurred yesterday. You heard from the 911 caller who  
6 observed someone come out of the trunk. You also heard  
7 the actual 911 call describing the same incidents.

8 You heard from Mr. Boskey who was able to detail  
9 anything that happened. He said that he had picked up  
10 Brandon Parker and another individual at Spanish Trace,  
11 offered them a ride to Casablanca Park. And at that  
12 point, was robbed at gunpoint of \$30.00. Was forced  
13 into his trunk. And after the car had driven away from  
14 the location, that's when he bailed out. And that's  
15 when the 911 call was placed.

16 Things get, obviously, a bit curiouser. No  
17 prosecutor likes to be blind sided on the morning of  
18 trial, but in this instance, that's what happened to me.  
19 I received this notarized letter from the victim saying  
20 that he no longer wished to participate in prosecuting  
21 this and that he'd never seen Andre Green before in his  
22 life.

23 Well, you heard evidence yesterday that that's  
24 simply not true. This happened on June 9th. On June  
25 13th he took part in a photo lineup. And you heard

1 testimony from Sergeant Massey that he instantaneously  
2 picked out Andre Green as the person that was involved.  
3 He was the person that was in the car with Brandon  
4 Parker that held the gun, that robbed him at gunpoint,  
5 that forced him into the trunk at gunpoint, and took his  
6 car in the process.

7 Now, what happens after that, I guess, is kind of  
8 the meat of the case. Usually, when you think about  
9 what's happened in the case, it's the facts of the case  
10 that establish what actually happened here, but I think  
11 we need to dig a little deeper. And I think, based on  
12 what you heard yesterday, you'll be able to do that.

13 Now, what I'd like to do is, again, I noted that he  
14 positively identified Andre Green as the person with the  
15 gun four days after the incident. When the recollection  
16 was fresh in his mind, he had no doubt about it.

17 A little bit later, we get a visit from Andre Green  
18 to Dennis Boskey at Dennis Boskey's apartment. Mr.  
19 Green's -- you've heard Mr. Green's statement. He says  
20 several times in that recording that he went to see  
21 Dennis Boskey at his apartment. He knew where he lived.

22 When Mr. Boskey was on the stand yesterday, and he  
23 could not identify Mr. Green in court, I would submit to  
24 you that it's really not a matter of he couldn't  
25 identify Andre Green. It's that he wouldn't identify

1 Andre Green.

2 You heard the audio recording of Dennis Boskey's  
3 interview with Sergeant Massey where he came in and  
4 expressed some concerns. Now, I'd like to kind of go  
5 through that bit by bit, because there's some very  
6 important information in here.

7 Dennis Boskey told Sergeant Massey that Andre Green  
8 came to get him -- or came to see him. That he arrived  
9 with two other people. That, while Dennis Boskey spoke  
10 with Andre Green, these people were circling around him,  
11 while his children were playing nearby.

12 That Andre Green asked Dennis Boskey, and I quote:  
13 *Are you sure it was me?*

14 Boskey replies: *Are you serious? You did the*  
15 *wrong and you come asking me. It's like, are you*  
16 *serious? I don't believe it. You think you're going to*  
17 *get away with something you did?*

18 Boskey also told Green, *Whatever happens to you is*  
19 *between you and the police.*

20 Andre Green then tells Dennis Boskey -- again, this  
21 is all in the recording that you'll have that you'll be  
22 able to listen to back in the jury room -- *Brad put me*  
23 *up to this situation. Brad told me you were a drug*  
24 *dealer. I didn't know you was just a regular dude that*  
25 *goes to school and everything. My boys told me you was*

1       *a good dude, and I'm sorry I did this.*

2       *Andre Green's admitting to the victim, when he*  
3       *comes to see him, I'm sorry I did this to you.*

4       *Couple weeks after this happens, the phone calls*  
5       *start. Person says on the phone: We need you to drop*  
6       *these charges. Are you going to do it or not?*

7       *Then, we get to the day that Andre Green was*  
8       *arrested. About two hours after Dennis Boskey finds out*  
9       *that Andre Green's been arrested, he gets a phone call.*  
10      *And in that phone call, he's told, and I quote:*

11      *You know they've picked that boy -- they've picked*  
12      *that boy up for what you did. Man, you better go down*  
13      *and drop those charges, or you going to have some*  
14      *serious problems with you and your family.*

15      *That was on the audio that you heard yesterday.*  
16      *But yet, we had somebody here in court, Mr. Boskey, in*  
17      *court yesterday, who would not identify Andre Green as*  
18      *the person that did this to him. Obviously, he was*  
19      *being threatened.*

20      *Now, let's talk about what Dennis Boskey actually*  
21      *testified to yesterday and how that connects with Andre*  
22      *Green.*

23      *Dennis Boskey told you that the two people that*  
24      *rode with him from Spanish Trace to Casablanca Park were*  
25      *the people that robbed him. He testified to that*

1 yesterday. Couldn't identify Andre Green, but he did  
2 say the two people that rode in the car with him were  
3 the people that were involved with this that did this to  
4 him.

5 Andre Green, in his audio, admits to being in the  
6 car. This is a simple matter of connecting the dots.  
7 You've got both people in the car. Dennis Boskey says  
8 these are the people that robbed me. And Andre Green  
9 admits to being there.

10 So, I would ask that you look deeper into what  
11 you've heard here and discern what's really going on  
12 here. That Dennis Boskey -- it wasn't a matter of  
13 Dennis Boskey not being able to identify Andre Green as  
14 the person that did this, but it's simply that he  
15 wouldn't, because he's afraid to.

16 I'm confident, after you consider everything that's  
17 been presented to you here this morning, that you'll  
18 come back with findings of guilt on all charges against  
19 this defendant.

20 Thank you very much for your attention. And please  
21 listen to anything that Attorney Colongeli has to say to  
22 you.

23 MR. COLONGELI: May it please the Court, your  
24 Honor.

25 THE COURT: Mr. Colongeli.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CLOSING STATEMENTS

ON BEHALF OF DEFENSE

MR. COLONGELI:

MR. COLONGELI: Good morning, ladies and gentleman of the jury. Mr. Hall just got done very briefly, succinctly, telling you what his theory of this case is. In the beginning, he told you that he would be able to prove to you beyond a reasonable doubt each and every element of each offense alleged against my client, Andre Green, beyond a reasonable doubt.

He told you there were problems that he had. And yet, this morning, he tells you that he was blind sided by a notarized statement he received over the weekend indicating from Mr. Boskey not only does he not want to participate in the prosecution of this case, but he had never met Andre Green in his life before this incident had taken place.

So, I take contention with the State's version of telling you that they were blind sided. And I would assert, as Mr. Green's lawyer, and in his best interests, that the State was well aware from the beginning of this case, as Mr. Boskey adamantly told you that from day one, from date one, he had concerns and issues with his identification of the person who turned out to be Andre Green.

1 I've been a lawyer a long time, not as long as most  
2 or some, and this is a very troubling case for me. It's  
3 very troubling. It's been very difficult for me to  
4 participate in. Because my idea of justice, and I think  
5 I'm not wrong when I tell you this, is that the  
6 prosecutor's function is not only to convict the guilty,  
7 but to protect the accused. To protect the innocent.

8 Prosecution, a program or campaign to exterminate,  
9 drive away, or subjugate -- I'm sorry -- prosecution is  
10 a duty to represent the interests of all the people,  
11 which includes those accused of a crime, as well as the  
12 victims.

13 Prosecution, the duty to represent the interest of  
14 all the people, which includes all those accused of a  
15 crime, as well as the victims.

16 Mr. Boskey showed up in court yesterday and  
17 immediately admitted to me and to you that the only  
18 reason he was here was under threat of arrest if he did  
19 not show up and testify to you all. He went out of his  
20 way, and I thought it was very interesting, to say, why  
21 is it that I, as a victim, have been put through what  
22 you've heard throughout the course of this trial, put  
23 through what I've been put through, up until this day,  
24 to have to be here and do something that I had told you  
25 from day one not only that I was uncertain of, but that

1 I didn't want anything to do with.

2 And it goes further than that. He came into court  
3 and put his hand on a *Bible* and swore to tell you all  
4 the truth. He swore to tell you all the truth. Who are  
5 we, who are we, as people, to sit here and, what I  
6 allege, persecute the victim into saying he was a liar?  
7 That he's lying. That he was under intimidation and  
8 threats.

9 Now, I concede that he is not lying when he told  
10 you all and told Detective Massey that he had received  
11 phone calls. But I think as reasonable people, we all  
12 have to ask ourselves, who are these phone calls from?  
13 Who are they in relation to, and what did they really  
14 say?

15 I'm not in any way trying to attempt to negate or  
16 help someone who may or may not be guilty of a crime to  
17 walk free. I've taken an oath to uphold the  
18 *Constitution* of this county, of this state, of this  
19 country. And it's extremely troubling to me that the  
20 State of South Carolina and Beaufort County and this  
21 particular Solicitor and his office alone have decided  
22 to make this case about a victim who they are going to  
23 sugarcoat it as who has been intimidated to come into  
24 court, take the stand, and tell you adamantly, I've been  
25 telling you all from day one, I don't know, I can't tell

1 you that's Andre Green, other than the fact that he did  
2 show up at my house one day. Other than the fact that  
3 he was with Brandon Parker and got a ride from me. But  
4 I let him out at the ball court.

5 Then Brandon Parker said, *This ain't right. Let's*  
6 *go up here a little further to the brick house.*

7 He unequivocally, without a doubt, told you over  
8 and over that Brandon Parker definitely is guilty of car  
9 jacking, armed robbery, kidnaping, and possession of an  
10 unlawful gun. Possession of a gun.

11 My question is, and I'm sure Mr. Boskey's question  
12 is, where's Brandon Parker? Well, we know Brandon  
13 Parker is next door at the detention center. And  
14 obviously, it's the State's choice as to whether they  
15 choose to prosecute him. And I'm sure at some point I  
16 would hope they do.

17 But obviously, I think, as common sense would  
18 dictate, and as reasonable people, you are able to bring  
19 common sense into this, to a certain extent, and ask  
20 yourselves that, obviously, we would hope that the State  
21 would use everything they have, everything they have,  
22 the great power of the State.

23 And one of the things that's difficult as a defense  
24 lawyer is it's a -- it's a fairly lonely job. It's me  
25 and Mr. Green. Mr. Hall has an office with a staff of I

1 don't know how many. A great deal. He has a great deal  
2 of resources.

3 Detective Sergeant Massey comes from a very  
4 reputable law enforcement agency that I have a great  
5 deal of respect for. Chief Katy (phonetic spell), God  
6 rest his soul, recently passed away. I knew him for  
7 years. Very close to the now acting chief, Lieutenant  
8 Beach. I've known him for years. Very good friends. I  
9 love the department. Know a lot of those guys, and they  
10 do a good job. They've got a difficult job.

11 But they have resources that I don't. And you  
12 would hope that they would bring everything in their  
13 power to you to help you make your decision easier. To  
14 let you go back in the jury room and not just jump to  
15 the conclusion that, yeah, you know, something's wrong  
16 here. Mr. Boskey, there's something -- there's just  
17 something not right. There's something not right.  
18 There's something not right. Something happened.  
19 Something happened. And we have a witness that came in  
20 and did say that he -- she saw him fall or get out of  
21 his trunk. There's injuries we saw to his knees.

22 I'm not saying -- Mr. Boskey never said those  
23 things didn't happen to him. But what he said over and  
24 over again is, I don't know who this man is. I've never  
25 met him before in my life. And specifically, as to my

1 questions as to did he perpetrate these three or four  
2 offenses, that I told you in my opening were the most  
3 serious, short of murder, kind of charges in the state  
4 of South Carolina and most states, that you can be  
5 charged with, did he perpetrate those offenses against  
6 you. You all heard him say no.

7 Now, if you believe he's lying, I assert to you, I  
8 would argue to you, that what you're doing is, if you  
9 believe he's lying about that, and you go ahead and find  
10 Mr. Green guilty, what you've done is basically what's  
11 called nullification, in my sense, where you've  
12 basically said, the oath I've taken, I'm not going to  
13 consider; my common sense dictates that he's lying about  
14 something. Andre Green was there. He had to have done  
15 it. He had to have been involved. He must have been  
16 involved. So, you know what, let's just -- let's just  
17 get this over with. He's guilty and we'll go home.

18 But he didn't do that. He didn't do that. He took  
19 an oath. He swore on the *Bible*, and he testified  
20 adamantly that that's not what happened.

21 He didn't want to break the law. He went out of  
22 his way to tell you he was -- he educated -- he educated  
23 himself as to what a subpoena was. He didn't want to  
24 get in trouble.

25 And I hope you all have come to the conclusion that

1 the only witness tampering and the only intimidation  
2 that went on in this case came from this table.

3 I made a mistake yesterday. I made a mistake.  
4 When Detective Sergeant Andre Massey took the stand, I  
5 went out of my way to tell him how much I respected him.  
6 I don't withdraw the fact that I respect him as a man.  
7 What I do withdraw is that I respect the tactics he used  
8 in dealing with Mr. Boskey.

9 He's a 17-, 18-year veteran of law enforcement.  
10 And why I respect him as a man is he has defended this  
11 country. He's served in the armed services of this  
12 country. He's done things that most of us never dream,  
13 nor want, nor could do. The other only thing I take  
14 offense with is the fact that he said that I take my job  
15 personally.

16 Let me tell you all that, in the 18 years of  
17 practice I've done, if I took my job personally, not  
18 only would I not do it well, I would have flamed out  
19 nine years ago. We all have a very difficult job to do  
20 here, and when you take it to the level of becoming  
21 personal, it's an extremely dangerous proposition.

22 So I would ask you to consider the witness  
23 tampering and the intimidation that the State wants you  
24 to believe led Mr. Boskey to come in here and tell you  
25 what he did, did not come from these phone calls, which,

1 by the way, he was not only requested, but directed by  
2 Mr. Massey to produce by the end of that week. And we  
3 all know that he didn't do that.

4 And you, as jurors, can go back there and ask  
5 yourselves, why didn't he. If he was so scared, if he  
6 was so afraid about his well being or his family's, why  
7 didn't he keep those numbers? Why didn't he immediately  
8 contact law enforcement and say, look, I've got some  
9 scary people coming around? I need your all's help.  
10 I'm worried about my safety. I'm worried about my  
11 family's safety.

12 He went so far to say he wasn't so much worried  
13 about him, he was worried about his kids, which that's  
14 fine. But any reasonable person, including me, if I was  
15 receiving those threats, would -- you're darn right I'd  
16 call the police. And I would keep those numbers. I  
17 would bring them to someone, particularly like Sergeant  
18 Massey, and say, go get them.

19 We have heard that witness tampering and anything  
20 that goes along with it, particularly from out-of-state  
21 numbers, is a federal offense. Anyone in this courtroom  
22 who is in this business will concede that witness  
23 tampering is a dangerous thing and something no one  
24 likes. It's the worst thing, one of the worst things  
25 that can happen in our system, because it does bring our

1 system to a halt. And I think what's gotten distorted  
2 here is the State trying to attempt to make Andre Green  
3 an example of not allowing that to happen.

4 But guess what we're forgetting in that process?  
5 We're forgetting the oaths that we took and the burden  
6 the State has, the presumption of innocence my client  
7 continues to have of him being not guilty until proven  
8 otherwise beyond a reasonable doubt.

9 Criminal Law 101 will tell you that identification  
10 and jurisdiction are crucial in any criminal  
11 prosecution. I contend to you that neither of those  
12 happened in this case. We definitely didn't have an  
13 identification. And as I recall, --

14 MR. HALL: Your Honor.

15 MR. COLONGELI: -- there's no clear establishment

16 --

17 MR. HALL: I've got an objection, if we can be  
18 heard. I --

19 THE COURT: Okay.

20 OFF-THE-RECORD BENCH CONFERENCE,

21 THE COURT, MR. HALL, MR. STEPHENS,

22 MR. COLONGELI:

23 CONTINUE CLOSING STATEMENTS

24 ON BEHALF OF DEFENSE

25 MR. COLONGELI:

1 MR. COLONGELI: It's kind of tough to start when  
2 you get on a roll there, but I'll try to pick up where I  
3 left off.

4 Identification's crucial. Whether or not you  
5 believe there was some sort or form of witness tampering  
6 or intimidation, whether or not you believe Mr. Boskey  
7 was lying, even if he was, I think that, in and of  
8 itself, causes one to pause, causes one to hesitate. To  
9 say, what really happened. What really happened?

10 As I said before, it'd be so easy to go back there  
11 and jump to the conclusion that Andre Green did it based  
12 on him admitting that he was in the car; saying that he  
13 got out at the ball court, which all, all, fits what Mr.  
14 Boskey said, but then say, ah, no, that had to be him.

15 We know it was Brandon Parker. Andre was in the  
16 car. He'd been threatened. He came in here under force  
17 of duress, whether it be by the State or anyone else,  
18 that's the only reason.

19 I'm almost done.

20 I'd like to cover a few things. And you have to  
21 understand, there's a great deal at stake here, not only  
22 for the State, but I would concede much more for Mr.  
23 Green, that I want to make sure I cover everything.

24 The more things we know is the initial  
25 identification of Mr. Boskey. Let's take away from what

1 he said here on the stand, which is very important. As  
2 I told you in opening, and the Judge will instruct you,  
3 what comes from here, is what's most important. That's  
4 what you have the power to go back and deliberate upon.

5 But we know from the beginning that the written  
6 statement of Mr. Boskey could not identify the other  
7 subject other than a black male. Okay?

8 We keep hearing from Mr. Hall, and they want to  
9 make this and grandstand the fact that he  
10 instantaneously picked Andre Green in this lineup. We  
11 already know, based on what Mr. Boskey said, the reason  
12 that happened was, he had seen him at his house. He had  
13 seen him at his house.

14 And I think if Mr. Boskey had more time, and  
15 obviously, this is argument. Anything I say you can all  
16 sit there and say, boy, that defense lawyer, boy, boy,  
17 he's trying to pull the wool over our eyes. Maybe not.  
18 Maybe not. But obviously, you're left to believe  
19 whatever you want to believe. I'm not trying to tell  
20 you what I'm saying is true. It's argument here.

21 But he stated, *I met Mr. Green for the first and*  
22 *only time when he came to my house.*

23 Prior to that, the fact that he did -- obviously, I  
24 guess he was the one that got the ride and was dropped  
25 off at the ball court.

1           He didn't have any time to see who that person was  
2           in the back of his car. We know that he said that. It  
3           happened so quick, he didn't have any time. But he does  
4           say someone was dropped off at the ball court.

5           So he was trying to tell you, look, short of my --  
6           the fact that he may or may not have been the one in the  
7           back seat of my car for that short period of time, he  
8           was not the one who perpetrated these offenses against  
9           me. And I can't identify him here in court, because I  
10          don't want to see someone convicted of something they  
11          didn't do.

12          He goes on, as we had already mentioned, to submit  
13          not one, but two statements over the course of the  
14          duration of this case. And you have to understand, it  
15          came into evidence that, for some reason, the warrants  
16          on Mr. Green went out within days of the warrants on Mr.  
17          Parker. But for whatever reason, which we never figured  
18          out, Mr. Green wasn't arrested until last October.

19          And there was testimony that came in where,  
20          arguably, he lives close to some police station. For  
21          whatever reason, I don't know, four months went by  
22          before his arrest.

23          Throughout that period of time, he repeatedly told  
24          the State, I'm not sure; I'm getting these phone calls;  
25          I don't feel good about this; I don't want to come to

1 court; don't I have rights. Don't I have rights?

2 And if the victim doesn't care about something as  
3 serious as this, that, let's say arguably, in fact, did  
4 happen, why should we? Why have we been here using up  
5 this court's time, everybody's time, if the victim  
6 himself doesn't want it to happen?

7 I think that's a good question he raised. I really  
8 do.

9 As far as the dispatcher or the person who prepared  
10 these tapes, she didn't have much to say. She only  
11 could testify as to what she heard. And one of the  
12 interesting things to me about that was that it came up  
13 where, in Mr. Boskey's phone call, he stated as to  
14 questions from the 911 caller, what happened? I don't  
15 really want to get into that.

16 Well, it's kind of strange to me. Those are things  
17 you can think about.

18 Ms. Wiser, the poor lady that was driving with her  
19 young child, stated she saw this man come out of the  
20 trunk. She tried to assist. She felt uncomfortable.  
21 And I don't blame her. She did what she could do here  
22 today. But does that -- does that lend credence to  
23 saying that Mr. Green had anything to do with this?

24 The only people that know what really happened are  
25 Mr. Boskey, and I'll leave it at that. Mr. Boskey knows

1 what happened. And he's told you the extent of what he  
2 wanted to tell you on that stand yesterday. Under sworn  
3 oath to the *Bible*, he told you.

4 Lastly, we have something that I think is  
5 important. And a few closing remarks to let you know.  
6 And I apologize for taking up too much of your time.  
7 That I want you to take into account when you go into  
8 deliberations that, with the vast resources the State  
9 has, it would have been extremely easy to them to find  
10 out whether, in fact, there was intimidation or threats  
11 coming to Mr. Boskey.

12 There was not one piece of paper in the discovery I  
13 received to defend this case that told me anything about  
14 a supplemental report or investigation into witness  
15 tampering. Even though Mr. Boskey himself did not  
16 comply with this sergeant's request to turn over phone  
17 records, they are the ones that chose to prosecute this  
18 case. They are the ones that chose to more or less  
19 force Mr. Boskey to come up here and testify.

20 Why didn't they get these phone records and come to  
21 you and make it much easier to say, look, here are these  
22 calls, we know for a fact that there's no question in  
23 our minds these calls happened. Mr. Boskey, in fact,  
24 was telling the truth.

25 Or if those phone records revealed there were phone

1 calls going out, we would just know a whole heck of a  
2 lot more if we'd had those phone records. But we don't.

3 Fingerprints. No forensic evidence whatsoever.  
4 All you have to go on, unfortunately, is what has come  
5 from the stand here in the past day.

6 I would have to imagine -- there was some remark,  
7 and I take his word that, obviously, there wasn't enough  
8 to even submit to SLED. But there were prints that got  
9 lifted off that car. In Sergeant Massey's opinion, they  
10 weren't good enough to submit to experts in Columbia,  
11 who could have very well made a determination whether or  
12 not there was enough to come up with a solid print to  
13 match against either Mr. Green or Mr. Parker or someone  
14 else.

15 No one arrested for any of this witness tampering  
16 and intimidation. And as I said before, Detective  
17 Sergeant Massey was at least kind enough and  
18 professional enough to tell me on the stand he doesn't  
19 know what happened that day. He's got to do the best he  
20 can with what his victim is telling him. And the  
21 evidence that comes to his table.

22 But what I'm concerned about here is that through  
23 those recordings, that you can go back in your jury room  
24 and listen closely to, I was horrified. I was horrified  
25 at the line -- some of the things he was saying. And

1 I'll be honest with you, when I took back what I said  
2 before as far as respect, understand I have to drive  
3 through Port Royal to get to Hilton Head. And I say  
4 that jokingly, but trust me, in the back of my head, I  
5 have to live here also. I have to make a living.

6 He stated he takes his job personally. And I only  
7 hope he's professional enough when this is over he's not  
8 mad at me, because I am only trying to do my job. I am  
9 not trying to have someone who is guilty of an offense  
10 go free. I am trying to uphold the *Constitution* of this  
11 great country of ours, of the state, and this county.  
12 I'm trying to make the State accountable to come into  
13 this court and give you ladies and gentlemen of the jury  
14 enough to work with:

15 And I concede to you, that this, flat out, after  
16 the victim got off the stand, in my opinion, was done.

17 Please remember when listening to these tapes where  
18 Detective Sergeant Massey goes out of his way to  
19 indicate you're not dropping these charges. Even in  
20 light of Andre -- or of Dennis trying to go out of his  
21 way and say, look, don't you get it, I'm not sure.  
22 Regardless of all these phone calls, regardless of what  
23 I'm telling you about these phone calls that I won't  
24 produce the phone records for, I -- I'm telling you,  
25 I've been uncertain from day one. I really have. I

1 know I instantaneously picked that picture. I know I  
2 did that, but guess what? I have a right to change my  
3 mind. I'm not sure.

4 Ladies and gentlemen, I hope I have not offended  
5 any of you in any way. I hope I've not taken up too  
6 much of your time. I hope I've done a good enough job  
7 for Mr. Green and his family. I hope I've done enough  
8 good for the Bar the Bench, this Court, society. I hope  
9 I've given you enough to go back in that deliberation  
10 room and be strong enough, and not be intimidated, not  
11 feel tampered with, and not jump to the conclusion the  
12 State wants you to.

13 That even though the victim came into this court  
14 and said he could not identify Mr. Green, even though he  
15 specifically said this man did not commit those offenses,  
16 against him, that you don't jump to the conclusion and  
17 come back with a finding of guilt on all three counts.

18 The Judge will charge you. And fine judge. I'm  
19 not saying that to make him feel good or butter him up.  
20 It's the first time I've been before him. It's been a  
21 pleasure to work with him. He will thoroughly charge  
22 you on the law. And I would submit to you, after you  
23 hear that, the State has failed to meet its burden to  
24 prove beyond a reasonable doubt each and every element  
25 of these offenses.

1           You have to ask yourself and go through that. I  
2 know you all will do a good job. And I can only hope  
3 and pray that at the end of the day, whatever day that  
4 might be, that you come back with a verdict of not  
5 guilty. Not guilty as to armed robbery. Not guilty as  
6 to car jacking. Not guilty as to kidnaping. And not  
7 guilty as to unlawful possession of a handgun..

8           Thank you.

9           JURY CHARGE

10          BY THE COURT:

11          THE COURT: Madam Forelady, ladies and gentlemen of  
12 the jury, you, of course, have heard and seen all the  
13 evidence. And now, you've heard the final summations of  
14 the lawyers. And therefore, it now becomes my  
15 obligation and duty to instruct you on the law that's  
16 applicable in this case. And then you'll be asked to go  
17 back and begin your deliberations. And through that  
18 process, you'll be called upon to examine all the  
19 evidence, to decide the facts, apply the law, and arrive  
20 at a fair and just decision in this case, whatever that  
21 decision may be.

22          It is your exclusive duty to determine what the  
23 facts are. You do that through your own common sense,  
24 examination, and evaluation of all the testimony and  
25 other evidence received during the trial of this case..

1           You twelve jurors alone will decide what weight,  
2 value, and effect to give any particular witness's  
3 testimony or other evidence in the case. Your sole  
4 objective is to simply reach the truth in the matter.  
5 And by doing that, you will have fulfilled your  
6 obligations as jurors. And that is to simply give both  
7 the State and this defendant a fair and impartial trial.

8           Now, as you know, the State has accused the  
9 defendant with having committed four separate and  
10 distinct offenses, although, they are alleged to have  
11 arisen out of one particular event, or a course of  
12 events, which the State alleges occurred back on June  
13 the 9th of 2011.

14           The four charges are set forth in four separate  
15 indictments, and those are the documents that I referred  
16 to prior to and after your selection as jurors. Those  
17 four indictments charge the defendant with the crimes of  
18 car jacking, armed robbery, kidnaping, and unlawful  
19 possession of a pistol.

20           As to those charges, he's entered a plea of not  
21 guilty. And as I also told you, while those indictments  
22 will be in the jury room when you go back to begin your  
23 jury deliberations, the indictments are not evidence of  
24 anything. They are not proof of anything. They do not  
25 establish any fact. The indictments are the means by

1 which any person is brought into this court and put to  
2 trial on a charge.

3 The indictments are in the jury room because they  
4 serve as the verdict forms. So, it is on the back of  
5 each of the separate indictments, Madam Forelady, that  
6 you're going to be asked to indicate the jury's  
7 unanimous decision as it relates to that particular  
8 charge, whatever that decision may be.

9 But other than serving as the verdict forms, the  
10 indictments serve no purpose so far as you jurors are  
11 concerned.

12 The defendant has entered a plea of not guilty as  
13 to each of the charges. That plea of not guilty has  
14 placed upon the State the burden of proving the  
15 allegations that are set forth in each of those  
16 indictments, the burden of proving each of the essential  
17 elements that make up the crimes the State has alleged  
18 against the defendant. And therefore, the burden is  
19 upon the State to establish the defendant's guilt as to  
20 a crime to your satisfaction beyond a reasonable doubt  
21 before any verdict of guilty could be returned as to  
22 that particular charge.

23 A defendant is never required to prove that he is  
24 not guilty or to prove that he is innocent, because, in  
25 many cases, that might not even be possible. The burden

1 is always upon the State, because they've brought the  
2 charge against the defendant to establish his guilt to  
3 your satisfaction beyond a reasonable doubt.

4 It is a vital important and cardinal rule of law  
5 that every defendant in a criminal trial, no matter how  
6 serious the offense might be for which that person  
7 stands charged, that defendant shall always be presumed  
8 innocent of the charge, and that presumption of  
9 innocence remains with any defendant as it does with  
10 this defendant, from the time that he is placed under  
11 arrest and throughout the course of the criminal  
12 process, and even throughout the course of the actual  
13 trial in the case.

14 And as I think I told you, that presumption of  
15 innocence will be with Mr. Green even as you go back  
16 into your jury room to begin with your deliberations in  
17 this case. That presumption of innocence will be with  
18 him in that jury room, and it'll be with him forever,  
19 unless you twelve jurors determine that he is no longer  
20 entitled to that presumption of innocence.

21 In other words, after you carefully consider all  
22 the testimony and evidence in the case, and from that  
23 evidence, you decided the facts, and upon deciding those  
24 facts, you apply the law that I will have provided you  
25 as it relates to a particular charge, if you twelve

1 jurors unanimously determine that his guilt as to that  
2 charge has been proven beyond a reasonable doubt, then  
3 he's no longer entitled to that presumption of  
4 innocence.

5 But it's only if, unless, and until you are  
6 satisfied of his guilt as to that charge beyond a  
7 reasonable doubt that the presumption of innocence would  
8 no longer be applicable.

9 Now, while the State does have the burden of  
10 proving the defendant's guilt beyond a reasonable doubt,  
11 that doesn't mean that the State has to prove his guilt  
12 beyond all doubt or beyond any possible doubt. But it  
13 does require the State to prove his guilt to your  
14 satisfaction beyond a reasonable doubt.

15 And the term *reasonable doubt* should be given its  
16 plain or ordinary meaning. A reasonable doubt is the  
17 kind of doubt that would cause a reasonable person to  
18 hesitate to act upon the information provided. And a  
19 defendant in a criminal trial is entitled to any  
20 reasonable doubt that arises from the evidence or lack  
21 of evidence in a case.

22 And if, upon any factual issue essential to a  
23 finding of a verdict of guilty, you have some reasonable  
24 doubt as to how that issue should be resolved, it would  
25 be your duty to resolve that reasonable doubt in favor

1 of the defendant. And therefore, if, upon your  
2 consideration of the whole case, you have a reasonable  
3 doubt as to his guilt as it relates to a particular  
4 charge, you must resolve that reasonable doubt in his  
5 favor and return a verdict of not guilty as to that  
6 charge.

7 And at the same time, after you've considered all  
8 the evidence in the case and decided the facts and  
9 applied the law, if you find the defendant's guilt has  
10 been proven beyond a reasonable doubt as to a particular  
11 charge, then it would be your corresponding duty to find  
12 him guilty. And that is, to find him guilty of any  
13 charge that has been prove to your satisfaction beyond a  
14 reasonable doubt.

15 Now, the same law that provides that you are the  
16 judges of the facts also provides that I'm the judge of  
17 the law. And that simply means that nobody's going to  
18 tell you how to arrive at your determination of a fact  
19 in this case. You do that, as I've already stated, by  
20 the exercise of good judgment and common sense  
21 conscientiously applied to the testimony and the  
22 evidence received during the course of this trial.

23 You must, however, under your oath as a juror,  
24 accept the law as I provide it to you as being the law  
25 that you are to apply in the case. In other words,

1 you're not to concern yourself with what you thought the  
2 law was before you came to serve as a juror this week or  
3 what you think the law ought to be. Under your oath as  
4 a juror, you must accept the law as I provide it to you  
5 as being the law that you are to apply in the case. And  
6 then you simply take that law and you apply it to the  
7 facts as you twelve jurors determine those facts to be,  
8 based upon your common sense examination of the  
9 evidence.

10 Now, because you are the sole judges of the facts  
11 in this case, you are, therefore, necessarily the sole  
12 judges of the credibility and the believability of each  
13 witness that has testified during the course of this  
14 trial. You twelve jurors alone will decide the weight,  
15 value, and effect to give to any particular witness'  
16 testimony or even a portion of that testimony.

17 But there are a number of factors which you should  
18 take into account in arriving at your determination as  
19 to the credibility and believability of a witness. And  
20 I'm going to list those factors for you.

21 You should consider the demeanor of the witness.  
22 That is how the witness appeared to you as the witness  
23 testified from this witness stand. Was the witness  
24 straight-forward in responding to questions? Or was the  
25 witness hesitant or evasive in responding to questions

1 that were asked of that witness?

2           Simply put, did the witness appear to you to be  
3 telling the truth, and to have knowledge of the facts to  
4 which that witness has testified.

5           You should also consider whether or not the  
6 testimony of a witness is consistent, or is it  
7 inconsistent with that witness's testimony here in  
8 court, as well as consistent or inconsistent with other  
9 statements made outside of court.

10           And you may consider whether or not the testimony  
11 of a witness is consistent or inconsistent with other  
12 witness's testimony or other evidence received during  
13 the course of the trial.

14           You should also consider how the witness came to  
15 know the facts to which a witness has testified to. In  
16 other words, what was that particular witness's  
17 opportunity and ability to perceive the existence of  
18 those facts which that witness has testified by having  
19 previously used his or her senses, and then what is that  
20 witness's ability to be able to come into court and to  
21 accurately recollect to you as to what they have  
22 previously perceived.

23           You should also consider any bias or prejudice or  
24 interest that a witness might have with regard to a  
25 case. In other words, do you find some reason that a

1 particular witness would come into court and would  
2 testify one way or another to help or to hurt one side  
3 or the other. And you may consider any interest that a  
4 witness might have in the outcome of the case, if you  
5 that a witness does have such an interest, and you find  
6 that that interest would bear upon that particular  
7 witness's credibility.

8 And you should also consider whether or not the  
9 testimony of a witness is strengthened or is it weakened  
10 by other testimony or other evidence received during the  
11 course of the trial.

12 Now, because you are the sole judges of the facts  
13 in this case, and therefore, the sole judges of the  
14 credibility of each witness, you are permitted to  
15 believe as much or as little of what a witness has  
16 testified to as you deem is appropriate. And therefore,  
17 you may believe everything that a witness testified to.  
18 You may choose to believe none of it. You may believe  
19 some portion of a witness's testimony and reject some  
20 other portion of that same witness's testimony.

21 But whatever your good judgment and common sense  
22 tells you is the most believable and credible testimony  
23 is the testimony you should accept. And you should  
24 reject any testimony or other evidence that you find not  
25 to be credible or believable.

1           Again, your sole objective is to simply reach the  
2 truth in this matter, and by doing that, you will have  
3 fulfilled your obligations under your oath as a juror.

4           Now, in this case, as you know, the defendant has  
5 been charged with four separate and distinct offenses.  
6 Those offenses are car jacking, armed robbery,  
7 kidnaping, and unlawful possession of a pistol. So I'm  
8 going to instruct you on the law specifically as it  
9 relates to those separate and distinct criminal  
10 offenses.

11           Because you determine the fact and because you  
12 apply the law, you're going to be reaching four separate  
13 and distinct decisions as it relates to these charges.  
14 And those decisions may be the same, or they may be  
15 different. That, obviously, will depend upon your  
16 determination of fact as it relates to the charge, and  
17 then your application of the law to the facts as you  
18 determine those facts to be.

19           The crime of car jacking is set forth in *Section*  
20 *16-3-1075* of the *South Carolina Code of Laws*. The  
21 legislature meets every year from January until June.  
22 And during the course of those sessions, they pass a  
23 number of laws and rules and regulations that govern our  
24 conduct in a variety of ways. Some of those statutes  
25 are criminal penalty statutes. And it just means that

1 the legislature has prohibited us from engaging in  
2 particular types of conduct. And where we are found to  
3 have engaged in that conduct, in violation of a  
4 particular statute, then it subjects that person to some  
5 form of punishment or penalty.

6 But understand that you are never to be concerned  
7 with punishment or penalty. You don't decide any  
8 penalty that might be imposed where a person is found  
9 guilty of a crime. You are to make your decision as to  
10 whether a person has been proven guilty or not based  
11 upon your consideration of all the evidence, and then  
12 your application of the law to the facts as you  
13 determine them to be. But you determine your verdict  
14 without any consideration being given to any punishment  
15 or penalty that might be imposed as a result of any  
16 decision that you make.

17 But *Section 16-3-1075* of the *Code of Laws* relates  
18 to the crime of car jacking. And that section provides  
19 that a person is guilty of the crime of car jacking if  
20 he takes, or attempts to take, a motor vehicle from  
21 another person by force and violence or by intimidation,  
22 while the person is operating that vehicle or while the  
23 person is in the vehicle.

24 Therefore, in order for the defendant to be found  
25 guilty of a violation of this particular section of law,

1 it would be necessary that the State has proven to your  
2 satisfaction, beyond a reasonable doubt, three essential  
3 elements that make up the crime of car jacking.

4 Number one, the evidence must establish that the  
5 defendant, Andre Green, did take or attempt to take a  
6 motor vehicle from Dennis Boskey.

7 Secondly, the State must prove that the taking was  
8 accomplished by the use of force and violence or by way  
9 of intimidation.

10 And the State must prove that the taking occurred  
11 while Dennis Boskey was operating the vehicle or while  
12 he was occupying the vehicle.

13 A second indictment charges Andre Green with the  
14 crime of armed robbery. Armed robbery is also a  
15 statutory offense. And that crime is set forth in  
16 16-11-330 of the *Code of Laws*. And that section  
17 provides that a person commits the crime of robbery --  
18 excuse me -- a person commits the crime of armed robbery  
19 if a person commits the crime of robbery while armed  
20 with a pistol, dirk, slingshot, metal knuckles, razor,  
21 or any other deadly weapon, or while alleging, either by  
22 actions or words, that he is armed while using a  
23 representation of a deadly weapon or any object which a  
24 person present during the commission of the robbery  
25 reasonably believed to be a deadly weapon.

1           Now, the crime of robbery is, obviously, a lesser-  
2 included offense, and therefore, is included in the  
3 crime of armed robbery, there being one element that  
4 distinguishes the two. But robbery is commonly referred  
5 to as a larceny by force. Robbery is defined in the law  
6 as the taking and the stealing of another person's  
7 property from the person or from the presence of that  
8 person by the use of force or violence or by the threat  
9 of the use of force or violence.

10           The crime of robbery is the forcing of a person to  
11 surrender property with the intent to steal it by the  
12 use of force or violence or by threatening a person with  
13 the use of force of violence in order to accomplish the  
14 theft.

15           Taking property of another with an intent to steal  
16 it by forcing a person to surrender possession of that  
17 property or by causing a person to surrender possession  
18 of the property by putting them in fear by way of an  
19 intimidation, is a robbery under the law.

20           And armed robbery requires the robbery be committed  
21 with the use of a deadly weapon. And deadly weapon is  
22 defined as any device or instrument, which, in the  
23 manner it is intended to be used or in the manner that  
24 it is actually used, is known to be capable of producing  
25 death or serious bodily injury. And that would include

1 firearms and edged weapons.

2 The defendant is also charged with the crime of  
3 kidnaping. Kidnaping is also a statutory criminal  
4 offence. And that's set forth in 16-3-910 of the Code  
5 of Law. And that particular code section provides that  
6 whosoever shall unlawfully seize, confine, inveigle,  
7 decoy, abduct, or carry away any other person by any  
8 means whatsoever, without authority of law, is guilty of  
9 the crime of kidnaping. And therefore, in order for the  
10 defendant to be found guilty of the crime of kidnaping,  
11 it would be necessary that the State has proven to your  
12 satisfaction, beyond a reasonable doubt, the essential  
13 elements of that crime.

14 The essential elements of the crime of kidnaping  
15 are that, one, the defendant did seize or confine or  
16 kidnap or abduct or carry away another person by some  
17 means or method. And secondly, that one or more of the  
18 above acts was done without the authority of law.

19 Within the meaning of the statute, the term *seize*  
20 means to take hold of suddenly and forcibly. The term  
21 *confine* means to imprison or to restrain or to restrict  
22 a person's freedom in some significant way. The term  
23 *abduct* means to take a person away against his will and  
24 without his consent. And the term *carry away* means to  
25 remove from one place to another without legal authority

1 and without consent of the person.

2 The term *kidnap* means to carry a person away  
3 through the use of force and against his will and  
4 without authority of law. And the term *without*  
5 *authority of law* simply means that the conduct engaged  
6 in was not committed, sanctioned, condoned, allowed, or  
7 justified under the law.

8 Now, in order for the defendant to be found guilty  
9 of a violation of this particular section, the State  
10 need not prove each of the terms, seize, confine,  
11 kidnap, abduct, or carry away. Proof of any one or more  
12 or those prohibited acts is sufficient, so long as it  
13 was done without authority of law and without the  
14 consent of the person who is alleged to have been  
15 kidnaped.

16 And the remaining indictment charges the defendant  
17 with unlawfully carrying a pistol. *Section 16-23-20* of  
18 the *Code of Laws of South Carolina* provides that it is  
19 unlawful for any person to carry about his person any  
20 pistol, whether concealed or not.

21 And there are sixteen separate exceptions to that  
22 statute. None of those exceptions apply in this  
23 particular case. So, in order for the defendant to be  
24 found guilty, the State does, however, have to prove  
25 that the defendant did, in fact, possess a pistol.

1           Now, not only must the State prove beyond a  
2 reasonable doubt each of the essential elements of each  
3 of those crimes that I have provided you before the  
4 defendant can be found guilty of those crimes, but the  
5 State must also prove beyond a reasonable doubt that it  
6 was, in fact, the defendant, Andre Green, who committed  
7 any crime that has been proven to have been committed.

8           If, after a careful consideration of all the  
9 evidence in this case relating to the issue of the  
10 identification of the defendant as the perpetrator of  
11 any crime proven to have been committed by someone, if  
12 you have a reasonable doubt as to the accuracy of the  
13 identification of the defendant as the perpetrator of  
14 that crime, then you must resolve that doubt in favor of  
15 the defendant, and return a verdict of not guilty.

16           I instruct you further, and I emphasize to you that  
17 the fact that a defendant does not take the stand and  
18 testify during the trial of a criminal case is not a  
19 fact or circumstance that may be considered by you  
20 jurors in any way whatsoever in your deliberations or in  
21 your determination as to whether or not his guilt has  
22 been prove beyond a reasonable doubt.

23           As I've stated, the burden is always upon the  
24 State, because they brought the charge against the  
25 defendant, to establish his guilt beyond a reasonable

1       doubt. The burden is never upon the defendant to prove  
2       he is not guilty or to prove he is innocent, because, in  
3       some cases, that might not be possible. And therefore,  
4       you pay not permit such a fact to weigh in the slightest  
5       degree against a defendant.

6            You are not to reach any conclusion nor draw any  
7       inference from the fact that a defendant does not  
8       testify during the trial of the case, nor may that fact  
9       even be discussed by you during your deliberations and  
10       in your ultimate decisions.

11           Now, Madam Forelady, ladies and gentlemen of the  
12       jury, I am not in any way concerned with what your  
13       decisions are, but I do tell you that your decisions  
14       must be unanimous. Any decision that a jury reaches  
15       must be made by all twelve jurors, all twelve must be in  
16       agreement.

17           Now, with regard to each of the separate  
18       indictments, you'll have two potential verdict forms.  
19       Those verdict forms are guilty and not guilty. So  
20       whatever that decision is as it relates to a particular  
21       indictment, Madam Forelady, you'll see on the back of  
22       each indictment, in the lower left-hand corner is the  
23       word *verdict*. I know you can't see it from there, but  
24       it's in the lower left-hand corner. You'll see the word  
25       *verdict*. It's beneath that word that you're going to

1 indicate the jury's unanimous decision as it relates to  
2 that particular charge in that particular indictment.

3 You will also be required to sign your name as the  
4 foreperson and date the appropriate day. You're the  
5 only juror that needs to sign the verdict form. But you  
6 will need to sign it once you've reached a unanimous  
7 decision as to that charge and have inserted the verdict  
8 form.

9 I don't know if we have smokers on the jury, but  
10 smoking is permitted during deliberations, but you  
11 cannot smoke in the jury room. You have to go outside  
12 for that purpose. So, if anybody wants to smoke during  
13 deliberations, you let the bailiff know. He'll take  
14 those outside to accomplish that purpose. But you are  
15 instructed that deliberations must stop if any juror is  
16 absent for any authorized purpose. So, should any juror  
17 be absent for any reason, the deliberations must stop.  
18 They may only resume with all twelve are present so that  
19 all may participate.

20 I don't have any way of knowing, nor do you, as to  
21 how long your deliberations will take. That will depend  
22 upon how long it takes you to carefully examine the  
23 evidence, decide the facts, and apply the law. But I do,  
24 tell you that if you get to a point in your  
25 deliberations where you think it's appropriate to have

1 lunch, you let me know about that. We'll make those  
2 arrangements for lunch to be prepared and brought to the  
3 jury room for your benefit.

4 It usually takes a little over an hour for that to  
5 be accomplished, so just keep that in mind as you go  
6 back to deliberate so that you can make that  
7 determination, if need be.

8 When you go back, all the exhibits will go back  
9 with you. I've got to make arrangements to have  
10 something that you can play the discs on in the event  
11 you want to re-hear that evidence. So, it should take  
12 only a few minutes to have that done. But what I'm  
13 trying to tell you is, those won't be coming directly  
14 with you right this minute as you go back, but they'll  
15 be there shortly, just as soon as I make arrangements to  
16 have a player available for your benefit.

17 During the course of your deliberations, there may  
18 come a time where you have a question about evidence or  
19 about facts in the case. I am never permitted to answer  
20 those types of questions. I am never permitted to  
21 comment upon the facts of the matter. I'm never  
22 permitted to comment upon the evidence.

23 If you think that there's something else out there  
24 that you think might assist you in resolving the case  
25 and you wonder if it's available, it does not matter if

1 it's available or not. You can't have it, because all  
2 of the evidence which is going to be introduced in this  
3 case has already been introduced.

4 Now that you're going back to begin your  
5 deliberations, no additional evidence may be received.  
6 So do not inquire about any other potential evidence.

7 If you have a question about a witness's testimony,  
8 and you think that question can be answer by having that  
9 witness's testimony re-played in whole or in part, I can  
10 bring you back into the courtroom to have a witness's  
11 testimony re-played in its entirety or in some portion,  
12 if, that's all you need.

13 I don't have transcripts to send back, so I can't  
14 do that. But I can bring you back to have that  
15 testimony re-played.

16 If, at any time, you have a question about the law  
17 that you are to apply, I am permitted to answer those  
18 questions. So, if I need to give you a re-instruction  
19 or you need a clarification or an addition explanation  
20 of the law that is applicable in a particular -- with  
21 regard to a particular indictment, if you'll let me know  
22 of that fact, I can bring you back to provide you that  
23 addition instruction on the law.

24 So, Madam Forelady, if, at any time, you need to  
25 direct some information to me or inquire about

1 something, if you'll write it on a piece of paper, give  
2 it to the bailiff. He'll give that to me, and I'll  
3 respond accordingly.

4 If you don't need to talk to me about anything, and  
5 you and your fellow jurors come to a conclusion, and you  
6 decide each case, as I say, indicate the verdict in the  
7 space provided, sign your name, and date it.

8 Let the bailiff know you've reached your decision.  
9 We'll bring you back to the courtroom to receive those  
10 decisions.

11 You will hold onto the verdict forms. Do not give  
12 them to the bailiff. You keep them in your possession,  
13 Madam Forelady. And I'll receive those after your back  
14 in the courtroom and seated where you are now.

15 Now, I'm going to ask you to go back, but I'm going  
16 to ask you not to being deliberations. I've got some  
17 matters to address with the lawyers. If I don't need to  
18 bring you back for any reason, I'll send word by way of  
19 the bailiff that you can being your deliberations.

20 In that event, he'll bring to the jury room all of  
21 the exhibits which have been introduce. And to you,  
22 Madam Forelady, he'll also bring the indictments which  
23 serve as the verdict forms.

24 So please retire to your jury room, but don't begin  
25 deliberations until I send you word to do so.

1           And Mr. Szalai, you can stay with me right now.

2           Yes, sir. Just stay with me.

3           BAILIFF: Jury's clear. Door is closed, your

4           Honor..

5                   JURY RETIRES TO JURY ROOM

6                   AWAITING PERMISSION TO

7                   BEGIN DELIBERATIONS, 11:15 A.M.

8           THE COURT: All right. Mr. Szalai, as you know,  
9           you can't participate in the deliberations, because the  
10           original twelve are able to perform that function. So  
11           that's going to conclude your service in the trial of  
12           this case. But we do sincerely appreciate your  
13           participation and the time and attention that you've  
14           devoted to it.

15                   I think the balance of the jury panel is calling  
16           back between 12:00 and 1:00 to receive further reporting  
17           information. So you can be excused right now and do  
18           whatever you like.

19                   Please do call back between 12:00 and 1:00 to see  
20           if you need to report any further this afternoon or late  
21           in the week. Okay? Thank you again for your  
22           participation.

23           JUROR SZALAI: Thank you, sir. I'd asked one of  
24           the other jurors --

25           BAILIFF: You come with us. We'll get you.

1 JUROR SZALAI: Okay. Car keys.

2 THE COURT: Sure. You just go with the bailiff.  
3 He'll help you.

4 JUROR SZALAI: Thank you, your Honor.

5 THE COURT: Thank you.

6 INQUIRY REGARDING EXCEPTIONS

7 TO INSTRUCTIONS, BY THE COURT:

8 THE COURT: Are there any exceptions taken to the  
9 instruction or request for additions to instructions by  
10 the State?

11 MR. HALL: No, your Honor.

12 THE COURT: By the defendant?

13 MR. COLONGELI: With all due respect, your Honor,  
14 and out of an abundance of caution, which I've said  
15 quite a few times over the last few days, and I've been  
16 intensely trying to listen to your charge on  
17 credibility, and I stand to be corrected, I would  
18 respectfully just want to ask you -- I'm concerned that  
19 the charge on credibility may have focused the jurors  
20 inquiry on which witness to believe could have  
21 improperly shifted the burden. And I may be wrong,  
22 but --

23 THE COURT: Tell me how that -- I've only done this  
24 20 years now.

25 MR. COLONGELI: I respectfully only -- I don't mean

1 to disrespect you in any way. I'm -- I'm --

2 THE COURT: I know you don't. Well, tell me where  
3 it is that you believe that that does that.

4 MR. COLONGELI: It seemed that, from what I was  
5 trying to listen to in your charge on credibility or  
6 believability, --

7 THE COURT: All right.

8 MR. COLONGELI: -- of the witness that, obviously,  
9 there was testimony that had been brought up throughout  
10 this case as to the existence of a co-defendant, the  
11 existence of the possibility of third-party guilt. And  
12 I think it's crucial in that situation to define the  
13 relationship between the presumption of innocence and  
14 the Defense's theory, which came and was elicited from  
15 the State and the testimony from the Bench -- from the  
16 witness box that it's crucial in that point to have to  
17 define that relationship. And I don't know, and that's  
18 why I stand to be corrected, if, in addition to your  
19 charge on credibility, whether or not a third-party  
20 guilt charge, which I have prepared, would apply.  
21 And/or --

22 THE COURT: Well, I haven't been -- I haven't been  
23 requested to charge any -- to define this charge on  
24 third-party guilt. But it's very clear, from my  
25 instruction, that the State has to prove that Mr. Green

1 was the perpetrator of any crime the State has proven to  
2 have been committed by someone.

3 MR. COLONGELI: Yes, sir.

4 THE COURT: They have to be clear on that, because  
5 I did instruct them on that.

6 MR. COLONGELI: Yes, sir. And I --

7 THE COURT: I also instructed that with regard to  
8 identification.

9 MR. COLONGELI: Yes, sir. Understood. And if I  
10 may, and I don't know if this is proper at this point.  
11 I have an additional charge I would ask you to consider.

12 THE COURT: Is it in writing?

13 MR. COLONGELI: It is in writing.

14 THE COURT: All right. Hand it up and I'll look at  
15 it. Show it to Mr. Hall first.

16 MR. COLONGELI: I don't have a copy for Mr. Hall.

17 THE COURT: Well, just show him that one. Let him  
18 read it, and then hand me the copy.

19 MR. COLONGELI: Let me just make sure here. And  
20 I've got a feeling you probably aren't -- you probably  
21 aren't -- I don't know. I could be wrong. I like it.  
22 I'm not sure -- I know Mr. Hall won't like it, and I'm  
23 not sure whether you'll like it.

24 MR. HALL: I can't read it.

25 DISCUSSION BETWEEN MR. HALL

1 AND MR. COLONGELI.

2 MR. COLONGELI: He's laughing, so I -- as I  
3 assumed.

4 THE COURT: Okay. I'll note your request. I  
5 decline to provide it. I think it's been adequately  
6 covered in my instructions. But the court reporter will  
7 mark it as a Court's exhibit.

8 MR. COLONGELI: Thank you, your Honor.

9 THE COURT: In the event I've erred.

10 MR. COLONGELI: Thank you, your Honor. I have one  
11 other one in writing, unless you've already addressed  
12 this, if you could quickly look at it. It's a little  
13 longer, but.

14 THE COURT: What is it?

15 MR. COLONGELI: I think this is more as to third  
16 party.

17 THE COURT: Okay.

18 MR. COLONGELI: Have you already ruled on that?

19 MR. COLONGELI: Well, I haven't seen it yet.

20 MR. COLONGELI: Okay.

21 DISCUSSION BETWEEN MR. HALL

22 AND MR. COLONGELI.

23 MR. COLONGELI: If you need any help reading that,  
24 Judge.

25 THE COURT: Okay. I think that's also covered in

1 my instructions.

2 MR. COLONGELI: I'm sorry?

3 THE COURT: I think that's also already been  
4 covered in my instructions, so.

5 MR. COLONGELI: All right. Thank you. Thank you,  
6 Judge.

7 MR. COLONGELI: So, I'll decline to do any  
8 additional, but I'll have the court reporter mark that  
9 one, too.

10 MR. COLONGELI: Thank you, Judge. That's all I  
11 have.

12 JURY LIST MARKED COURT'S EXHIBIT

13 NUMBER 1.

14 PROPOSED JURY INSTRUCTION TENDERED

15 BY MR. COLONGELI MARKED COURT'S

16 EXHIBIT NUMBER 2.

17 PROPOSED JURY INSTRUCTION TENDERED

18 BY MR. COLONGELI MARKED COURT'S

19 EXHIBIT NUMBER 3.

20 NOTE FROM JURY MARKED COURT'S

21 EXHIBIT NUMBER 4.

22 THE COURT: All right. Let me ask you all to  
23 verify the exhibits before they go back, please.

24 MR. HALL: And your Honor, I guess one other  
25 housekeeping. I understand -- I just want to make sure

1 that the record's clear on it. The indictment as you  
2 have it that you'll be sending back, --

3 THE COURT: Yes.

4 MR. HALL: -- mentions a prior conviction in that  
5 unlawful --

6 THE COURT: I need you to --

7 MR. HALL: I drafted an unlawful carrying  
8 indictment.

9 THE COURT: That's what I need.

10 MR. HALL: It's downstairs on the printer.

11 THE COURT: All right.

12 MR. HALL: It just needs to be --

13 THE COURT: Get that for me.

14 MR. HALL: All right. Will do.

15 COURT REPORTER, MR. HALL, MR.

16 COLONGELI, REVIEWING EXHIBITS

17 TO BE SENT TO JURORS FOR USE

18 IN DELIBERATIONS.

19 MR. HALL: Your Honor, I guess I have a question  
20 about this. Obviously, this is not marked *True Bills*.  
21 It's -- so, it's --

22 THE COURT: Let him have it and look at it.

23 MR. HALL: But it is the correct CDR code and the  
24 correct statute. Oh, sorry, Don. I didn't --

25 MR. COLONGELI: This is the one you re-did, right?

1 MR. HALL: Yes. That took out the -- instead of  
2 felony possession where it specifically listed that he'd  
3 been convicted of a crime. Which I would assume you  
4 wouldn't want to go back to the jury.

5 MR. COLONGELI: Thank you. I apologize for making  
6 you bring that out. I didn't use it.

7 BAILIFF: Don't worry about it, Don.

8 MR. COLONGELI: All right.

9 BAILIFF: That's fine.

10 MR. HALL: If that's sufficient, Judge, for the  
11 jury, the one I printed out?

12 THE COURT: Yes. Take the exhibits back and the  
13 verdict form and tell the jury to begin deliberations.  
14 Notify us when they reach a verdict.

15 BAILIFF: Yes, your Honor.

16 BAILIFF TO NOTIFY JURY TO

17 BEGIN DELIBERATIONS 11:27 A.M.

18 MR. COLONGELI: Judge, would it be --

19 THE COURT: I need you all to look at the disc.

20 MR. HALL: We did.

21 THE COURT: What are they playing it on?

22 MR. HALL: Oh, what are they playing it on.

23 THE COURT: Well, they can't read it off the disc.

24 MR. HALL: Right. I need to go back and check with  
25 the bailiffs. They were supposed to be making

1 arrangements while we were doing closings.

2 THE COURT: All right. We're going to be at ease  
3 for 15 minutes.

4 RENEWING MOTIONS, MR. COLONGELI:

5 THE COURT: Wanda, make a note that Mr. Colongeli  
6 renewed his motions for a directed verdict and they were  
7 denied.

8 MR. COLONGELI: And note any objections -- to renew  
9 any and all objections for the record and the basis of  
10 such and ruling of the Court. Is that a problem?

11 THE COURT: That's already on the record.

12 MR. HALL: Your Honor, someone from the clerk's  
13 office is actually going to be present in the room with  
14 one of their laptops from the clerk's office to be  
15 present whenever the audio is played.

16 MR. COLONGELI: I don't know if I like that.

17 THE COURT: Nobody can be in the jury room. Nobody  
18 can be in the jury room except the jurors.

19 MR. HALL: Okay.

20 THE COURT: Surely that's never been done before.

21 MR. COLONGELI: I'll go out and buy one from K-Mart  
22 if I have to, Judge.

23 COURT REPORTER: Wait, wait, wait.

24 MR. COLONGELI: Just a plain old disc player. Even  
25 an old-fashioned disc player.

1 COURT REPORTER: They can use mine.  
2 THE COURT: Okay.  
3 COURT REPORTER: Let me get out of my stuff.  
4 THE COURT: What have you got on it?  
5 THE COURT: Everything. I have everything we've  
6 taken.  
7 THE COURT: Yeah. We can't do that.  
8 COURT REPORTER: We can't use it.  
9 MR. COLONGELI: Yeah. I'd be happy to run to  
10 K-Mart real quick. I'll buy one, just a plain --  
11 COURT REPORTER: What's on yours?  
12 MR. COLONGELI: Yeah, I can't use mine.  
13 THE COURT: A lot of forms and stuff?  
14 MR. COLONGELI: Maybe.  
15 THE COURT: Whose is that one there? Do we have  
16 one -- what's on yours?  
17 MR. HALL: There's -- there's --  
18 MR. COLONGELI: Let me ask the public defender.  
19 MR. HALL: Well, I have a folder full of documents  
20 that from the trial notice and this and that for this  
21 and a bunch of other cases, but. Let me check real  
22 quick. Somebody was supposed to look for a CD player.  
23 OFF THE RECORD 11:30 A.M.  
24 BACK ON THE RECORD 3:17 P.M.  
25 JURY REQUESTS RE-INSTRUCTION,

1 BY THE COURT:

2 THE COURT: Thank you. Be seated. All right. The  
3 jury has asked for a re-instruction on the crime of  
4 armed robbery and unlawful possession of a firearm. So  
5 I'm going to bring them back in order to provide that  
6 additional instruction.

7 All right. Bring them in, please.

8 BAILIFF: Yes, your Honor.

9 BAILIFF: The jury is entering, your Honor.

10 The jury is seated, your Honor.

11 JURY ENTERS COURTROOM 3:20 P.M.

12 THE COURT: All right. Thank you. Madam Forelady,  
13 I understand from your note that the jury wishes for me  
14 to re-define the term armed robbery, as well as unlawful  
15 possession of a pistol.

16 MADAM FORELADY: Yes, sir.

17 THE COURT: All right. With regard to the crime of  
18 armed robbery, a robbery is defined as the forcing of a  
19 person to surrender property with the intent to steal it  
20 by the use of force or violence or by threatening a  
21 person with the use of force of violence in order to  
22 accomplish the theft.

23 Taking property of another with an intent to steal  
24 it by forcing a person to surrender possession of the  
25 property, or by causing a person to surrender possession

1 of their property by putting them in fear by way of  
2 intimidation is a robbery under the law.

3 A robbery becomes an armed robbery when the robbery  
4 is accomplished through the use of a firearm or any  
5 other deadly weapon.

6 With regard to the unlawful possession of a pistol,  
7 it is unlawful for any person to possess a pistol unless  
8 you have a permit to possess a pistol or under certain  
9 circumstances that are defined by statute. And there  
10 are 16 exceptions to the prohibition against possessing  
11 a pistol. In this case, none of those exceptions are  
12 applicable.

13 So what the State has to prove beyond a reasonable  
14 doubt before the defendant can be found guilty of  
15 unlawful possession of a pistol is that he did, on the  
16 date in question, have, in his actual possession, a  
17 pistol.

18 Okay? All right. Please return to your jury room.  
19 Continue with your deliberations. If you have  
20 additional questions, do not hesitate to let me know.

21 JURY LEAVES COURTROOM 3:22 P.M.

22 BAILIFF: Jury's clear. Door's closed, your Honor.

23 INQUIRY REGARDING EXCEPTIONS  
24 TO RE-INSTRUCTION TO THE JURY,  
25 BY THE COURT:

1 THE COURT: Are there any exceptions taken to that  
2 additional instruction by the State?

3 MR. HALL: No, your Honor.

4 MR. COLONGELI: By the defendant?

5 MR. COLONGELI: None from the defendant.

6 THE COURT: Okay. We'll continue to be at ease  
7 with regard to Mr. Green's case.

8 OFF THE RECORD 3:23 P.M.

9 BACK ON THE RECORD 3:46 P.M.

10 BY THE COURT:

11 THE COURT: Bring them in.

12 BAILIFF: Yes, sir, Judge.

13 BAILIFF: The jury is entering, your Honor.

14 JURY ENTERS COURTROOM 3:46 P.M.

15 BAILIFF: The jury is seated, your Honor.

16 THE COURT: Madam Forelady, have you and your  
17 fellow jurors reached a unanimous decision as it relates  
18 to each of the separate indictments?

19 MADAM FORELADY: Yes, your Honor.

20 THE COURT: And have you indicated those decisions  
21 on the back of the indictment as requested?

22 MADAM FORELADY: Yes, your Honor.

23 THE COURT: Did you sign your name and date it?

24 MADAM FORELADY: Yes, your Honor.

25 THE COURT: If you'll please hand those forms up by

1 way of the bailiff.

2 BAILIFF: Your Honor.

3 THE COURT: All right. You may publish the  
4 verdict.

5 VERDICT, MADAM CLERK:

6 MADAM CLERK: 2011-GS-7-2111, the State of South  
7 Carolina versus Andre Green, indictment for car jacking:  
8 *We, the jury, find the defendant guilty.*

9 2011-GS-7-2109, the State of South Carolina versus  
10 Andre Green, for indictment for kidnaping: *We, the*  
11 *jury, find the defendant guilty.*

12 2011-GS-7-2110, the State of South Carolina versus  
13 Andre Green, for indictment for armed robbery: *We, the*  
14 *jury, find the defendant not guilty.*

15 2011-GS-7-2112, the State of South Carolina versus  
16 Andre Green, indictment for unlawful carrying of a  
17 pistol: *We, the jury, find the defendant not guilty.*

18 Signed by Forelady Maria Martin.

19 Madam Forelady and the jury, was this your verdict?

20 RESPONSES OF YES FROM THE JURY.

21 MADAM CLERK: Thank you.

22 THE COURT: Let me ask, if it is your verdict and  
23 still your verdict, if you'll please indicate so by  
24 raising your right hands.

25 All have responded in the affirmative.

1           Are there any other matters that need to be  
2 addressed with the jury present?

3           MR. HALL: None from the State, your Honor.

4           THE COURT: Do you wish to have the jury polled?

5           MR. COLONGELI: No, sir.

6           THE COURT: Okay. All right. Thank you, ladies  
7 and gentlemen. That's going to conclude your service  
8 for the case and for the afternoon. As far as tomorrow  
9 goes, I'm not yet certain, but I'll know that by the end  
10 of the day.

11           So I'm going to ask that you please call back after  
12 6:00 o'clock this evening to receive further reporting  
13 information. Okay?

14           Thank you again for your participation in this  
15 case.

16           JURY LEAVES COURTROOM 3:50 P.M.

17           BAILIFF: Jury's clear. Door's closed, your Honor.

18           IMPOSITION OF SENTENCE,

19           BY THE COURT:

20           THE COURT: All right. Any other matters to  
21 address prior to the imposition of sentence?

22           MR. HALL: None from the State, your Honor.

23           MR. COLONGELI: None from the Defense, your Honor.

24           THE COURT: Have we got the sentencing sheet?

25           MR. HALL: Yes. Actually, I need --

1 MR. COLONGELI: Your Honor, my client is asking me  
2 -- I'll be honest with you, in a conviction situation,  
3 the client is still required to sign the sentencing  
4 sheet? In the past, I don't recall having had to do  
5 that.

6 THE COURT: Oh, he doesn't want to sign?

7 MR. COLONGELI: Oh, I'm sure he will if he's  
8 required to.

9 THE COURT: Well, if he doesn't want to, he doesn't  
10 have to, but I'd recommend it.

11 MR. COLONGELI: All right.

12 THE COURT: I mean, it's not going to prevent me  
13 from being able to impose a sentence.

14 MR. COLONGELI: Understood, your Honor.

15 THE COURT: But if he doesn't want to, that's fine.  
16 All right. What else does the State represent  
17 that's relative to the sentencing?

18 MR. HALL: Well, your Honor, you obviously heard  
19 the facts. I'm not going to belabor those. Mr. Green  
20 does have a prior conviction for armed robbery from 2009  
21 for which he received a ten-year sentence. It's my  
22 understanding he did a substantial portion of that  
23 sentence.

24 That appears to be the only thing on his record.  
25 The State is willing, at this point, to leave a

1 recommendation as far as what the ultimate sentence  
2 should be up to the Court.

3 THE COURT: All right. Mr. Colongeli.

4 MR. COLONGELI: May it please the Court, your  
5 Honor. I believe you've heard a great deal from me over  
6 the last couple days. We've had a great deal of  
7 discussion in chambers about this case from beginning  
8 Monday.

9 As you know, I was court-appointed on this case in  
10 December. I've put a great deal of work into it.  
11 Strange -- strange outcome. However, it is what it is.  
12 And I would only respectfully ask -- it appears that the  
13 jury had somewhat of a compromise verdict. And I would  
14 respectfully ask you to consider the totality of the  
15 situation and have mercy on Mr. Green in light of  
16 anything you heard throughout the last two days. And  
17 that's all I can say at this point.

18 I would respectfully ask you to give him the  
19 minimum. Obviously, I know he has a prior armed  
20 robbery. He just completed that sentence. Did eight-  
21 and-a-half years for that. And got out within six  
22 months and got into this situation. And I know that  
23 doesn't help matters. However, I am asking for your  
24 mercy for Mr. Green on behalf of him and his family.  
25 And ask that you give him the minimum that you can on

1 this. And ask that it be concurrent.

2 THE COURT: Let me get you all to -- Mr. Colongeli,  
3 the information at the top is also required. And so, I  
4 need you to fill those out.

5 MR. COLONGELI: I'm sorry, your Honor.

6 THE COURT: Biographical information.

7 MR. COLONGELI COMPLIES.

8 MR. COLONGELI: I believe I have everything filled  
9 out, your Honor.

10 THE COURT: On Indictment 2011-2109, that's the  
11 indictment for kidnaping, where you have been found  
12 guilty by the jury on that indictment, the sentence of  
13 the Court is, you, Andre Green, be confined to the South  
14 Carolina Department of Corrections for a period of 30  
15 years.

16 That sentence is suspended upon the service of 12.  
17 Placed on probation for five.

18 Conditions of probation: no contact directly nor  
19 indirectly with Dennis Boskey or any family member.  
20 Also, you're to have no firearms in your possession.  
21 And you're to pay \$500.00 for your appointed lawyer.

22 Indictment 2011-2111, indictment for car jacking  
23 where you have been found guilty by the jury of that  
24 offense, the sentence of the Court is you be confined to  
25 the South Carolina Department of Corrections for a

1 period of 12 years.

2 And the defendant is to be given credit for any  
3 time he's entitled to pursuant to 24-13-40.

4 Now, Mr. Green, you have a right to appeal the  
5 verdict of the jury and the sentence of the Court. You  
6 must file any notice of your intention to appeal those  
7 decisions within ten days of today's date.

8 MR. COLONGELI: Your Honor, with all due respect,  
9 I'm not sure I overheard you mention whether that's  
10 concurrent or consecutive.

11 THE COURT: Well, if it's not stated, then, it's  
12 always concurrent.

13 MR. COLONGELI: Thank you, Judge. Thank you for  
14 clarifying that.

15 THE COURT: Okay.

16 MR. COLONGELI: Thank you, your Honor.

17 OFF THE RECORD 4:02 P.M.

## CERTIFICATE OF REPORTER

APRIL 23, 24, 25, 2012 TRANSCRIPT OF TRIAL

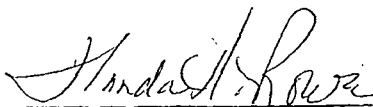
STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M and Official Court Reporter, State of South Carolina, do hereby certify that the foregoing April 23, 24, 25, 2012 Transcript of Trial is a true, accurate, and complete record of the proceedings had and evidence introduced in said Trial, in the case of State of South Carolina versus Andre Green, 2011-GS-07-02109, 2011-GS-07-02110, 2011-GS-07-02111 and 2011-GS-07-02112, Beaufort, South Carolina.

I further certify that I am of neither kin, counsel, or interest to any party hereto; that the original of this transcript is not certified to be, nor authorized for use as, the true, accurate, and complete original without my original signature and stamp affixed hereto; that any copy of this transcript is not certified to be, nor authorized for use as, a true, accurate, and complete copy without my original signature and stamp affixed hereto.

Witness my signature June 20, 2012.

  
Wanda H. Rowe, CVR-Mast  
Official Court Reporter

ORIGINAL

## STATE VS ANDRE GREEN

|                           |                              |                          |                           |
|---------------------------|------------------------------|--------------------------|---------------------------|
|                           |                              |                          |                           |
| \$                        | 13 <sup>TH</sup> - 191:20    | 287:22                   | 287:2,7                   |
| \$20.00- 86:21            | 194:7 225:25                 | 2008- 127:23             | 241340- 286:3             |
| 111:19 112:3              | 140- 62:25                   | 2009- 283:20             | 245- 66:19,23,24          |
| \$30.00- 87:24            | 143- 28:7                    | 2010- 14:13              | 247- 66:2                 |
| 114:8 225:12              | 145- 25:25                   | 2011- 14:12              | 25- 1:16 5:32             |
| \$500.00- 285:21          | 148- 21:21                   | 46:13,14 77:13           | 60:24 222:15              |
|                           | 149- 54:8                    | 78:8,15,20 111:9         | 223:12 287:2,7            |
| &                         | 14 <sup>TH</sup> - 1:3 50:14 | 125:21 182:9             | 28- 22:11                 |
| &- 1:7,16 2:9             | 94:19 168:14                 | 194:6                    | 29- 165:22                |
| 0                         | 15- 18:24 168:10             | 209:10,12,13             | 29 <sup>TH</sup> - 147:22 |
| 02111- 287:12             | 276:3                        | 214:12 224:24            | 2:00- 30:5                |
| 1                         | 152- 63:22 73:8              | 248:13                   | 2:15- 45:1                |
| 1- 7:23 8:18              | 153- 26:23                   | 20112109- 285:10         | 2:30- 30:5 44:23          |
| 186:5 273:13              | 16- 279:10                   | 20112111- 285:22         | 2:37- 45:5                |
| 100- 63:11                | 1611330- 258:16              | 2011GS07- 33:24          | 2:45- 175:15              |
| 101- 212:16,18            | 162320- 261:17               | 287:11                   | 177:7                     |
| 238:9                     | 1631075- 256:20              | 2011GS0702109-           | 2A- 7:27 182:24           |
| 105- 19:2                 | 257:17                       | 1:6 287:11               | 184:5,11                  |
| 107- 24:16                | 163910- 260:4                | 2011GS0702110-           | 2E- 7:27 182:24           |
| 108- 11:7,8 65:22         | 17- 157:21 181:19            | 1:6 287:11               | 184:5,11                  |
| 10:05- 223:13             | 204:5 236:9                  | 2011GS0702111-           |                           |
| 10:07- 223:24             | 173- 60:22                   | 1:7                      | 3                         |
| 10:30- 71:16              | 64:14,16                     | 2011GS0702112-           | 3- 7:31 8:24 18:6         |
| 10:35- 73:23              | 17YEAR- 208:11               | 1:7 287:12               | 51:25 52:6 104:13         |
| 10 <sup>TH</sup> - 191:19 | 18- 10:9 27:4                | 2011GS72109-             | 105:25 106:4              |
| 194:6                     | 94:14,17 96:9                | 281:9                    | 273:19                    |
| 114- 60:10                | 97:5 125:20 158:8            | 2011GS72110-             | 30- 17:5 28:18            |
| 117- 17:12                | 236:16                       | 281:12                   | 109:6 166:21              |
| 11:15- 6:13 268:7         | 180- 64:2                    | 2011GS72111-             | 285:14                    |
| 11:18- 9:2                | 183- 27:21 28:1              | 281:6                    | 30SECOND- 195:4           |
| 11:27- 6:28               | 185- 63:16                   | 2011GS72112-             | 33- 64:23                 |
| 275:17                    | 188- 59:22 62:13             | 281:15                   | 35- 110:5                 |
| 11:30- 277:23             | 18 <sup>TH</sup> -           | 2012- 1:16 2:5,29        | 3:00-                     |
| 11:46- 127:10             | 125:20,22,23                 | 5:32 9:1 14:1            | 19:4,12,15,17             |
| 11:50- 126:13             | 166:9 209:7                  | 71:15,16                 | 45:20                     |
| 12- 156:11 163:1          | 18YEAR- 236:9                | 223:11,12                | 3:03- 177:10              |
| 285:16 286:1              | 19- 158:4                    | 287:2,7,22               | 3:09- 181:2               |
| 122- 64:9                 | 195- 67:2                    | 206- 67:19               | 3:17- 277:24              |
| 125- 27:20                | 197- 60:15                   | 2109- 33:25              | 3:20- 278:11              |
| 126- 27:15                | 19 <sup>TH</sup> - 127:15    | 2110- 33:25              | 3:22- 187:8               |
| 12:00- 127:11             | 128:8 131:18,19              | 2111- 33:25              | 279:21                    |
| 268:16,19                 | 209:7                        | 2112- 33:25              | 3:23- 280:8               |
| 12:08- 132:2              | 1:00- 268:16,19              | 213- 51:7 67:12          | 3:30- 194:1               |
| 12:14- 33:19              | 1:25- 175:19                 | 221- 27:3                | 3:37- 68:10               |
| 12:15- 136:19             | 1:27- 177:9                  | 225- 27:10               | 3:42- 70:1                |
| 12:16- 137:2              | 1A- 119:10,15                | 57:22,23                 | 3:45- 71:9,15             |
| 12:20- 137:3              | 186:6,22                     | 226- 67:24 68:4          | 3:46- 280:9,14            |
| 12:22- 137:11             | 1B- 119:10,16                | 227- 63:5,6              | 3:47- 198:24              |
| 13- 156:16                | 121:8 186:6,22               | 22 <sup>ND</sup> - 141:9 | 3:48- 202:15              |
| 131- 66:7,12              |                              | 23- 1:16 2:5 9:1         | 3:50- 282:16              |
| 137- 53:5,11              | 2                            | 71:15 165:22             |                           |
| 138- 55:25                | 2- 8:20 119:20               | 287:2,7                  | 4                         |
| 56:1,24                   | 120:1,8,11                   | 238- 17:24 52:13         | 4- 8:2,28 196:20          |
|                           | 194:15,16 273:16             | 23 <sup>RD</sup> - 62:3  | 197:14 198:11             |
|                           | 20- 18:24 42:3               | 24- 1:16 2:29            | 273:21                    |
|                           | 156:16 269:24                | 71:16 223:11             | 402- 191:7                |



## STATE VS ANDRE GREEN

|                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|
| 287:17,21                | <b>ALLEGATIONS-</b>      | 270:21                   | 104:17 144:10            |
| <b>AFFORD-</b> 20:15     | 40:10 47:11,15           | <b>ANDAHALF-</b> 284:21  | 187:17,23 188:8          |
| 82:5                     | 48:7 79:10,13            | <b>ANDERSON-</b> 58:11   | 196:23 254:2             |
| <b>AFFORDED-</b> 83:15   | 80:16 151:17             | 65:9,13,16               | <b>APPEARANCE-</b> 40:17 |
| <b>AFRAID-</b> 229:15    | 249:15                   | <b>ANDORDER-</b> 89:18   | <b>APPEARANCES1-</b> 2:9 |
| 237:6                    | <b>ALLEGE-</b> 155:25    | <b>ANDRE-</b> 1:23,36,44 | <b>APPEARED-</b> 253:22  |
| <b>AFTERNOON-</b>        | 232:6                    | 4:6,19,34                | <b>APPEARS-</b> 28:25    |
| 30:3,14 33:14            | <b>ALLEGED-</b> 39:7     | 8:4,5,10 33:25           | 164:19 190:10,11         |
| 34:4 38:7 45:24          | 43:12 46:5,7,9,14        | 37:25 46:3               | 198:15 283:24            |
| 68:17 69:7 70:3          | 47:17 48:11 49:7         | 50:1,3,17 52:1           | 284:12                   |
| 71:8 175:15 181:3        | 50:10 57:3 72:11         | 77:7 78:9,18 86:6        | <b>APPLICABLE-</b> 74:21 |
| 203:24,25 222:17         | 77:11 79:16 93:3         | 89:12 90:8               | 85:12 247:16             |
| 268:20 282:8             | 95:2,3 108:25            | 91:19,20,22 93:8         | 251:8 266:20             |
| <b>AGAINST-</b> 43:23    | 131:6 161:21             | 94:4 95:21               | 279:12                   |
| 47:18 48:11 57:3         | 172:6 174:17             | 97:12,13 104:4           | <b>APPLICATION-</b>      |
| 75:5 77:14 79:16         | 192:13 206:12,14         | 119:1 121:9,16,24        | 256:17 257:12            |
| 97:12,13 124:18          | 207:18,19 212:15         | 122:21 129:15            | <b>APPLIED-</b> 252:9,21 |
| 144:24 184:24            | 213:2,3 214:12           | 134:10 135:9             | <b>APPLIES-</b> 9:21     |
| 191:15 208:7             | 230:9 248:10             | 140:4,14,18,24           | 13:20 21:23              |
| 215:8 219:3              | 249:17 261:14            | 147:18                   | <b>APPLY-</b> 9:14 10:16 |
| 229:18 230:9             | <b>ALLEGES-</b> 46:17,23 | <b>ANDRE'S-</b> 168:21   | 13:10 14:19,20           |
| 235:5 241:8              | 47:1 77:12 78:8          | <b>ANGELES-</b> 24:4     | 16:8 21:9,20             |
| 244:13 246:16            | 93:4 248:12              | <b>ANN-</b> 64:2         | 22:18 39:20 48:8         |
| 249:18 250:2             | <b>ALLEGING-</b>         | <b>ANNE-</b> 66:14       | 80:17 84:3 95:9          |
| 260:23 261:3             | 78:15,22 94:4            | <b>ANNOUNCED-</b> 49:18  | 222:13 247:19            |
| 262:24 263:5             | 160:9 258:21             | <b>ANTHONY-</b> 57:22    | 250:24 252:25            |
| 279:10                   | <b>ALLOW-</b> 32:5 37:6  | <b>ANTICIPATED-</b> 74:4 | 253:5,6 256:12           |
| <b>AGE-</b> 10:10 14:22  | 53:21 56:20              | <b>ANTICIPATING-</b>     | 261:22 264:23            |
| 15:2,24 16:6             | <b>ALLOWED-</b> 35:9     | 12:18                    | 266:17 270:20            |
| 21:2,3                   | 104:24 261:6             | <b>ANYMORE-</b> 75:9     | <b>APPLYING-</b> 29:15   |
| <b>AGENCIES-</b> 107:22  | <b>ALLOWING-</b> 238:3   | 129:4                    | <b>APPOINTED-</b> 42:22  |
| <b>AGENCY-</b> 50:18     | <b>ALLUDED-</b> 148:14   | <b>ANYWAY-</b> 31:22     | 285:21                   |
| 104:8 208:12             | <b>ALONE-</b> 21:4 95:6  | 32:20 101:21             | <b>APPOINTING-</b> 75:16 |
| 234:4                    | 96:23 129:22             | 201:2                    | <b>APPOINTMENT-</b>      |
| <b>AGGRAVATED-</b> 57:15 | 232:21 248:1             | <b>ANYWHERE-</b> 23:6    | 16:17                    |
| 58:25                    | 253:14                   | 185:4                    | <b>APPRECIATE-</b>       |
| <b>AGREE-</b> 38:16 62:9 | <b>ALTERNATE-</b> 47:25  | <b>APARTMENT-</b> 87:12  | 76:23,24 100:17          |
| 204:16,17 215:11         | 75:25 76:24              | 90:18 122:21             | 102:18 143:14,15         |
| <b>AGREED-</b> 87:1,9    | <b>ALTERNATES-</b> 67:19 | 226:18,21                | 151:19 220:1             |
| 214:21,23                | <b>ALTERNATIVE-</b>      | <b>APARTMENTS-</b> 86:20 | 268:12                   |
| <b>AGREEMENT-</b> 36:12  | 216:22                   | 111:16 112:12            | <b>APPROACH-</b> 61:16   |
| 38:11 40:3               | <b>ALTOGETHER-</b>       | 122:13                   | 104:9 105:9 119:5        |
| 75:11,21 263:16          | 145:14 149:5             | 183:8,16,17              | 146:6 182:19             |
| <b>AH-</b> 239:14        | 192:2                    | <b>APOLOGIES-</b> 147:9  | 194:11 196:16            |
| <b>AHEAD-</b> 70:4       | <b>AM268-</b> 6:13       | <b>APOLOGIZE-</b> 74:1   | <b>APPROACHED-</b> 117:8 |
| 158:15 162:1             | <b>AM275-</b> 6:28       | 105:7 107:19             | 177:21                   |
| 170:5 186:20             | <b>AMANDA-</b> 16:12     | 125:22 136:14            | <b>APPROACHES-</b> 89:1  |
| 235:9                    | 51:18                    | 148:6 154:21             | <b>APPROPRIATE-</b> 36:4 |
| <b>AIKEN-</b> 18:5 51:25 | <b>AMAZING-</b> 95:9,17  | 171:15 179:24            | 219:9 255:16             |
| <b>AIN'T-</b> 157:17     | <b>AMNESTY-</b> 12:10    | 180:11 198:15            | 264:4,25                 |
| 233:5                    | <b>AMONG-</b> 175:11     | 200:15 217:16,17         | <b>APPROXIMATELY-</b>    |
| <b>AIR-</b> 162:3        | <b>AMOUNT-</b> 19:25     | 243:6 275:5              | 42:3 181:19              |
| <b>AJAR-</b> 165:20      | 139:19                   | <b>APPARENTLY-</b> 179:7 | 197:12 204:3             |
| <b>ALL'S-</b> 237:9      | <b>AMY-</b> 17:12        | 200:19                   | 209:7                    |
| <b>ALLEGATION-</b>       | <b>AND/OR-</b> 12:1,3    | <b>APPEAL-</b> 286:4,6   | <b>APRIL-</b> 1:16       |
| 206:15                   | 37:11 47:5 72:12         | <b>APPEAR-</b> 40:18,19  | 2:5,29 5:32 9:1          |

## STATE VS ANDRE GREEN

|   |  |   |   |
|---|--|---|---|
| 42:24 71:15,16<br>141:9 223:11,12<br>287:2,7<br><b>ARCELIA-</b> 65:22<br><b>AREA-</b> 88:16 94:17<br>125:7 154:3<br>174:12<br><b>AREAS-</b> 184:19<br><b>AREN'T-</b> 43:2<br>77:17 81:9,13<br>135:5 271:20,21<br><b>ARGUABLY-</b> 93:9<br>241:20 242:3<br><b>ARGUE-</b> 213:15<br>235:8<br><b>ARGUMENT-</b><br>240:15,20<br><b>ARGUMENTS-</b> 221:10<br><b>ARISE-</b> 70:18<br>112:16<br><b>ARISEN-</b> 46:7<br>77:11 248:11<br><b>ARISES-</b> 74:12<br>251:20<br><b>ARISING-</b> 21:5<br><b>ARMED-</b> 34:1 37:22<br>46:15 47:2,3<br>50:11 57:14<br>78:6,19,22,23<br>86:7 168:2 205:19<br>233:9 236:11<br>247:5 248:18<br>256:6<br>258:14,18,19,22<br>259:3,20<br>278:4,14,18 279:3<br>281:13 283:20<br>284:19<br><b>ARMY-</b> 159:19<br><b>ARNIE-</b><br>185:18,20,23<br>210:15<br><b>ARRANGE-</b> 23:13<br><b>ARRANGEMENT-</b><br>24:22<br><b>ARRANGEMENTS-</b><br>30:13,21 31:9<br>265:2,9,15 276:1<br><b>ARREST-</b> 72:15<br>80:3 140:18<br>143:19 168:21<br>191:23 231:18<br>241:22 250:11<br><b>ARRESTED-</b> 39:9<br>42:19 90:4,6,16<br>125:3 134:10 | 143:23 144:19<br>145:6 168:3,10,16<br>169:1 190:9 191:5<br>196:5 228:8,9<br>241:18 244:15<br><b>ARRIVE-</b> 84:3,10<br>85:16 96:11<br>247:19 252:18<br><b>ARRIVED-</b> 87:13<br>117:25 118:2<br>128:3 132:16,19<br>184:15 227:8<br><b>ARRIVING-</b> 253:18<br><b>ASSAULT-</b> 58:4,25<br><b>ASSEMBLY-</b> 15:18<br>33:11,16<br><b>ASSERT-</b> 230:20<br>235:7<br><b>ASSESS-</b> 179:11<br><b>ASSESSMENT-</b><br>129:17<br><b>ASSIGNED-</b> 9:8<br><b>ASSIST-</b> 242:20<br>265:24<br><b>ASSISTANCE-</b> 31:17<br>32:5 99:14 101:10<br>212:5<br><b>ASSISTANT-</b> 50:13<br><b>ASSISTED-</b> 99:9<br><b>ASSISTING-</b> 50:6<br><b>ASSOCIATED-</b><br>183:20<br><b>ASSUMED-</b> 272:3<br><b>ASSUMPTION-</b> 72:8<br><b>ATLANTA-</b> 19:9<br>125:7 153:22,25<br>154:1,3,24<br><b>ATTEMPT-</b> 46:18<br>78:9 195:20<br>232:15 238:2<br>258:5<br><b>ATTEMPTED-</b> 117:9<br>148:10<br><b>ATTEMPTS-</b> 43:23<br>257:20<br><b>ATTEND-</b> 49:15<br><b>ATTENTION-</b> 40:1<br>72:17,23 74:13<br>76:19 84:6<br>85:1,19,20<br>97:19,21 108:11<br>117:5,6 147:21<br>148:8 177:18<br>178:4 211:24<br>224:6,17 229:20<br>268:13 | <b>ATTORNEY-</b><br>178:16,19 212:17<br>229:21<br><b>AUDIENCE-</b> 9:18<br><b>AUDIO-</b> 37:1,11<br>38:1 125:16<br>137:6,20 139:6<br>154:13 201:7<br>208:25 224:18<br>227:2 228:15<br>229:5 276:15<br><b>AUDIOED-</b> 196:15<br><b>AUDIOVIDEO-</b> 166:8<br><b>AUTHORITY-</b> 46:25<br>78:17 260:8,18,25<br>261:4,5,13<br><b>AUTHORIZED-</b> 47:9<br>79:8 264:16<br>287:16,19<br><b>AUTO-</b> 117:19,24<br><b>AUTOMATIC-</b> 162:23<br><b>AVAILABLE-</b><br>16:14,16 39:22<br>142:7 265:16,25<br>266:1<br><b>AVOID-</b> 189:3,12<br><b>AVOIDED-</b> 30:8,10<br><b>AWAITING-</b> 6:11<br>268:6<br><b>AWARE-</b> 39:24 40:7<br>43:8,17 44:7,11<br>77:6 101:18 102:2<br>130:19 148:9<br>167:25 168:12,17<br>173:1,21 179:17<br>195:13 230:21 | <b>BACKED-</b> 115:9<br><b>BACKGROUND-</b> 157:2<br>199:10,16<br>200:20,21,24<br><b>BACKTRACK-</b> 132:13<br><b>BADLY-</b> 116:23<br><b>BAIL-</b> 142:15<br>146:23 147:13<br><b>BAILED-</b> 225:14<br><b>BAILIFF-</b> 6:25 9:5<br>20:10 26:22<br>27:4,10,15,21<br>28:2,7,12,18<br>30:23 31:7 32:18<br>33:1,10,16 44:24<br>45:23 49:3 54:20<br>64:8 65:16<br>69:10,13,16,17,19<br>,21,24,25<br>68:7,9,23 70:11<br>71:10 73:7,22,24<br>74:16 126:14<br>132:1,3 135:17 13<br><b>BAILIFFS-</b> 30:18<br>31:5 175:25<br>275:25<br><b>BALANCE-</b> 33:8<br>68:17 69:12 70:6<br>268:15<br><b>BALL-</b> 233:4<br>239:13 240:25<br>241:4<br><b>BAR-</b> 246:8<br><b>BARELY-</b> 56:16<br><b>BASE-</b> 53:22 81:18<br>82:14 186:12,14<br><b>BASED-</b> 15:19 20:6<br>21:8 22:13 61:6,7<br>70:22 72:15<br>116:21 124:13<br>129:21,22 150:23<br>164:13 166:10<br>188:22 199:13<br>212:7 213:16,25<br>219:8 226:11<br>239:11 240:11<br>253:8 257:10<br><b>BASIC-</b> 81:23<br><b>BASIS-</b> 116:18<br>191:17 276:9<br><b>BASKETBALL-</b><br>112:18 204:23,25<br>215:1<br><b>BATSON-</b> 50:21<br><b>BATTERY-</b> 58:4<br><b>BEACH-</b> 234:8 |
|   |  | <b>B</b>  |   |
|   |  | <b>B/O/S/K/E/Y-</b><br>111:5<br><b>BABYSIT-</b> 24:12,17<br><b>BACK-</b> 16:25<br>20:9,22,25 26:12<br>27:2,8,14,19,25<br>28:6,11,17,22<br>29:23<br>33:4,5,13,14,21<br>38:22,23 44:23<br>45:5,19 46:9 51:2<br>52:9 54:16,18<br>62:11 68:8,18<br>69:2,3 70:7<br>77:13,24 80:7<br>83:23 85:13 87:22<br>101:5 105:15<br>112:4,7   |   |

## STATE VS ANDRE GREEN

|                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>BEAR-</b> 154:8 255:6 | 50:23 135:2              | 88:2,22 90:22            | 0                        |
| <b>BEARING-</b> 51:12,20 | 265:3,16                 | 94:2,5 125:17            | <b>BRIEF-</b> 88:8 92:18 |
| 52:4 53:8 55:4           | <b>BEWILDERED-</b> 217:6 | 174:2 183:24             | 114:14 151:5             |
| 58:20 60:11,17           | <b>BEWILDERMENT-</b>     | 184:1 192:2              | 208:21                   |
| 61:2                     | 214:2                    | 215:17,24 226:18         | <b>BRIGHTEST-</b> 212:17 |
| <b>BEARINGS-</b>         | <b>BIAS-</b> 254:23      | 227:2 233:11             | <b>BROKE-</b> 117:3      |
| 115:8,23                 | <b>BIBLE-</b> 232:3      | 242:13                   | 177:20 178:4             |
| <b>BEAUFORT-</b> 1:4,20  | 235:19 243:3             | <b>BOSKEY135-</b> 4:7    | <b>BROTHER-</b> 59:25    |
| 9:9 10:7 14:7            | <b>BIG-</b> 197:20 217:8 | <b>BOSKEY137-</b> 4:20   | <b>BROUGHT-</b> 29:10    |
| 18:17 37:25 39:14        | <b>BIGGERS-</b> 36:2     | <b>BOTH-</b> 13:22 29:4  | 42:25 71:20 72:17        |
| 46:18 50:14,20           | <b>BILLS-</b> 20:16      | 43:1 62:9 81:24          | 74:2,13 75:5             |
| 86:16 91:23,25           | 274:20                   | 114:24 129:23            | 77:14,21 83:5            |
| 103:12,15 106:20         | <b> BIOGRAPHICAL-</b>    | 144:15 153:5,6           | 159:20 216:7             |
| 178:12 190:6,8           | 285:6                    | 185:2 186:8 188:1        | 223:16 249:1             |
| 213:5,6,15               | <b>BIT-</b> 23:21 74:3   | 229:7 248:6              | 250:1 262:24             |
| 216:10,17 232:20         | 87:17,19 89:6            | <b>BOULEVARD-</b> 112:13 | 265:2 270:9              |
| 287:4,12                 | 94:16 124:21             | 183:12                   | <b>BRUTON-</b> 39:20     |
| <b>BECAME-</b> 169:23    | 132:13 142:1             | <b>BOUNDS-</b> 210:6     | <b>BUICK-</b> 116:6      |
| <b>BECOME-</b> 48:24     | 186:4 201:14             | <b>BOX-</b> 62:10 270:16 | <b>BUILDING-</b> 21:15   |
| 76:8,22 195:13           | 222:15 225:3,16          | <b>BOY-</b> 228:11,12    | <b>BUMPED-</b> 155:11    |
| <b>BECOMES-</b> 247:14   | 226:17 227:5             | 240:16                   | <b>BUNCH-</b> 112:18     |
| 279:3                    | <b>BLACK-</b> 112:11     | <b>BOYS-</b> 227:25      | 277:21                   |
| <b>BECOMING-</b> 236:20  | 190:10 205:18            | <b>BRAD-</b> 111:24      | <b>BURDEN-</b>           |
| <b>BEDROCK-</b> 94:12    | 210:11 240:7             | 112:4,20 113:12          | 47:14,16,18              |
| <b>BEGAN-</b> 88:13      | <b>BLAME-</b> 242:21     | 114:14,20 115:16         | 79:13,14,17              |
| <b>BEGINS-</b> 70:14     | <b>BLIND-</b> 225:17     | 116:13 153:7             | 82:15,25 83:4,5,7        |
| <b>BEHIND-</b> 23:21     | 230:12,19                | 227:22,23                | 238:5 246:23             |
| 87:7 89:12               | <b>BLOCKED-</b> 38:3     | <b>BRADLEY-</b> 60:15    | 249:14,16,18,25          |
| 113:8,17,19 114:9        | <b>BLOOD-</b> 49:13      | <b>BRANDON-</b>          | 251:9 262:23             |
| 116:2 182:1,2            | <b>BLUE-</b> 50:4        | 39:5,6,22 40:13          | 263:1 269:21             |
| <b>BELABOR-</b> 161:16   | <b>BLUFFTON-</b> 20:13   | 86:24 93:22              | <b>BURGLARY-</b> 57:16   |
| 212:4 283:19             | 24:13                    | 94:3,8 133:4             | 58:4                     |
| <b>BELABORING-</b>       | <b>BODILY-</b> 164:24    | 134:4 150:5,7            | <b>BURKE-</b> 51:19      |
| 149:15                   | 259:25                   | 153:7 163:6              | <b>BUS-</b> 21:15        |
| <b>BELIEVABILITY-</b>    | <b>BOIL-</b> 96:17,25    | 168:1,6 171:3            | <b>BUSINESS-</b> 32:4    |
| 96:25 253:12,19          | <b>BOND-</b> 39:11 196:9 | 172:19,20                | 103:21 237:22            |
| 270:6                    | <b>BONDED-</b> 39:11     | 173:8,14 174:7,9         | <b>BUTTER-</b> 246:19    |
| <b>BELIEVABLE-</b>       | 40:14                    | 199:15 203:6             | <b>BUY-</b> 276:21       |
| 84:13,16                 | <b>BONDSMAN-</b> 142:15  | 204:22                   | 277:10                   |
| 255:22,25                | 146:23 147:13            | 207:9,11,15,21           |                          |
| <b>BELIEVED-</b> 258:25  | <b>BORN-</b> 91:23       | 208:2,15 215:7           | C                        |
| <b>BELONGED-</b> 46:19   | <b>BOSKEY-</b> 3:27 8:11 | 225:10 226:3             | <b>CAFETERIA-</b> 21:24  |
| 79:3                     | 35:11 46:19,20,24        | 233:3,5,8,12             | 22:1                     |
| <b>BELOW-</b> 194:16     | 47:5 50:9,19 53:6        | 239:15                   | <b>CALENDAR-</b> 14:3    |
| <b>BENCH-</b> 4:39 20:19 | 72:12 73:18              | <b>BRANDON'S-</b> 168:21 | <b>CALIFORNIA-</b> 20:14 |
| 26:9,24                  | 78:10,11,17              | <b>BRANHAM-</b> 28:18,21 | 60:7                     |
| 27:5,11,16,22            | 87:1,2,3,8,9,11,1        | <b>BRANTON-</b> 64:23    | <b>CALL-</b> 17:5,8 33:4 |
| 28:3,8,14,19             | 3,14,18,24,25            | 65:2                     | 62:1,5                   |
| 61:18 105:12             | 79:3,4 86:18,25          | <b>BREAK-</b> 127:3      | 68:18,21,24              |
| 136:22 138:20            | 88:7,9,14,15,25          | 159:1 187:13             | 69:2,3 82:22             |
| 147:5 159:3 187:9        | 89:5,7,15,22,23          | 211:22 235:21            | 83:10 89:1 91:4          |
| 197:25 210:19            | 90:2,11,16               | <b>BRENDA-</b> 66:19     | 98:18 99:15,21,24        |
| 238:20 246:8             | 93:7,11,23               | <b>BRICK-</b> 233:6      | 100:2,17,19              |
| 270:15                   | 109:1,17 110:25          | <b>BRIDGE-</b> 88:22     | 104:24 105:5,16          |
| <b>BENEATH-</b> 263:25   | 111:2,5,6 119            | 99:4 115:12,14           | 108:5,12 109:5,9         |
| <b>BENEFIT-</b> 32:22    | <b>BOSKEY'S-</b> 87:22   | 216:12,13,14,17,2        | 117:15,16,18             |

## STATE VS ANDRE GREEN

|                          |                         |                          |                          |
|--------------------------|-------------------------|--------------------------|--------------------------|
| 119:23 123:19            | 31:4,14 32:22           | 235:4 256:20             | <b>CAUSING-</b> 259:17   |
| 124:15 155:21            | 33:12 35:22 41:8        | 261:18                   | 278:25                   |
| 156:21 157:3,4           | 44:12 49:19             | 281:7,9,12,15            | <b>CAUTION-</b> 39:4     |
| 158:7 185:22             | 52:9,17,25 62:23        | 285:14,25                | 42:14 129:13             |
| 207:23 2                 | 69:19 82:17             | 287:3,6,10,12            | 169:6 175:10             |
| <b>CALLBACK-</b> 32:23   | 84:18,22 85:1 8         | <b>CAROLINA'S-</b> 214:4 | 176:1 222:21             |
| 33:2                     | <b>CAN'T-</b> 14:15,18  | <b>CARRIED-</b> 74:24    | 269:14                   |
| <b>CALLED-</b> 15:19     | 16:19 20:15 21:4        | <b>CARRY-</b> 12:5 46:24 | <b>CD-</b> 277:22        |
| 30:25 31:1,12            | 32:4 38:21,25           | 47:4 79:2                | <b>CDR-</b> 274:23       |
| 35:13 48:4 49:10         | 76:2 101:4              | 260:7,16,24              | <b>CEASE-</b> 212:7      |
| 50:16 51:13,21           | 102:14,16 107:9         | 261:2,11,19              | 215:10                   |
| 61:12 62:6               | 115:16 118:19           | <b>CARRYING-</b> 261:17  | <b>CELL-</b> 90:17       |
| 76:4,21 81:4             | 122:5 124:14            | 274:7 281:16             | 154:13                   |
| 90:17 95:8 96:4          | 126:11 130:18           | <b>CARS-</b> 88:23 99:17 | <b>CENTER-</b> 38:1      |
| 99:18 151:24             | 133:15 134:18           | 116:2                    | 40:25 93:24              |
| 152:1,2 155:5            | 140:24 146:19           | <b>CASABLANCA-</b> 78:20 | 103:19 107:4,6,13        |
| 156:11 189:6             | 149:9 157:22,25         | 87:9 112:16,25           | 209:8 233:13             |
| 190:6 204:9              | 163:3 214:13,14         | 132:16,19,22             | <b>CERTAIN-</b> 15:19    |
| 235:11 247:18            | 219:3,4,10 232:25       | 133:1 225:11             | 79:2 86:11 178:14        |
| <b>CALLER-</b> 35:12     | 241:9 263:23 2          | 228:24                   | 233:19 279:8             |
| 89:2 117:8,22            | <b>CAPABLE-</b> 259:24  | <b>CASE-</b> 1:6 2:16    | 282:9                    |
| 216:8 225:5              | <b>CAPTION-</b> 2:9     | 9:18 10:3 23:13          | <b>CERTIFICATE-</b>      |
| 242:14                   | <b>CAR-</b> 34:1 46:15  | 29:15,21                 | 287:1                    |
| <b>CALLING-</b> 2:16,24  | 50:11 78:5 86:8         | 31:4,7,17,25             | <b>CERTIFIED-</b> 21:14  |
| 33:22 62:4 206:19        | 88:1,2,10,11,12,1       | 33:22,24 34:19           | 22:1,4,7                 |
| 268:15                   | 3,19,21,25              | 35:6,8,16 36:5           | 287:15,19                |
| <b>CALLS-</b> 7:32 33:24 | 87:3,5 89:13,14         | 37:1 39:7,10 40:9        | <b>CERTIFY-</b> 287:6,13 |
| 89:3 98:6 101:17         | 98:23                   | 42:23 43:21              | <b>CHALLENGE-</b>        |
| 103:3,22                 | 99:4,5,6,15,16          | 46:1,3 48:5,20           | 65:17,18 192:2,11        |
| 104:15,21 105:6          | 101:2,5,13,19           | 49:6,8,21,23,25          | 193:7                    |
| 106:3 110:25             | 102:12 108:16           | 50:7,8,12                | <b>CHAMBERS-</b> 71:23   |
| 122:17                   | 109:5,25                | 51:13,21 52:4,7,8        | 72:1 188:11 223:8        |
| 124:6,9,14,17            | 112:8,9,11,19           | 53:9,13,16,21            | 284:7                    |
| 125:7 134:16,17          | 113:2,19                | 54:6                     | <b>CHANCE-</b> 32:21     |
| 140:11                   | 114:10,11,12,13         | 55:5,10,11,16,1          | 101:2 137:21             |
| 153:21,23,24             | 115:3,15,18,24,25       | <b>CASES-</b>            | 143:23 151:1             |
| 155:14,16,18,19,2        | 116:1,3,10,11,          | 29:4,5,7,10 30:24        | 162:17                   |
| 0,23                     | <b>CARD-</b> 10:24      | 31:1,3 42:16             | <b>CHANCES-</b>          |
| 154:1,2,9,12,24          | <b>CARDINAL-</b> 250:4  | 49:23 77:2 83:2,9        | 206:1,5,8                |
| 156:1 158:23             | <b>CARE-</b> 15:25      | 249:25 263:3             | 209:2,19                 |
| 159:15 181:6             | 16:1,7,21 21:3,6        | 277:21                   | <b>CHANGE-</b> 22:24     |
| 207:4,20 208:            | 25:14,19 242:2          | <b>CASH-</b> 87:24       | 246:2 249:2              |
| <b>CALLS105-</b> 3:20    | <b>CAREER-</b> 159:19   | <b>CATCH-</b> 93:18      | <b>CHANGED-</b> 10:1     |
| <b>CALM-</b> 165:5       | <b>CAREFUL-</b> 76:19   | 149:6 204:22             | 124:1                    |
| <b>CAMPAIGN-</b> 231:8   | 85:19 97:21 144:8       | <b>CATEGORIES-</b> 13:19 | <b>CHANGES-</b> 79:11    |
| <b>CAMPBELL-</b> 28:2,5  | 262:8                   | <b>CATEGORY-</b> 12:13   | 218:19 229:18            |
| 39:14                    | <b>CAREFULLY-</b> 80:13 | <b>CATHERINE-</b> 23:5   | <b>CHARACTERIZE-</b>     |
| <b>CAN-</b> 9:19         | 84:1 90:24 91:5         | 59:4                     | 89:11                    |
| 12:17,21,22 14:23        | 250:21 264:22           | <b>CAUCASIAN-</b> 116:3  | <b>CHARACTERIZED-</b>    |
| 17:20 18:1,13            | <b>CARETAKER-</b>       | <b>CAUGHT-</b> 42:3      | 57:12                    |
| 19:6,23 20:5             | 21:1,7,10               | 93:20                    | <b>CHARGE-</b> 6:7 43:23 |
| 21:6,17                  | <b>CAROL-</b> 15:15     | <b>CAUSE-</b> 15:20 19:6 | 48:14 77:22 78:2         |
| 22:16,22,24              | <b>CAROLINA-</b>        | 22:14,15 57:4            | 80:1,20,22 81:1          |
| 23:13,25 24:22,24        | 1:2,10,20 10:7          | 62:17 65:14,17,20        | 83:5 103:18 223:8        |
| 25:14,15,19              | 29:3 95:6 159:14        | 251:17                   | 246:18,21 247:9          |
| 30:8,9,13,18             | 213:4 232:20            | <b>CAUSES-</b> 239:8     | 248:17 249:8,22          |

## STATE VS ANDRE GREEN

|  |   |  |  |
|--|---|--|--|
| 250:2,8,25<br>251:2,6<br>252:4,6,11,13<br>256:16 262:24<br>264:2,7 269:16,19<br>270:5,19,20,23<br>271:11<br><b>CHARGED-</b><br>78:5,14,18 79:24<br>86:7 95:22,23<br>96:3 144:11<br>218:15 235:5<br>250:7 256:5 260:2<br><b>CHARGES-</b> 12:12<br>47:12,22 57:3<br>75:5 77:14 79:6<br>80:18 91:7 95:5<br>124:18 140:12<br>145:13 149:3<br>153:18<br>157:4,10,23<br>206:4,22 228:6,13<br>235:3 245:19<br>248:14,20 249:13<br>256:13 258:13<br>261:16<br><b>CHARGING-</b> 34:1<br><b>CHASE-</b> 143:17<br><b>CHAT-</b> 90:18 196:8<br><b>CHECK-</b> 73:10<br>135:11 157:2<br>275:24 277:21<br><b>CHECKED-</b> 40:15<br><b>CHECKING-</b> 178:2<br>184:17<br><b>CHEF-</b> 155:21<br><b>CHIEF-</b> 39:13<br>94:18 211:10<br>213:25 234:5,7<br><b>CHILD-</b> 15:23,25<br>16:24 17:12 18:23<br>57:9 177:23<br>242:19<br><b>CHILDREN-</b><br>15:23,25 16:4,20<br>25:14,19 139:14<br>160:19 227:11<br><b>CHOICE-</b> 218:19<br>219:7 233:14<br><b>CHOOSE-</b> 14:14<br>84:19 215:20<br>233:15 255:18<br><b>CHOSE-</b> 173:13<br>243:17,18<br><b>CHOSEN-</b> 93:24<br>215:7 | <b>CHRIS-</b> 20:11<br><b>CHURCH-</b> 49:14<br><b>CIRCLE-</b> 78:20<br>112:16 183:14,15<br><b>CIRCLING-</b> 227:10<br><b>CIRCUIT-</b> 1:3 9:7<br>13:25 14:4,11,17<br>29:2 50:13,14,24<br>94:19<br><b>CIRCUMSTANCE-</b><br>76:5 79:8 262:19<br><b>CIRCUMSTANCES-</b><br>16:3 21:7<br>22:18,23 23:1<br>47:10 98:20 122:8<br>130:19 141:15,17<br>279:9<br><b>CITIZEN-</b> 10:5,6<br><b>CITY-</b> 59:14<br><b>CIVIL-</b> 12:9<br>29:4,5 130:22<br><b>CIVILIAN-</b> 59:17<br><b>CLAIMS-</b> 93:8<br>218:25<br><b>CLARIFICATION-</b><br>125:18 166:4<br>266:19<br><b>CLARIFY-</b> 125:21<br><b>CLARIFYING-</b><br>124:10,11 286:14<br><b>CLASSIFY-</b> 104:6<br><b>CLERK-</b> 13:14 22:9<br>25:24 30:18<br>32:9,14,25<br>63:3,5,8,11,14,16<br>,19,22,25<br>64:2,5,9,12,14,16<br>,18,20,23<br>65:1,3,6,9,12,22,<br>25<br>66:2,5,7,10,12,14<br>,17,19,22,24<br>67:2,5,7,10,12,15<br>,18,22,24<br>62:2,4,5,13,16,25<br>68:2,4,9,20 77:4<br><b>CLERK'S-</b> 31:5,7<br>276:12,14<br><b>CLERK281-</b> 7:11<br><b>CLERK62-</b> 2:25<br><b>CLERK77-</b> 2:34<br><b>CLIENT'S-</b> 37:2,8<br>180:12<br><b>CLIMBED-</b> 172:7<br><b>CLOSE-</b> 23:20<br>88:13 92:1 93:22 | 138:15 169:7<br>224:16 234:7<br>241:20<br><b>CLOSED-</b> 23:20<br>68:9 69:17 71:10<br>88:12 115:7<br>126:14 136:21<br>175:20 198:25<br>211:16 223:4<br>268:3 279:22<br>282:17<br><b>CLOSELY-</b> 244:24<br><b>CLOSET-</b> 136:11<br><b>CLOSING-</b> 5:37 6:3<br>23:6 81:5 82:3,12<br>97:5 158:1 159:17<br>169:21 221:17<br>224:12 230:1<br>238:23 243:5<br><b>CLOSINGS-</b> 276:1<br><b>COAT-</b> 86:5<br><b>CODE-</b> 154:3<br>256:20 257:17<br>258:16 260:4,5<br>261:18 274:23<br><b>CODEFENDANT-</b><br>39:5,24,25<br>40:3,8,13 42:19<br>208:2 270:10<br><b>CODEFENDANTS-</b><br>42:17 43:1<br><b>CODES-</b> 125:7<br><b>COERCION-</b> 180:16<br><b>COLE-</b> 1:28 9:6<br><b>COLLECT-</b> 86:21<br>182:2<br><b>COLLECTING-</b><br>145:22<br><b>COLONGEI-</b> 28:16<br><b>COLONGELI-</b> 1:41<br>6:20 20:21 26:11<br>27:1,7,13,18,24<br>28:5,10,21<br>34:5,9,12,17<br>35:2,4,24<br>36:15,19 39:3<br>40:24 41:4,13,18<br>42:13 43:6<br>44:6,15,17,20<br>45:3,9,17 50:5<br>52:17,19,21,23<br>54:3,5 61:20,25<br>62:17,19,22<br>63:4,9,15,20 6<br><b>COLONGELI'S-</b> 38:9<br>201:7 | <b>COLONGELI100-</b> 3:9<br><b>COLONGELI106-</b><br>3:23<br><b>COLONGELI129-</b><br>3:38<br><b>COLONGELI143-</b><br>4:23<br><b>COLONGELI187-</b><br>4:41<br><b>COLONGELI203-</b> 5:6<br><b>COLONGELI210-</b><br>5:12<br><b>COLONGELI211-</b><br>5:19<br><b>COLONGELI218-</b><br>5:23<br><b>COLONGELI222-</b><br>5:27<br><b>COLONGELI230-</b> 6:5<br><b>COLONGELI273-</b><br>8:22,26<br><b>COLONGELI276-</b><br>6:31<br><b>COLONGELI91-</b> 2:46<br><b>COLUMBIA-</b> 244:10<br><b>COME-</b> 13:3 18:18<br>20:9,25 25:1<br>26:19,21 29:23<br>33:5,13 41:23<br>42:18 62:6 72:9<br>74:22 76:12 91:6<br>92:8 95:17 100:21<br>111:22 112:7<br>118:21 120:6<br>131:24 165:10,19<br>183:11,12,15<br>193:21 201:13<br>207:14 212:3<br>225:6 227:15<br><b>COMES-</b> 31:6 74:18<br>96:17 177:15<br>228:3 234:3 240:3<br>244:21<br><b>COMFORTABLE-</b><br>108:21<br><b>COMING-</b> 33:14<br>44:23 88:23 112:9<br>140:5 141:4<br>154:15 157:17<br>191:8,9 207:9<br>208:15 212:3<br>237:9 243:11<br>265:13<br><b>COMMENCING-</b> 36:5<br><b>COMMENT-</b> 178:10<br>201:24 265:21,22 |
|--|---|--|--|

## STATE VS ANDRE GREEN

|  |   |  |   |
|--|---|--|---|
| <p><b>COMMENTS-</b> 178:9<br/> <b>COMMISSION-</b><br/> 258:24<br/> <b>COMMISSIONER-</b><br/> 13:16<br/> <b>COMMIT-</b> 47:1<br/> 148:21 246:15<br/> <b>COMMITTS-</b><br/> 258:17,18,19<br/> <b>COMMITTED-</b> 29:12<br/> 46:6,14 57:19<br/> 77:9 148:20<br/> 149:20 219:1<br/> 248:9 259:20<br/> 261:6 262:6,7,11<br/> 271:2<br/> <b>COMMON-</b> 14:10<br/> 29:6 83:25 84:16<br/> 98:1 233:17,19<br/> 235:13 247:23<br/> 252:20 253:8<br/> 255:21<br/> <b>COMMONLY-</b> 259:4<br/> <b>COMMUNICATIONS-</b><br/> 103:14<br/> <b>COMPACT-</b> 3:19<br/> 4:4,17 7:31 8:2,8<br/> 91:2 105:16 106:3<br/> 135:7,14<br/> 137:24,25<br/> 138:12,13<br/> 139:3,4,22,23<br/> 171:21,198:8,18<br/> 202:18<br/> <b>COMPANY-</b> 19:24<br/> <b>COMPLETE-</b> 30:5<br/> 287:8,16,20<br/> <b>COMPLETED-</b> 284:20<br/> <b>COMPLICATED-</b><br/> 147:11<br/> <b>COMPLIED-</b> 34:24<br/> 186:13<br/> <b>COMPLIES-</b> 50:3<br/> 285:7<br/> <b>COMPLY-</b> 144:11<br/> 243:16<br/> <b>COMPROMISE-</b><br/> 284:13<br/> <b>COMPUTER-</b> 127:21<br/> 191:4 198:13,15<br/> 201:23<br/> <b>CONCEALED-</b> 261:20<br/> <b>CONCEDE-</b> 232:9<br/> 237:22 239:22<br/> 245:15<br/> <b>CONCERN-</b> 127:17</p> | <p>160:6 191:23<br/> 253:1<br/> <b>CONCERNED-</b> 36:7<br/> 41:13,15 75:19<br/> 78:4 126:5 151:10<br/> 153:14 176:8<br/> 219:14 244:22<br/> 249:11 257:6<br/> 263:12 269:18<br/> <b>CONCERNS-</b> 151:13<br/> 161:20 162:3<br/> 227:4 230:23<br/> <b>CONCLUDE-</b> 221:10<br/> 222:18 268:11<br/> 282:7<br/> <b>CONCLUDED-</b> 82:20<br/> 131:4 222:2<br/> <b>CONCLUSION-</b> 75:3<br/> 76:11 77:24 80:8<br/> 91:6 234:15<br/> 235:25 239:11<br/> 246:11,16 263:6<br/> 267:5<br/> <b>CONCURRENT-</b> 285:1<br/> 286:10,12<br/> <b>CONDITION-</b> 17:3<br/> <b>CONDITIONS-</b><br/> 285:18<br/> <b>CONDONED-</b> 261:6<br/> <b>CONDUCT-</b> 32:4<br/> 57:14 70:17,19<br/> 175:12 256:24<br/> 257:2,3 261:5<br/> <b>CONDUCTED-</b> 191:18<br/> 194:4 206:24<br/> <b>CONDUCTING-</b> 71:1<br/> <b>CONFERENCE-</b> 4:40<br/> 20:19 26:9,24<br/> 27:5,11,16,22<br/> 28:3,8,14,19<br/> 61:18 105:12<br/> 136:22 138:20<br/> 147:5 159:3 187:9<br/> 197:25,210:19<br/> 223:8 238:20<br/> <b>CONFERRING-</b> 180:9<br/> 218:3<br/> <b>CONFIDENT-</b> 91:4<br/> 229:16<br/> <b>CONFINE-</b> 46:24<br/> 78:16 260:6,15,21<br/> 261:10<br/> <b>CONFINED-</b><br/> 285:13,24<br/> <b>CONFLICT-</b> 84:7,8<br/> <b>CONFUSE-</b> 97:8</p> | <p><b>CONFUSED-</b> 145:2<br/> <b>CONFUSION-</b> 215:3<br/> <b>CONJUNCTION-</b><br/> 72:14<br/> <b>CONNECTING-</b> 229:6<br/> <b>CONNECTION-</b><br/> 49:12,17,20<br/> <b>CONNECTIONS-</b> 53:8<br/> <b>CONNECTS-</b> 228:21<br/> <b>CONSCIENTIOUSLY-</b><br/> 252:21<br/> <b>CONSECUTIVE-</b><br/> 286:10<br/> <b>CONSENT-</b> 178:11<br/> 260:24 261:1,14<br/> <b>CONSEQUENCE-</b><br/> 219:17<br/> <b>CONSIDER-</b> 48:4<br/> 83:12 84:1 219:4<br/> 229:16 235:13<br/> 236:22 250:21<br/> 253:21<br/> 254:5,10,14,23<br/> 255:3,8 271:11<br/> 284:14<br/> <b>CONSIDERATION-</b><br/> 48:5 61:8 97:4,18<br/> 252:2 257:11,14<br/> 262:8<br/> <b>CONSIDERATIONS-</b><br/> 19:6<br/> <b>CONSIDERED-</b> 80:13<br/> 81:8,17 252:7<br/> 262:19<br/> <b>CONSIDERING-</b><br/> 29:14<br/> <b>CONSISTENT-</b> 89:8<br/> 254:6,8,11<br/> <b>CONSTABLE-</b> 13:14<br/> <b>CONSTITUTE-</b> 79:15<br/> <b>CONSTITUTION-</b><br/> 35:21 232:18<br/> 245:10<br/> <b>CONSUME-</b> 94:10<br/> <b>CONTACT-</b><br/> 121:15,16,23<br/> 122:9 237:8<br/> 285:18<br/> <b>CONTACTED-</b> 43:21<br/> <b>CONTACTING-</b><br/> 195:14<br/> <b>CONTAGIOUS-</b> 16:19<br/> <b>CONTAIN-</b> 37:1<br/> <b>CONTAINED-</b> 193:1<br/> <b>CONTEMPT-</b> 144:11<br/> <b>CONTEND-</b> 88:2,5</p> | <p>96:14 238:11<br/> <b>CONTENDS-</b> 93:6<br/> <b>CONTENTION-</b> 87:20<br/> 123:5 230:18<br/> <b>CONTENTS-</b> 140:7<br/> <b>CONTEXT-</b> 81:25<br/> 200:25<br/> <b>CONTINUE-</b> 2:21<br/> 3:40 4:13,16<br/> 26:13 45:22 76:2<br/> 132:8 137:17,24<br/> 138:12,25<br/> 139:1,3,22 172:3<br/> 181:4 202:16,18<br/> 214:3,19 217:7<br/> 238:23 279:19<br/> 280:6<br/> <b>CONTINUED-</b> 94:20<br/> 204:24 217:6<br/> <b>CONTINUOUS-</b> 238:7<br/> <b>CONTINUING-</b> 76:6<br/> <b>CONTROLLER-</b> 60:22<br/> <b>CONVERSATION-</b><br/> 37:24 38:15<br/> 122:10,11,20,24<br/> 125:9 134:9,15<br/> 139:25 182:15<br/> 196:11,12,14<br/> <b>CONVERSATIONS-</b><br/> 37:23<br/> <b>CONVEYED-</b> 99:20<br/> 177:25 178:1<br/> <b>CONVICT-</b> 231:6<br/> <b>CONVICED-</b> 12:7<br/> 13:7 34:2 241:10<br/> 275:3<br/> <b>CONVICTION-</b> 37:22<br/> 274:4 283:2,20<br/> <b>CONVINCE-</b> 82:9<br/> 92:12,14 195:24<br/> 217:12,14<br/> <b>CONVINCED-</b> 88:11<br/> <b>COOMBS-</b> 65:3,7<br/> <b>COOPERATIVE-</b><br/> 89:22<br/> <b>COORDINATOR-</b><br/> 103:14<br/> <b>COOSAW-</b> 19:14<br/> <b>COPIES-</b> 187:24<br/> 188:2,6,9<br/> <b>COPY-</b> 104:15<br/> 108:10 196:21,22<br/> 271:16,18<br/> 287:18,20<br/> <b>CORNER-</b> 88:19<br/> 263:22,24</p> |
|--|---|--|---|

## STATE VS ANDRE GREEN

|  |   |  |  |
|--|---|--|--|
| <b>CORNERS-</b> 150:3<br>188:11 213:23<br><b>CORRECTED-</b> 129:14<br>212:25 213:9<br>269:17 270:18<br><b>CORRECTIONS-</b><br>59:16 285:14,25<br><b>CORRECTLY-</b> 10:2<br>172:22 207:14<br><b>CORRESPONDING-</b><br>252:11<br><b>COULDN'T-</b> 114:21<br>134:1 149:8 165:6<br>167:9 207:6<br>226:24 229:1<br><b>COUNSEL-</b> 94:17<br>95:1 287:14<br><b>COUNSELS-</b> 95:1<br><b>COUNTRY-</b> 232:19<br>236:11,12 245:11<br><b>COUNTS-</b> 246:17<br><b>COUNTY-</b> 1:4 9:7,9<br>10:7 13:16,17<br>14:7 37:25 39:14<br>46:18 50:15,20<br>86:4,17 91:23<br>92:1 103:12,15<br>106:20,22,25<br>178:12 190:6,8<br>213:5,6,15<br>216:10,17<br>232:18,20 245:11<br>287:4<br><b>COUPLE-</b> 29:21<br>97:20 99:7 122:19<br>123:15 133:2,3<br>134:8 140:19<br>180:6 185:18<br>228:4 284:6<br><b>COURSE-</b> 14:3<br>30:17 31:12 46:8<br>48:1 49:10 70:24<br>74:19 77:12<br>80:3,4 82:7<br>85:6,7 86:12<br>93:10 97:19 99:20<br>122:23 177:19<br>178:3,17 182:15<br>189:13 231:22<br>241:13 247:12<br>248:11 250:11,12<br>252:22 253:13<br>254:13 255:11 256<br><b>COURT-</b> 1:5,47<br>6:19 9:3,4,9,10<br>11:5,8,11,14,17,2 | 1<br>10:19,22 12:14<br>13:3,13,14,25<br>14:1,5,9,10,11,17<br>15:5,7,9,12,15,17<br>17:2,7,10,17,20,2<br>3<br>18:4,8,11,15,21,2<br>5<br>16:20,24<br>20:1,6,9,17,20,23<br>,24<br>19:11,15,17,19,21<br>21:22 2<br><b>COURT'S-</b> 8:16<br>33:8 40:1 44:25<br>63:9 72:22 86:7<br>125:21 140:17<br>169:5 242:5 272:7<br>273:12,15,18,20<br><b>COURT127-</b> 3:34<br><b>COURT137-</b> 4:11<br><b>COURT177-</b> 4:30<br><b>COURT199-</b> 5:3<br><b>COURT223-</b> 5:35<br><b>COURT247-</b> 6:8<br><b>COURT269-</b> 6:17<br><b>COURT278-</b> 7:4<br><b>COURT280-</b> 7:8<br><b>COURT282-</b> 7:15<br><b>COURT45-</b> 2:22<br><b>COURT71-</b> 2:31<br><b>COURT9-</b> 2:14<br><b>COURTAPPOINTED-</b><br>284:9<br><b>COURTHOUSE-</b> 13:18<br>18:22<br><b>COURTROOM-</b> 33:19<br>45:20 49:1 64:8<br>68:10 69:8,12,17<br>70:1 71:9<br>73:12,15,18,23<br>93:4 102:4 119:2<br>126:13 129:16<br>132:2 136:19<br>137:11 138:7<br>175:19 177:23<br>181:2 187:8 194:1<br>198:24 202:15<br>211:15 221:23<br>223:3,24 237:21<br>266<br><b>COVER-</b> 239:20,23<br><b>COVERAGE-</b> 222:25<br><b>COVERED-</b> 34:21<br>272:6,25 273:4 | <b>CRAZY-</b> 164:16<br><b>CREDENCE-</b> 242:22<br><b>CREDIBILITY-</b><br>84:2,25 85:2<br>96:25 97:3<br>253:12,19<br>255:7,14<br>269:17,19<br>270:5,19<br><b>CREDIBLE-</b><br>84:13,15<br>255:22,25<br><b>CREDIT-</b> 286:2<br><b>CRIME-</b> 12:8,23,25<br>13:5,7 29:2,4<br>45:12 47:2 57:11<br>58:3,17 77:20<br>78:14,19 79:22,24<br>82:17 103:19<br>181:25 218:15,25<br>231:11,15 232:16<br>249:20 256:19<br>258:3,14,15,17,18<br>,19<br>257:9,18,19<br>259:1,3,10<br>260:2,9,10,13,14<br>262:<br><b>CRIMES-</b> 46:5,15<br>47:17 57:13 78:5<br>79:16 83:21 95:3<br>149:20 161:21<br>162:8 181:24<br>248:17 249:17<br>262:3,4<br><b>CRIMINAL-</b><br>29:7,11,12 37:2,8<br>48:11 57:14,19<br>77:10 80:4 83:20<br>94:13 191:14<br>200:18,25 204:7<br>212:16,18<br>238:9,10 250:5,11<br>251:19 256:9,25<br>260:3 262:18<br><b>CROSS-</b> 157:16,17<br><b>CROSSEXAMINATION-</b><br>3:8,22 4:22 5:5<br>81:16 100:12<br>106:10 143:12<br>203:22<br><b>CRUCIAL-</b> 238:10<br>239:4 270:12,16<br><b>CURIOUSER-</b> 225:16<br><b>CURRENTLY-</b> 16:13<br>19:7,13 | <b>CUSTODIAN-</b> 109:9<br><b>CUSTODY-</b> 15:23<br>16:5 40:21<br><b>CUT-</b> 37:21<br>111:14,15,16<br>143:17 169:18<br><b>CUTS-</b> 101:24<br><b>CVRM-</b> 287:5<br><b>CVRMASTER-</b> 1:46<br>287:25<br><b>CYRAN-</b> 66:14<br><hr/> D<br><b>D/E/N/N/I/S-</b><br>111:5<br><b>DANELL-</b> 18:5<br>51:25<br><b>DANGEROUS-</b> 236:21<br>237:23<br><b>DARN-</b> 237:15<br><b>DASH-</b> 165:19<br><b>DATA-</b> 186:12,14<br><b>DATE-</b> 15:22<br>21:12,18 22:11,13<br>23:7,16 24:6<br>46:10 104:19<br>118:19<br>121:18,20,23<br>122:2 125:19<br>126:5,7,8 127:14<br>128:3,7 129:2<br>131:16 132:12<br>141:5 166:8<br>168:11,15 197:3<br>203:3 230:23<br>264:4 267:7<br>279:16 280:23<br>286:7<br><b>DATED-</b> 141:9<br>147:22<br><b>DATES-</b> 40:17<br>127:21,23<br>150:22,24 168:22<br>213:4<br><b>DATEWISE-</b> 166:5<br>209:6<br><b>DAUGHERTY-</b> 23:5<br>28:12 59:5<br><b>DAUGHTER-</b> 18:1<br>19:5,19<br>139:8,9,17 160:16<br>161:8<br><b>DAUGHTER'S-</b> 19:13<br>151:15,16<br><b>DAWN-</b> 51:18<br><b>DAY-</b> 2:5,29 5:32 |
|--|---|--|--|

## STATE VS ANDRE GREEN

|   |   |  |  |
|---|---|--|--|
| 9:1 16:15 22:23<br>23:10,24 24:18<br>30:5 31:11<br>86:12,13,14,15,18<br>,19<br>71:15,16 87:10<br>89:4 93:12,13<br>94:2,8 96:10<br>107:1 111:12<br>118:17 127:25<br>145:18 150:7<br>151:12 166:9<br>168:7 170:19<br>172:4,6,8,13 193:<br><b>DAYCARE-</b><br>16:14,18,25 17:13<br>18:1 19:3 20:13<br>111:14,15<br><b>DAYS-</b> 29:21 89:10<br>97:17,20 103:24<br>147:21 168:3<br>176:14 210:13<br>225:2 226:15<br>241:16 269:15<br>284:6,16 286:7<br><b>DAYTIME-</b> 30:7<br><b>DEADLY-</b> 47:4 59:1<br>78:22,24 79:1<br>258:21,23,25<br>259:21 279:5<br><b>DEAL-</b> 21:8 37:3,9<br>97:16 163:6<br>214:16 234:1,5<br>239:21 284:5,6,10<br><b>DEALER-</b> 145:21<br>227:24<br><b>DEALING-</b> 96:11<br>236:8<br><b>DEALINGS-</b> 185:20<br><b>DEALS-</b> 40:3<br><b>DEATH-</b> 259:25<br><b>DEBOSE-</b> 51:18<br><b>DEBT-</b> 145:22<br><b>DECEMBER-</b> 42:22<br>46:9 284:10<br><b>DECIDE-</b> 30:25<br>48:6,8 77:6<br>84:2,12 95:25<br>247:19 248:1<br>253:14 257:7<br>264:23 267:6<br><b>DECIDED-</b> 61:6<br>80:15 193:14<br>232:21 250:23<br>252:8<br><b>DECIDES-</b> 37:16 | <b>DECIDING-</b> 29:15<br>77:1 80:16 250:23<br><b>DECISION-</b><br>51:13,21 52:4<br>53:8,23 55:5<br>58:20 60:12,18<br>61:2 70:22<br>75:2,4,10 76:16<br>78:1 81:19<br>82:11,14 84:4,10<br>85:10,16 164:13<br>219:8,10,14,15,17<br>,19<br>213:19<br>220:5,10,20<br>234:13 247:20,21<br>249:7,8 257:9,16<br>263:14,20 264<br><b>DECISIONS-</b><br>75:13,19<br>256:13,14<br>263:10,13 267:10<br>280:20 286:7<br><b>DECLINE-</b> 272:5<br>273:7<br><b>DECLINED-</b> 62:18<br>65:15 73:18 117:7<br><b>DECLINING-</b> 65:17<br><b>DECOY-</b> 260:7<br><b>DEDICATE-</b> 31:16<br><b>DEEM-</b> 255:16<br><b>DEEPER-</b> 226:11<br>229:10<br><b>DEFEND-</b> 200:14<br>243:13<br><b>DEFENDANT-</b><br>1:23,39,44 2:45<br>39:8,22 46:4,14<br>47:12,18 48:10<br>49:7,25 50:3 53:5<br>54:23 57:4 61:24<br>68:14 75:6 77:15<br>78:5,18 79:11,16<br>80:2 81:24<br>82:16,23,24,25<br>83:8,9,15 91:14<br>131:3 180:20<br>189:8 192:3,7<br>193:1 218:13 21<br><b>DEFENDANT'S-</b><br>47:19 79:18 83:6<br>249:19 251:10<br>252:9<br><b>DEFENDANTS-</b> 43:2<br>191:5<br><b>DEFENDED-</b> 236:10 | <b>DEFENDER-</b> 39:14<br>94:19 277:18<br><b>DEFENSE-</b> 5:21,25<br>6:4 34:24 62:16<br>63:3,8,14,19,25<br>64:5,12,20<br>65:1,6,12,25<br>66:5,10,17,22<br>67:5,10,15,22<br>68:2 71:22 73:2<br>82:21 94:17,25<br>95:1 128:22<br>130:23 217:23<br>218:4,7 221:24<br>222:4,8 223:19<br>230:2 233:23<br>238:24 2<br><b>DEFENSE'S-</b> 270:14<br><b>DEFINE-</b> 57:8<br>141:2<br>270:12,17,23<br><b>DEFINED-</b> 259:5,22<br>278:18 279:9<br><b>DEFINITE-</b> 93:21<br>94:1 152:9 207:16<br><b>DEFINITELY-</b><br>135:24 233:8<br>238:12<br><b>DEGREE-</b> 84:6<br>263:5<br><b>DELAY-</b> 74:1 105:8<br><b>DELEGATED-</b><br>75:14,16<br><b>DELIBERATE-</b> 12:19<br>95:18 240:4 265:6<br><b>DELIBERATION-</b><br>76:17 126:11<br>246:9<br><b>DELIBERATIONS-</b><br>6:13,27<br>74:18,22,24<br>76:10,13 80:8<br>83:13,23 85:14<br>219:6 222:14,19<br>224:5 243:8<br>247:17 248:23<br>250:16 262:20<br>264:10,13,15,17,2<br>1,25<br>263:9 265:17<br>266:5<br>267:16,19,25<br>268:7,9 274:18<br>275:13,17 279:19<br><b>DELIBERATIONS274-</b><br>6:23 | <b>DEMEANOR-</b> 253:21<br><b>DENIAL-</b> 93:13<br><b>DENIED-</b> 185:3<br>216:5 217:22<br>276:7<br><b>DENIES-</b> 40:9<br><b>DENNIS-</b> 3:27<br>4:7,20 8:11 35:10<br>46:19,24 47:5<br>50:9,18 52:2<br>78:10,17 86:18<br>87:8 90:11,16<br>93:23 94:5 109:1<br>110:25 111:2,5<br>132:7 135:9<br>137:16 143:11<br>154:5 171:23,25<br>182:11 195:14,22<br>202:23 204:23<br>209:20 215:4,6,2<br><b>DENNO-</b> 179:10<br><b>DENY-</b> 43:24<br><b>DEPARTMENT-</b> 10:24<br>35:7 50:18,20<br>59:16 90:9<br>103:16,21 106:23<br>118:22 128:6<br>181:15,18,22<br>182:14 234:9<br>285:14,25<br><b>DEPARTMENTS-</b><br>103:18<br><b>DEPICT-</b> 183:2<br><b>DEPRIVING-</b> 47:6<br>79:4<br><b>DEPUTIES-</b> 117:25<br><b>DEPUTY-</b> 13:14,15<br>59:13<br><b>DERAILED-</b> 212:22<br><b>DERHAM-</b> 1:28 9:6<br><b>DERIVED-</b> 191:3<br><b>DESCRIBE-</b> 103:20<br>162:18 176:24<br>181:20<br><b>DESCRIBED-</b> 175:2<br><b>DESCRIBING-</b> 225:7<br><b>DESCRIPTION-</b><br>175:1<br><b>DESIGNED-</b> 85:15<br><b>DESPITE-</b> 175:5<br><b>DETECTIVE-</b><br>4:5,18,34 8:3,9<br>35:7 94:7 95:25<br>96:6 118:7 126:3<br>128:2 135:8<br>145:12 148:18,23 |
|---|---|--|--|

## STATE VS ANDRE GREEN

|                         |                          |                          |                          |
|-------------------------|--------------------------|--------------------------|--------------------------|
| 151:10,20,25            | <b>DIFFERENT-</b> 42:6   | <b>DISCOVERABLE-</b>     | 284:23                   |
| 152:6,20 153:3          | 113:11,12,14             | 188:13 213:23            | <b>DOMESTIC-</b> 57:15   |
| 154:10 157:1            | 120:20 140:19            | <b>DISCOVERY-</b> 72:19  | <b>DON-</b> 34:4 91:17   |
| 159:18 161:4,12         | 161:11 187:18            | 243:12                   | 274:24 275:7             |
| 162:16 163:19           | 256:15                   | <b>DISCRETION-</b> 94:1  | <b>DON'T-</b> 10:12      |
| 165:9,24 171:22         | <b>DIFFERENTLY-</b>      | <b>DISCS-</b> 107:20     | 11:7,10 12:17,19         |
| 179:9,15 181:9          | 145:1                    | 169:10 265:10            | 14:16 16:1,6             |
| 194:3 198:9 202:1       | <b>DIFFICULT-</b> 19:25  | <b>DISCUSSING-</b> 71:1  | 19:21 20:1               |
| 20                      | 23:12 199:11             | 123:3 132:10             | 23:7,14,16 26:2          |
| <b>DETENTION-</b> 37:25 | 213:19 231:3             | 166:4 167:2              | 29:20 30:25              |
| 40:25 59:15 93:24       | 233:23 234:10            | <b>DISCUSSIONS-</b> 37:2 | 31:20,25 33:3,4          |
| 209:8 233:13            | 236:19                   | 71:5 222:22              | 34:13 35:21,25           |
| <b>DETERMINATION-</b>   | <b>DIFFICULTY-</b> 40:16 | <b>DISMISS-</b> 43:23    | 36:6 37:10 39:19         |
| 83:13 179:25            | 74:14 137:14             | <b>DISPATCH-</b>         | 40:5 41:11,24            |
| 219:6 244:11            | <b>DIG-</b> 226:11       | 107:4,6,13 216:9         | 42:8 44:20               |
| 252:18 253:18           | <b>DIGITAL-</b> 103:23   | <b>DISPATCHER-</b>       | 52:7,8,9,13,16           |
| 256:16 262:21           | <b>DIRE-</b> 2:13,21 9:3 | 106:18 109:17            | 53:2 54:8,17,20          |
| 265:7                   | 26:13 45:7,22            | 110:8,10 169:13          | 56:16 59:8 70:10         |
| <b>DETERMINE-</b>       | <b>DIRECTED-</b> 3:36    | 242:9                    | 76:1                     |
| 9:13,22 26:20           | 5:17 129:6,24            | <b>DISPOSING-</b> 29:5,7 | <b>DONALD-</b> 1:41 65:3 |
| 33:12 48:9,17           | 130:12,15 178:10         | <b>DISQUALIFICATION-</b> | <b>DONELSON-</b>         |
| 49:19 80:11,19          | 211:17 212:10            | 13:23                    | 20:11,21                 |
| 92:10 126:7 178:9       | 216:4 217:20,21          | <b>DISQUALIFIED-</b>     | <b>DOOR-</b> 41:1 93:24  |
| 179:21 213:25           | 237:1 276:6              | 27:20                    | 126:14 175:20            |
| 247:22 250:19           | <b>DIRECTING-</b> 130:21 | <b>DISQUALIFIES-</b>     | 198:25 223:4             |
| 251:1 253:7             | <b>DIRECTION-</b> 115:11 | 13:1 14:1                | 233:13 268:3             |
| 256:11,18 257:13        | <b>DIRECTIONS-</b> 70:12 | <b>DISQUALIFY-</b> 10:15 | <b>DOOR'S-</b> 68:9      |
| <b>DETERMINING-</b>     | <b>DIRECTLY-</b> 74:15   | 13:9,19 15:3             | 71:10 136:21             |
| 29:16                   | 113:8 118:14             | <b>DISRESPECT-</b>       | 211:16 279:22            |
| <b>DEVELOPED-</b> 185:8 | 144:18,22,23             | 162:15 270:1             | 282:17                   |
| <b>DEVICE-</b> 259:22   | 173:14 217:15            | <b>DISTANCE-</b> 87:10   | <b>DOORS-</b> 88:13      |
| <b>DEVOTED-</b> 268:14  | 221:16 265:13            | <b>DISTINCT-</b> 46:6    | <b>DOTS-</b> 229:6       |
| <b>DIANE-</b> 67:19     | 285:18                   | 77:10 248:10             | <b>DOUBLE-</b> 73:10     |
| <b>DICTATE-</b> 215:10  | <b>DIRK-</b> 258:20      | 256:5,9,13               | <b>DOUBT-</b> 47:20      |
| 233:18                  | <b>DIRT-</b> 204:25      | <b>DISTINGUISHES-</b>    | 79:19 80:21,24           |
| <b>DICTATES-</b> 235:13 | <b>DISABILITY-</b> 12:4  | 259:4                    | 82:16 83:7 86:10         |
| <b>DICTUM-</b> 96:5     | <b>DISABLED-</b> 21:3    | <b>DISTORT-</b> 124:22   | 92:6,10,17 93:15         |
| <b>DIDN'T-</b> 25:7     | <b>DISADVANTAGES-</b>    | <b>DISTORTED-</b> 238:1  | 96:1,16 152:18           |
| 26:18 32:12 56:12       | 219:23 220:2             | <b>DISTRICT-</b> 22:7    | 168:1 215:24             |
| 88:3,9 93:11            | <b>DISAGREE-</b> 35:25   | <b>DIVISION-</b> 59:17   | 216:23 226:16            |
| 102:8 114:15            | <b>DISC-</b> 3:19 4:4,17 | <b>DIVORCE-</b> 10:1     | 230:8,10 233:7           |
| 115:13,19               | 7:31 8:2,8 91:2          | <b>DOCTOR-</b> 17:6      | 238:8 246:24             |
| 129:18,20 134:5         | 105:16 106:3             | <b>DOCTOR'S-</b> 16:16   | 251:2,7,10,12,14,        |
| 140:20 141:20           | 128:5,9,10,12,18,        | <b>DOCUMENT-</b> 7:23    | 15,16,17,20,24,25        |
| 143:4,22 145:7          | 19,25                    | 43:10,15,19,20           | 249:20 250:3             |
| 149:5 153:11,23         | 127:19 129:5             | 147:25 148:3,9           | 252:3,4,10,14            |
| 156:1,15 157:6          | 135:7,14                 | <b>DOCUMENTS-</b> 119:14 | 258:2 260:12             |
| 159:20 162:17           | 137:24,25                | 186:8 248:15             | <b>DOWNSTAIRS-</b>       |
| 164:8,18,23             | 138:12,13                | 277:19                   | 274:10                   |
| 169:18                  | 139:3,4,22,23            | <b>DOESN'T-</b> 13:2     | <b>DRAFTED-</b> 274:7    |
| 185:11,16,23            | 171:21 196:23            | 29:19 43:5 44:13         | <b>DRAW-</b> 215:3 263:6 |
| 187:12,14 189:7         | 198:18 202:18            | 82:24 83:9,10            | <b>DRB-</b> 194:20       |
| 190                     | 275:19,23                | 89:23 129:4 131:9        | <b>DREAM-</b> 236:12     |
| <b>DIE-</b> 114:19      | 276:24,25                | 198:17 219:5,13          | <b>DRIVE-</b> 88:13      |
| <b>DIFFERENCE-</b> 42:5 | <b>DISCERN-</b> 229:11   | 242:2,6 244:18           | 231:9 245:2              |
| 43:5 162:24,25          | <b>DISCLOSED-</b> 178:8  | 251:11 283:6,9,15        | <b>DRIVEN-</b> 225:13    |

## STATE VS ANDRE GREEN

|                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>DRIVER-</b> 87:7      | 280:6                    | <b>ENFORCEMENT-</b>      | 251:22 258:2             |
| <b>DRIVER'S-</b> 10:23   | <b>EASIER-</b> 97:6      | 35:14 44:8 45:13         | 260:12,14 262:2          |
| <b>DRIVERS-</b> 21:15    | 234:13 243:21            | 59:13,14,17,19           | <b>ESSENTIALLY-</b> 42:4 |
| <b>DRIVING-</b> 98:22    | <b>EASILY-</b> 92:10     | 72:11 96:12 145:5        | 109:8                    |
| 99:2,3 133:22            | 181:23                   | 149:17 150:16            | <b>ESTABLISH-</b> 47:19  |
| 183:7 184:2              | <b>EASY-</b> 239:10      | 204:5 208:12             | 77:18 79:18 83:8         |
| 242:18                   | 243:9                    | 214:17 234:4             | 212:13 216:24            |
| <b>DROP-</b> 17:14 87:17 | <b>ECONOMY-</b> 39:23    | 236:9 237:8              | 226:10 248:25            |
| 124:18 140:12            | 41:6                     | <b>ENGAGE-</b> 76:17     | 249:19 250:2             |
| 157:3,23 228:5,13        | <b>EDGED-</b> 260:1      | <b>ENGAGED-</b> 257:3    | 258:4 262:25             |
| <b>DROPPED-</b> 87:15    | <b>EDITING-</b> 38:6     | 261:5                    | <b>ESTABLISHED-</b>      |
| 214:25 240:24            | <b>EDUCATED-</b> 235:22  | <b>ENGAGING-</b> 257:1   | 127:14 212:21            |
| 241:4                    | <b>EDUCATION-</b>        | <b>ENGLISH-</b> 11:1,6,9 | 213:2                    |
| <b>DROPPING-</b> 157:10  | 11:22,23                 | <b>ENJOY-</b> 94:23      | <b>ESTABLISHES-</b>      |
| 245:19                   | <b>EFFECT-</b> 58:6      | <b>ENSURE-</b> 30:13     | 216:21                   |
| <b>DROVE-</b> 89:14      | 199:12 248:2             | 74:24                    | <b>ESTABLISHMENT-</b>    |
| <b>DRUG-</b> 145:21,22   | 253:15                   | <b>ENTER-</b> 29:13      | 238:15                   |
| 227:23                   | <b>EFFICIENT-</b> 12:2   | 208:12,14                | <b>ESTIMATE-</b> 115:25  |
| <b>DUBOSE-</b> 16:12     | <b>EIGHT-</b> 139:17     | <b>ENTERED-</b> 47:12    | 116:18                   |
| <b>DUDE-</b> 227:24      | 284:20                   | 79:11 171:24             | <b>ESTIMATED-</b> 116:17 |
| 228:1                    | <b>EIGHTEEN-</b> 158:8   | 248:20 249:12            | <b>ESTIMATION-</b> 110:1 |
| <b>DUE-</b> 41:5 174:1   | <b>ELAPSED-</b> 132:18   | <b>ENTERING-</b> 69:25   | <b>EVALUATE-</b> 84:1,25 |
| 269:13 286:8             | <b>ELBOW-</b> 116:23     | 73:22 132:1              | <b>EVALUATION-</b>       |
| <b>DUPLICATIONS-</b>     | 117:3                    | 137:10 181:1             | 247:24                   |
| 104:21                   | <b>ELEMENT-</b> 96:2     | 193:23 202:14            | <b>EVASIVE-</b> 253:25   |
| <b>DURATION-</b> 241:14  | 230:9 246:24             | 221:22 223:23            | <b>EVENING-</b> 30:8     |
| <b>DURESS-</b> 239:17    | 259:3                    | 278:9 280:13             | 56:9 68:25 71:6          |
| <b>DUTIES-</b> 12:5 74:9 | <b>ELEMENTARY-</b> 19:14 | <b>ENTERS-</b> 70:1      | 223:1 282:12             |
| 75:7 95:11 103:15        | <b>ELEMENTS-</b> 47:17   | 73:23 137:11             | <b>EVENTS-</b> 46:8      |
| 181:21                   | 79:15 249:17             | 181:2 194:1              | 77:12 248:12             |
| <b>DUTY-</b> 15:25       | 258:3 260:13,14          | 202:15 221:23            | <b>EVERYBODY-</b> 32:10  |
| 92:4,5 95:10             | 262:2                    | 223:24 278:11            | 99:18                    |
| 231:10,13                | <b>ELEVENYEAROLD-</b>    | 280:14                   | <b>EVERYBODY'S-</b>      |
| 247:15,22 251:25         | 20:14                    | <b>ENTIRE-</b> 160:25    | 242:5                    |
| 252:11                   | <b>ELICIT-</b> 174:4     | 161:6,7                  | <b>EVERYONE-</b> 172:5   |
| E                        | <b>ELICITED-</b> 213:1   | <b>ENTIRELY-</b>         | 205:11                   |
| <b>EACH-</b> 9:24 10:8   | 270:14                   | 22:13,25                 | <b>EVERYTHING-</b> 33:6  |
| 14:10 16:15 31:11        | <b>ELICITING-</b> 109:8  | <b>ENTIRETY-</b> 38:18   | 34:21,25 35:1            |
| 47:11,15,16 74:5         | <b>ELLEN-</b> 63:5       | 266:11                   | 38:14 43:7 71:24         |
| 75:4,12,18 76:25         | <b>ELOQUENTLY-</b> 95:7  | <b>ENTITLED-</b>         | 72:7 84:18 89:8          |
| 77:24                    | <b>ELUDED-</b> 97:22     | 80:11,21,25              | 92:7,21 96:24            |
| 79:10,14,15,19           | <b>EMAIL-</b> 177:18     | 250:20 251:3,19          | 174:17 192:20            |
| 80:18 81:16 82:8         | <b>EMAILS-</b> 178:2     | 286:3                    | 206:7 212:22             |
| 96:2 157:4 182:25        | <b>EMERGENCY-</b> 76:4   | <b>ENTOURAGE-</b> 177:22 | 215:2 224:20             |
| 230:8,9 246:24           | 165:2                    | <b>ENTRANCE-</b> 99:9    | 227:25 229:16            |
| 249:5,13,15,16           | <b>EMPHASIZE-</b> 262:16 | <b>ENVELOPE-</b> 104:14  | 233:21 234:12            |
| 253:12 255:14            | <b>EMPLOYED-</b> 13:18   | <b>EQUAL-</b> 75:12      | 239:23 255:17            |
| 261:10 262:2             | 15:1 50:24               | <b>EQUALLY-</b> 75:18    | 277:5 285:8              |
| 263:17,22 267:6          | 59:12,19                 | <b>EQUIVALENT-</b>       | <b>EVIDENCE-</b> 29:15   |
| 280:18                   | 103:11,21                | 11:22,23 13:15           | 48:4,6 70:23             |
| <b>EARLIER-</b> 169:9    | 181:14,17                | <b>ERASED-</b>           | 74:20 77:17 80:14        |
| 188:10,17,23             | <b>EMPLOYEE-</b> 106:22  | 155:8,9,10,11            | 82:1,4,5,6,10,13,        |
| 199:25                   | <b>EMPTY-</b> 87:22      | 207:6                    | 18,19,21,22              |
| <b>EARLY-</b> 56:8 216:8 | <b>ENCOUNTER-</b> 117:21 | <b>ERRED-</b> 272:9      | 81:4,8,18                |
| <b>EASE-</b> 32:18 276:2 | <b>ENDS-</b> 76:14       | <b>ESSENTIAL-</b> 47:16  | 83:11,16,17              |
|                          |                          | 79:15 249:16             | 84:1,15 85:4,11          |

## STATE VS ANDRE GREEN

|   |  |   |  |
|---|--|---|--|
| 96:12,13,18,24<br>105:25 106:5<br>127:16 130:4,23<br>131:4,10 146:20<br>167:22 171:18,24<br>181:5 182:2,3,4<br>184<br><b>EVIDENCE</b> 106- 7:33<br><b>EVIDENCE</b> 171- 8:12<br><b>EVIDENCE</b> 184- 7:29<br><b>EVIDENCE</b> 198- 8:6<br><b>EXAMINATION-</b><br>3:5,16,29;40<br>4:13,25,36 5:8<br>98:10 103:6 111:3<br>132:8 137:17<br>152:5 169:21<br>171:14 172:1<br>181:10 208:23<br>214:8 247:24<br>253:8<br><b>EXAMINE-</b> 247:18<br>264:22<br><b>EXAMINED-</b> 184:23<br><b>EXAMPLE-</b> 238:3<br><b>EXCELLENT-</b> 94:9<br>193:22<br><b>EXCEPT-</b> 16:21<br>30:11 69:10<br>276:18<br><b>EXCEPTION-</b> 35:25<br>41:23 131:5<br>197:16<br><b>EXCEPTIONS-</b> 6:16<br>261:21,22 269:6,8<br>279:10,11,23<br>280:1<br><b>EXCHANGE-</b> 154:24<br><b>EXCLUDED-</b> 179:3<br><b>EXCLUDING-</b> 192:1<br><b>EXCLUSIVE-</b> 247:22<br><b>EXCUSED-</b><br>15:7,17,21 21:8<br>22:13 23:9 33:13<br>53:11 62:8,11<br>68:17 70:6<br>102:24,25<br>110:19,23 175:25<br>268:17<br><b>EXCUSES-</b> 15:19<br><b>EXEMPT-</b> 16:3<br><b>EXEMPTION-</b> 13:23<br>14:13,15<br><b>EXERCISE-</b> 14:14<br>65:18 83:25 84:16<br>252:20 | <b>EXHIBIT-</b> 38:20<br>43:16 44:11<br>104:13 105:25<br>106:4 119:10<br>121:8 125:15<br>134:21 171:18,24<br>186:5 196:20<br>197:14 198:11<br>272:7<br>273:12,16,19,21<br><b>EXHIBITS-</b> 6:21<br>7:19 119:15<br>182:24 184:5,11<br>186:21 265:8<br>267:21 273:23<br>274:16 275:12<br><b>EXISTENCE-</b> 254:17<br>270:10,11<br><b>EXIT-</b> 69:19 87:25<br><b>EXITED-</b> 132:17<br><b>EXITING-</b> 69:9<br><b>EXPECT-</b> 23:18<br>31:15 222:15<br><b>EXPERIENCE-</b> 38:5<br>59:7 95:13 100:18<br>212:18<br><b>EXPERTS-</b> 244:10<br><b>EXPLAIN-</b> 93:7<br>98:20 111:11<br>122:8 141:14<br>144:4<br><b>EXPLAINED-</b> 77:16<br>124:3 190:14<br><b>EXPLANATION-</b><br>266:19<br><b>EXPOSED-</b> 55:17<br>56:25 71:2<br><b>EXPOSURE-</b> 222:24<br><b>EXPRESSED-</b> 149:17<br>214:2 227:4<br><b>EXTENT-</b> 108:9<br>153:16,20 197:23<br>233:19 243:1<br><b>EXTERMINATE-</b><br>231:8<br><b>EXTERNAL-</b> 136:13<br><b>EYES-</b> 160:19,22<br>240:17 | <b>FAILED-</b> 178:18,19<br>212:13 246:23<br><b>FAILURE-</b> 21:5<br>144:11<br><b>FAIR-</b> 49:21,24<br>53:19 57:5 61:11<br>84:3 85:16 105:18<br>129:17 130:1,2<br>247:20 248:7<br><b>FAIRLY-</b> 84:24<br>233:24<br><b>FAIRNESS-</b> 98:1<br><b>FALL-</b> 12:12 108:6<br>234:20<br><b>FALLS-</b> 21:16<br><b>FALSE-</b> 72:15<br>140:5,9,12 182:2<br><b>FAMILIES-</b> 55:12<br>54:9,11,13,15,22,<br>24<br><b>FAMILY-</b> 55:2<br>57:8,10,17,18,25<br>58:12 59:12,18<br>94:22 140:8,9<br>228:14 246:7<br>284:24 285:19<br><b>FAMILY'S-</b><br>237:6,11<br><b>FAR-</b> 18:15<br>36:2,20,22 39:19<br>41:22 44:6 72:12<br>75:18 78:3 96:24<br>99:6 120:14<br>131:16 158:1<br>159:12,17 162:23<br>165:17 169:14<br>170:13 176:8<br>181:25 185:17<br>186:12 188:15<br>206:13 211:24<br>214:22 217:20<br>219:14 237:12<br>242:<br><b>FASHION-</b> 70:16<br>74:25 222:23<br><b>FAST-</b> 101:19<br>102:16,17 116:22<br>151:25<br><b>FASTER-</b> 198:17<br><b>FATHER-</b> 60:22<br><b>FAVOR-</b> 130:16<br>131:3 251:25<br>252:5 262:14<br><b>FAVORABLE-</b> 212:12<br><b>FBI-</b> 59:17<br><b>FEAR-</b> 259:18 | 279:1<br><b>FEBRUARY-</b> 42:23<br><b>FEDERAL-</b><br>206:15,18 237:21<br><b>FEEL-</b> 97:14 114:3<br>153:11 219:9<br>241:25 246:11,19<br><b>FEELING-</b> 271:20<br><b>FELL-</b> 108:16<br>109:5<br><b>FELLOW-</b> 31:23<br>32:2,6 40:5 74:13<br>93:21 109:1,4<br>267:5 280:17<br><b>FELLOWS-</b> 39:21<br><b>FELON-</b> 34:2<br><b>FELONY-</b> 206:16,17<br>275:2<br><b>FELT-</b> 114:1<br>141:20 142:4<br>153:12 177:24<br>242:20<br><b>FEMALE-</b> 116:4<br><b>FIANCEE-</b> 174:12<br><b>FIANC,E-</b> 122:15<br><b>FIGHTING-</b> 163:8<br><b>FIGURE-</b> 88:15<br>163:20 181:25<br><b>FIGURED-</b> 114:22<br>127:13 241:17<br><b>FILE-</b> 34:25 286:6<br><b>FILED-</b> 206:22<br><b>FILL-</b> 285:4<br><b>FILLED-</b> 285:8<br><b>FINAL-</b> 83:18<br>222:12,18 224:3,6<br>247:13<br><b>FINALLY-</b> 43:25<br>112:10 114:22<br>174:16 176:15<br>179:8<br><b>FIND-</b> 17:6 23:24<br>33:9 49:12,23<br>70:19 84:15<br>88:3,4 114:13<br>151:25 217:9<br>235:9 243:9<br>252:9,11,12<br>254:25 255:5,24<br>281:8,11,14,17<br><b>FINDER-</b> 181:23<br><b>FINDING-</b> 246:17<br>251:23<br><b>FINDINGS-</b> 229:18<br><b>FINDS-</b> 88:20<br>228:8 |
|   | F  |   |  |
|   | <b>FACE-</b> 50:1<br><b>FACES-</b> 190:6<br><b>FACILITY-</b> 59:16<br>99:10<br><b>FACTORS-</b><br>253:17,20  |   |  |

## STATE VS ANDRE GREEN

|   |  |   |  |
|---|--|---|--|
| <p><b>FINE-</b> 13:6 17:25<br/>19:7 42:13 100:6<br/>101:8 118:21<br/>157:13 168:12<br/>170:5 193:5,13<br/>237:14 246:18<br/>275:9 283:15<br/><b>FINGERPRINTS-</b><br/>167:3,8,9,14,15,17<br/>96:20,21 184:19<br/>244:3<br/><b>FINISHES-</b> 19:3<br/><b>FIREARM-</b> 278:4<br/>279:4<br/><b>FIREARMS-</b> 260:1<br/>285:20<br/><b>FIRM-</b> 94:21<br/><b>FIRMLY-</b> 94:14<br/><b>FIRST-</b> 9:24 16:9<br/>33:5 34:14 36:10<br/>46:1 49:4 51:1<br/>82:19 161:14<br/>162:11 165:23,25<br/>166:7,11,12,17<br/>167:6,12<br/>170:22,23<br/>177:17,20 178:15<br/>185:11 187:14<br/>212:17 224:15,23<br/>225:1 240:21<br/>246:20 271:15<br/><b>FIVE-</b> 24:19 94:20<br/>139:18 174:15<br/>186:1 285:17<br/><b>FIVEYEAROLD-</b><br/>17:13 19:3<br/><b>FLAMED-</b> 236:18<br/><b>FLAT-</b> 245:15<br/><b>FLIGHT-</b> 24:4<br/><b>FLORENCE-</b> 67:7<br/><b>FOCUSED-</b> 269:19<br/><b>FOLDER-</b> 277:19<br/><b>FOLKS-</b> 49:5<br/><b>FOLLOW-</b> 33:5 69:4<br/>173:4 183:14<br/><b>FOLLOWED-</b> 142:5<br/>167:7<br/><b>FOLLOWING-</b> 144:25<br/><b>FOLLOWUP-</b> 208:21<br/><b>FOOD-</b> 22:6<br/><b>FORBID-</b> 19:8<br/><b>FORCE-</b> 46:19 47:3<br/>78:10,21 239:16<br/>243:19 257:21<br/>258:8</p> | <p>259:5,8,9,12,13<br/>261:3 278:20,21<br/><b>FORCED-</b> 89:13<br/>164:20,22 220:13<br/>225:12 226:5<br/><b>FORCES-</b> 124:4<br/><b>FORCIBLY-</b> 260:20<br/><b>FORCING-</b><br/>259:10,16<br/>278:18,24<br/><b>FOREGO-</b> 180:2<br/><b>FOREGOING-</b> 287:7<br/><b>FORELADY-</b> 77:25<br/>247:11 249:5<br/>263:11,21 266:24<br/>267:13,22<br/>278:12,16<br/>280:16,19,22,24<br/>281:18,19<br/><b>FORENSIC-</b><br/>96:18,24 244:3<br/><b>FOREPERSON-</b> 74:8<br/>75:7,17 264:4<br/><b>FOREPERSON'S-</b><br/>73:6<br/><b>FORESEEABLE-</b><br/>22:24<br/><b>FORESIGHT-</b> 165:1<br/><b>FOREVER-</b> 80:10<br/>250:18<br/><b>FORGET-</b> 95:15<br/>171:16<br/><b>FORGETTING-</b><br/>238:4,5<br/><b>FORGIVE-</b> 149:15<br/><b>FORM-</b> 78:3 154:19<br/>215:17 239:5<br/>257:5 264:5,8<br/>275:13<br/><b>FORMAT-</b> 120:22<br/><b>FORMED-</b> 61:5,8<br/><b>FORMS-</b> 75:2<br/>249:4,9 263:18,19<br/>267:11,23 277:13<br/>280:25<br/><b>FORMULATING-</b> 85:9<br/><b>FORT-</b> 256:19<br/><b>FORTH-</b> 47:10,15<br/>77:15 79:14<br/>248:14 249:15<br/>258:15 260:4<br/><b>FORWARD-</b> 26:19,21<br/>40:20 62:7 72:25<br/>82:19 156:25<br/>157:10 192:16<br/><b>FOUND-</b> 12:23 13:4</p> | <p>82:17 91:7 174:24<br/>257:2,8,24 260:10<br/>261:8,24 262:4<br/>279:14 285:11,23<br/><b>FOUR-</b> 16:12 24:19<br/>46:6 77:10,15<br/>83:21 139:13<br/>150:3 161:2<br/>168:20 188:11<br/>213:23 226:15<br/>235:1 241:21<br/>248:9,14,17<br/>256:5,12<br/><b>FOURMONTH-</b> 91:24<br/><b>FOURYEAROLD-</b> 18:1<br/><b>FRAME-</b> 122:6<br/><b>FRANK-</b> 55:25<br/>59:22 62:13<br/><b>FRANKLIN-</b> 27:4<br/><b>FREE-</b> 103:1<br/>220:11 232:17<br/>245:10<br/><b>FREEDOM-</b> 260:22<br/><b>FREELY-</b> 180:14<br/><b>FRESH-</b> 226:16<br/><b>FRIDAY-</b><br/>15:3,5,6,7,10,17<br/>23:7,22 24:5,8<br/>29:19 34:19,20<br/>39:12 158:10,11<br/><b>FRIEND-</b> 86:21,23<br/><b>FRIENDS-</b> 207:21<br/>234:8<br/><b>FRONT-</b> 9:18 16:10<br/>87:6 89:25 99:6,8<br/>113:4 114:11<br/>127:2 147:13<br/>215:18 221:15<br/><b>FRUSTRATED-</b> 88:5<br/><b>FULFILLED-</b> 248:5<br/>256:3<br/><b>FULL-</b> 19:23 20:15<br/>277:19<br/><b>FULLTIME-</b> 21:13<br/><b>FULLY-</b> 71:24<br/>72:23 83:19<br/><b>FUMBLING-</b> 115:14<br/><b>FUN-</b> 172:3<br/><b>FUNCTION-</b> 231:6<br/>268:10<br/><b>FUNCTIONAL-</b> 13:15<br/><b>FURTHER-</b> 73:2<br/>76:15 87:17,19<br/>102:18 110:18<br/>132:25 138:2<br/>141:24 142:9</p> | <p>168:25 171:9<br/>174:3 191:11<br/>192:15 210:25<br/>211:10 232:2<br/>233:6 262:16<br/>268:16,20 282:12<br/>287:13<br/><b>FUTURE-</b> 22:24<br/>24:22</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>GAPS-</b> 97:21<br/><b>GARAPOLO-</b> 15:15<br/><b>GARNERING-</b> 37:12<br/><b>GAS-</b> 86:22 116:8<br/>190:7<br/><b>GAVE-</b> 43:19 87:11<br/>89:7 90:9 140:4<br/>148:13 171:5<br/>200:10<br/>207:10,11,12<br/><b>GENE-</b> 94:18<br/><b>GENERAL-</b> 1:5 9:8<br/>14:10 15:18<br/>29:1,3,8,9 30:2<br/>175:1<br/><b>GENERALLY-</b> 45:10<br/>83:20 88:15 191:7<br/><b>GENTLEMAN-</b> 50:4<br/>86:24 113:17,19<br/>114:17 116:14<br/>119:1 121:10<br/>122:25 230:4<br/><b>GENTLEMAN'S-</b><br/>113:7<br/><b>GENTLEMEN-</b> 9:5<br/>45:25 70:2 74:1<br/>77:5 86:3 91:16<br/>97:5 147:9 181:3<br/>211:8 222:1<br/>223:25 224:15<br/>245:13 246:4<br/>247:11 263:11<br/>282:7<br/><b>GEORGE-</b> 63:11<br/><b>GEORGIA-</b> 60:23<br/><b>GERALDINE-</b> 67:2<br/><b>GERMANE-</b> 217:17<br/><b>GET-</b> 12:19<br/>17:7,17<br/>18:18,19,23<br/>32:10,13,21 33:3<br/>43:25 70:4,10<br/>88:9,11 95:6<br/>99:16,17 109:21<br/>114:8,10,15,21,22</p> |
|---|--|---|--|

## STATE VS ANDRE GREEN

|   |   |   |  |
|---|---|---|--|
| ,23,25<br>111:14 112:2,8,19<br>115:1,4,5,6 117:7<br>124:23 127:13<br>132:12,14 134:5<br>136:10 142:18<br>144:6,9 15<br><b>GETS-</b> 25:5 97:6<br>156:24 228:9<br><b>GIRLFRIEND-</b><br>183:25<br><b>GIST-</b> 123:1<br><b>GIVE-</b> 16:10 22:16<br>25:18 32:16,24<br>43:19 51:4 57:21<br>84:5 85:20,21<br>89:20 112:1,4<br>117:9,12,13<br>118:12 158:9<br>159:9<br>172:5,9,12,13<br>174:18 179:11<br>180:6 221:12<br>224:5,6 245:13<br>248:2,6 253:15<br>266:18 267:1,2,11<br>284:18,2<br><b>GIVEN-</b> 24:24 32:8<br>45:10 120:14<br>128:20 132:11<br>142:12 170:3<br>174:23 175:1,11<br>194:6 215:25<br>246:9 251:15<br>257:14 286:2<br><b>GLAD-</b> 217:3<br><b>GLASSES-</b> 117:4<br><b>GO-</b> 13:2<br>16:13,18,19,25<br>18:14 19:9 20:5<br>25:5 33:10,16<br>34:14 36:22<br>38:2,22,23 40:20<br>42:24 49:1,14<br>62:11 68:7 70:4<br>80:7 82:18 83:23<br>85:13 97:7 103:1<br>108:24 111:13<br>112:6 114:14<br>116:6 126:10<br>136:16 138:2 141:<br><b>GOING-</b> 9:12 11:14<br>12:14 16:18<br>22:10,23 23:14<br>25:10 26:7<br>31:10,22 32:2 | 33:9,10,14,20<br>36:8,9 37:16<br>38:6,20,24 39:15<br>40:3 41:8,15 46:1<br>47:23<br>48:3,16,22,25<br>51:1 57:8 62:5<br>67:18 69:14<br>70:6,7 72:7,21,24<br>74:7,9,17<br><b>GONE-</b> 37:18<br>145:11 209:20<br><b>GOOD-</b> 9:4 11:17<br>15:20 18:3<br>22:14,15 34:3<br>45:24 69:7 71:6,8<br>73:25 83:25 84:16<br>86:3,14 91:16<br>95:15 106:12,13<br>111:6,7 134:5,7<br>135:13,23 162:17<br>175:14 181:3<br>203:24,25 222:15<br>223:1,25 228:1<br>230:4 234:8,10<br>241:25<br><b>GOODS-</b> 47:5<br><b>GOT-</b> 9:12 12:16<br>17:17,18<br>32:15,19,20<br>33:2,7 34:15<br>39:25 45:15 48:15<br>57:20 68:19 70:2<br>87:3,4,5 90:17<br>91:17 101:3<br>111:15<br>112:8,10,15<br>113:14 115:7,23<br>124:13 126:4<br>128:5,14,15<br>132:20,22 134:7<br>145:10 156:2 158:<br><b>GOVERN-</b> 256:23<br><b>GOVERNMENT-</b><br>206:18<br><b>GRAB-</b> 136:13<br><b>GRADE-</b> 11:22,23<br><b>GRAND-</b> 14:7<br><b>GRANDCHILDREN-</b><br>24:12<br><b>GRANDMOTHER-</b><br>111:21 112:2<br><b>GRANDSTAND-</b> 240:9<br><b>GRANTED-</b> 72:6<br><b>GRANTING-</b> 130:15<br><b>GREEN-</b> 1:23,44 | 8:5 34:1,5,6<br>37:21,25 40:20<br>42:5,21 43:23<br>45:14 46:4,17,23<br>47:1,12<br>50:1,3,4,5,6 52:1<br>71:12 77:7,8<br>78:9,14,16,18<br>79:6 80:7 86:6<br>87:5,7,21 88:2<br>89:12,25<br>90:4,6,7,10,16<br>91:3,6,19,22<br>92:6,11,15 93<br><b>GREEN'S-</b> 38:13,15<br>40:21 54:24 55:1<br>93:17 124:13<br>140:18 142:21,23<br>173:1 179:9 193:2<br>214:21 226:19<br>228:2,9 230:20<br>280:7<br><b>GRIMES-</b> 63:11,15<br><b>GROUND-</b> 116:22<br><b>GROUNDS-</b> 217:20<br><b>GUARANTEE-</b> 152:25<br><b>GUESS-</b> 41:7 43:9<br>72:3 103:20<br>114:14 123:3<br>127:21 131:1<br>159:8,15 162:17<br>163:8 164:18,22<br>165:2 167:22<br>168:24 174:16<br>178:19 200:25<br>213:21 216:22<br>226:7 238:4<br>240:24 246:2<br>273:24 274:19<br><b>GUESSING-</b> 167:10<br><b>GUILT-</b> 47:19<br>80:19,24 83:6,14<br>219:6 229:18<br>246:17 249:19<br>250:2<br>251:1,6,10,11,13<br>252:3,9 262:21,25<br>270:11,20,24<br><b>GUILTY-</b> 12:23,24<br>13:4 29:13,17<br>47:13,21<br>48:10,12,13<br>79:12,18,20<br>82:16,17 83:1<br>91:7 92:6,11 96:2<br>98:3 214:24 | 218:25 231:6<br>232:16 233:8<br>235:10,17 238:7<br>245:9 247:5,6,7<br>248:21<br>249:12,13,21,24<br>251:23 252:5,12<br>257<br><b>GUN-</b> 87:21 88:10<br>89:13 113:20,23<br>114:1,2,3,5,18<br>116:14 120:2<br>123:24 133:24<br>162:16,18,19,21,2<br>2<br>134:6 163:2,12<br>164:14 175:2<br>226:4,15 233:10<br><b>GUNPOINT-</b> 88:1,8<br>89:14 164:23<br>225:12 226:4,5<br><b>GUYS-</b> 112:18<br>234:9   |
|   |   |   | H  |
|   |   |   | <b>HADN'T-</b> 202:10<br><b>HAILS-</b> 91:23<br><b>HAIR-</b><br>111:14,15,16<br><b>HAITIAN-</b> 200:22<br><b>HALF-</b> 37:19<br>197:12 204:2<br><b>HALF HOUR-</b> 204:15<br><b>HALL-</b> 1:33 6:19<br>20:20 26:10,25<br>27:6,12,17,23<br>28:4,9,15,20<br>33:24 34:3<br>35:1,20<br>36:11,22,25 37:17<br>38:13 39:1 40:12<br>42:2,10 43:10<br>44:4,13,22<br>45:2,8,16,17<br>46:12 50:13 52:22<br>61:16,19,23 62:15<br>63:2,7,13,18,24<br>64:4<br><b>HALL103-</b> 3:17<br><b>HALL111-</b> 3:30<br><b>HALL132-</b> 3:41<br><b>HALL137-</b> 4:14<br><b>HALL172-</b> 4:26<br><b>HALL181-</b> 4:37<br><b>HALL208-</b> 5:9<br><b>HALL211-</b> 5:15 |

## STATE VS ANDRE GREEN

|                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|
| HALL224- 5:39     | HEAD- 13:12 17:14 | HENRY- 60:9       | 97:20,21 154:7    |
| HALL86- 2:42      | 18:16 87:22 94:21 | HEREBY- 218:7     | 178:12            |
| HALL98- 3:6       | 113:20,23 114:6   | 287:6             | HORRIFIED- 244:24 |
| HALT- 238:1       | 123:16,21 183:25  | HERETO-           | HOSPITAL- 19:10   |
| HAMMILL- 19:2     | 221:3 245:3,4     | 287:14,18,21      | HOSPITALIZED-     |
| HAND- 32:12 35:17 | HEADED- 115:11    | HESITANCE- 90:22  | 19:7              |
| 43:10 117:3 232:3 | HEADING- 88:21    | HESITANT- 42:16   | HOT- 87:10        |
| 271:14,18 280:25  | 99:3              | 43:1,4 253:25     | HOOR- 42:6 109:6  |
| HANDGUN- 47:8,10  | HEALTH- 19:6      | HESITATE- 239:8   | 110:1,6 116:1,21  |
| 79:7,9 247:7      | HEAR- 12:16 34:16 | 251:18 279:20     | 197:12 204:2      |
| HANDLE- 36:3      | 53:23 83:18       | HESITATION- 121:3 | 265:4             |
| 160:3,6           | 89:2,5            | 195:2             | HOURS- 30:2,7,8   |
| HANDLES- 158:3,7  | 90:1,14,23,25     | HIGH- 53:6 57:15  | 228:8             |
| HANDS- 101:24     | 91:1 92:19        | HIGHEST- 95:11    | HOUSE- 18:23      |
| 102:1 142:19      | 93:10,17 94:12    | HILTON- 17:14     | 111:13 140:5      |
| 146:5 281:24      | 96:5,20,21 97:1   | 18:16 94:21 245:3 | 141:4             |
| HANDWRITING-      | 108:25 109:16     | HISTORY- 37:3,8   | 170:18,24,25      |
| 146:12            | 129:11 135:15,16  | 191:15 200:18,25  | 204:24 233:2,6    |
| HANG- 169:18      | 137:23 146:15     | HITTING- 116:21   | 240:12,13,22      |
| HAPPY- 24:5 34:14 | 157:6,18 176:15   | HOLD- 22:4 65:16  | HOUSEKEEPING-     |
| 277:9             | 199:25            | 97:12,13 107:9    | 171:17 273:25     |
| HARAN- 24:16      | 213:6,14,15       | 219:3 260:20      | HOW'D- 165:15     |
| HARD- 23:15 54:11 | 224:19 246:23     | 267:11            | HOWOLDDAUGHTER-   |
| 94:25 199:6 204:5 | HEARD- 53:15,20   | HOLDING- 120:2    | 161:1             |
| 217:9             | 55:15 56:14 82:7  | HOME- 20:1,3      | HUMANS- 97:10     |
| HARDEE'S- 116:9   | 109:16,20,21,22,2 | 98:22 235:17      | HUNDRED- 150:4,9  |
| HARDSHIP- 20:7    | 3                 | HON-              | HURT- 255:2       |
| 22:20-23:2        | 88:12 92:3 108:1  | 1:28,33,34,41     | HUSBAND- 16:15    |
| HARMISON- 65:22   | 110:8,9 115:15    | HONEST- 245:1     | 17:5 19:23 20:4   |
| HARP- 172:4       | 140:1 152:13      | 283:2             | 24:25             |
| HAVEN'T- 32:9,10  | 153:4,17 155:8    | HONESTLY- 122:5   |                   |
| 129:25 137:13     | 169:20 176:16     | HONOR- 26:22      | I                 |
| 216:25 221:20     | 195:17 199:5,8,9  | 27:4,10,15,21     | I'D- 24:5 34:14   |
| 270:22 272:19     | 201:19 204:21     | 28:2,7,13,18 33:1 | 36:22 39:25 58:21 |
| HAWING- 195:4     | 205:14 206:6,7    | 34:9,12,17        | 104:23 105:24     |
| HE'D- 86:18       | 209:16 211:20     | 35:1,20,24        | 125:18 127:20     |
| 166:25 225:21     | 212:8 214:18      | 36:11,25 37:17    | 134:21 160:4      |
| 239:16 275:2      | 218:8 22          | 39:3,19 40:24     | 177:14 178:7      |
| HE'LL- 20:24      | HEARING- 36:4,9   | 41:5,14 42:13     | 187:15 188:18     |
| 25:4,5 50:6 70:11 | 137:14 179:10,21  | 44:7,18,22        | 189:23 193:5      |
| 264:13            | 180:2 199:7,11    | 45:8,9,16,23      | 197:14 216:4      |
| 267:2,20,22 269:3 | 240:8             | 46:12 49:3        | 225:4 226:13      |
| HE'S- 16:18 25:4  | HEARINGS- 196:9   | 52:19,23 54:3     | 227:4 237:15      |
| 34:5 39:17 40:12  | HEARS- 29:4       | 61:16,23,25 62:17 | 239:20 268:23     |
| 41:7 43:22 44:2,8 | HECK- 244:1       | 63:10 65:14,19    | 277:9 283:10      |
| 50:18 60:7 62:21  | HELD- 88:10       | 68:9,13,15,23 6   | I'LL- 10:3 24:4   |
| 80:11,21 86:7     | 103:24 104:1      | HOOD- 94:18       | 25:11,12,16 30:22 |
| 89:24 92:13,25    | 123:24 128:19     | HOOKS- 17:12      | 31:9 33:3,12,17   |
| 95:21 96:1 99:1   | 133:24 144:11     | HOPE- 86:14       | 34:16 36:15 44:4  |
| 109:8 115:1       | 164:22 226:4      | 93:19,20 96:10    | 48:23 49:4,19,21  |
| 133:10 135:20     | HELENA- 18:18     | 233:16,20 234:12  | 51:2 57:20 68:7,8 |
| 147:3 161:23      | HELP- 31:5 38:6   | 235:25 245:7      | 75:3 85:20 93:1   |
| 163:22 170:3,13   | 232:16 234:13     | 246:4,5,6,7,8     | 101:22 109:12     |
| 174:3 176:5,8,11  | 237:9 255:2 269:3 | 247:2             | 112:1,7 117:13    |
| 189:9,10 200:21   | 272:23 284:23     | HOPEFULLY- 23:19  | 126:12 136:17     |
| 208:              | HEMMING- 195:4    | 29:24 95:13       | 151:5 158:11      |

## STATE VS ANDRE GREEN

|   |  |  |  |
|---|--|--|--|
| 159:8 168:24<br>176:1,3 186:18<br>187:<br><b>I'M-</b> 9:6,12 10:17<br>15:2 17:24,25<br>18:2,3,5,8,21<br>20:3,11 21:24<br>23:5 25:6 31:22<br>33:9 34:4,9<br>36:3,7 38:4,6<br>39:18 40:4<br>41:3,13,14 42:24<br>43:4 48:16,22<br>49:1,11 51:1<br>52:12,19,24 53:13<br>57:8 59:4 60:9<br>65:17 68:4 70:7<br><b>I'VE-</b> 9:7,12<br>30:12 34:15 40:24<br>42:15 43:7 44:5<br>48:15 50:19 70:2<br>75:7,20 82:3<br>94:16 96:9 97:18<br>100:16 126:4,5,6<br>127:23 128:14,15<br>129:2 142:1<br>162:12 167:15<br>169:22 171:10<br>175:10 187:21<br>200:9 201:8 204:4<br>211:11<br><b>IDEALISTIC-</b> 94:23<br><b>IDENTICAL-</b> 127:20<br><b>IDENTIFICATION-</b><br>10:23 35:16<br>36:2,9 52:25<br>119:16 125:16<br>186:6 191:1<br>192:3,14 193:20<br>195:22 212:14,19<br>213:16 215:23<br>230:24 238:9,13<br>239:25 262:10,13<br>271:8<br><b>IDENTIFICATION'S-</b><br>239:4<br><b>IDENTIFICATION</b> 119<br><hr/><br>7:25<br><hr/><br><b>I</b><br><b>IDENTIFIED-</b> 7:23<br>39:6 42:20 50:23<br>100:4 119:14 | 123:22 166:25<br>186:2 192:7<br>203:10 210:10<br>215:6,16 226:14<br><b>IDENTIFYING-</b><br>49:11 215:14<br><b>III-</b> 194:20<br><b>ILLNESS-</b> 76:5<br><b>IMAGINE-</b> 244:6<br><b>IMMEDIATE-</b><br>57:8,10 59:12<br>183:13<br><b>IMMEDIATELY-</b> 39:6<br>121:5 150:19<br>154:13 166:18<br>186:2 195:1,8,11<br>231:17 237:7<br><b>IMPACT-</b> 116:21<br><b>IMPARTIAL-</b> 49:24<br>53:19 57:5 58:22<br>61:11 248:7<br><b>IMPEDIMENT-</b> 44:14<br><b>IMPLIED-</b> 145:21<br>146:5<br><b>IMPLY-</b> 200:21<br><b>IMPORTANT-</b><br>75:9,18 76:18<br>84:5 85:6 95:21<br>97:3,14 108:15<br>151:6,7 227:6<br>240:1,3 243:5<br>250:4<br><b>IMPORTANTLY-</b> 32:5<br><b>IMPOSE-</b> 30:7<br>283:13<br><b>IMPOSED-</b> 13:6<br>22:21 23:2 29:25<br>257:8,15<br><b>IMPOSING-</b> 30:6<br><b>IMPOSITION-</b> 7:13<br>32:6 282:18,21<br><b>IMPRESSION-</b> 35:5<br>39:17 40:4 109:16<br>189:9,12<br><b>IMPRISON-</b> 260:21<br><b>IMPROPERLY-</b><br>269:21<br><b>INCARCERATED-</b><br>39:18 40:14,25<br>42:21 190:3<br><b>INCEPTION-</b> 43:22<br>127:18 143:16<br><b>INCIDENTS-</b> 111:8<br>216:9 225:7<br><b>INCONSISTENT-</b><br>254:7,8,11 | <b>INCONVENIENCE-</b><br>29:25 136:14<br><b>INCORRECT-</b><br>127:22,23 165:23<br>173:12<br><b>INDEFINITELY-</b><br>104:2<br><b>INDEX-</b> 2:2<br><b>INDEX2-</b> 2:11<br><b>INDICATED-</b> 13:12<br>62:19 72:6<br>75:8,15 92:5,24<br>93:1,2 108:4<br>125:25 131:7<br>147:12,17 150:15<br>188:20 280:20<br><b>INDICATING-</b> 43:22<br>44:1 140:20<br>147:14 221:3<br>230:14<br><b>INDICATIONS-</b><br>120:14<br><b>INDICTMENT-</b> 2:19<br>45:15,21 77:25<br>79:6 258:13<br>261:16 263:21,22<br>264:2 266:21<br>274:1,8 280:21<br>281:7,10,13,16<br>285:10,11,12,22<br><b>INDICTMENTS-</b><br>47:16<br>77:15,16,17,23<br>248:15,17,21,23,2<br>5<br>78:3 79:14<br>249:3,5,10,16<br>263:18 267:22<br>280:18<br><b>INDIRECTLY-</b><br>143:20,21 285:19<br><b>INDIVIDUALLY-</b><br>48:24<br><b>INDULGENCE-</b> 63:9<br>125:22 140:17<br>169:5<br><b>INFER-</b> 215:20<br><b>INFERENCE-</b> 263:7<br><b>INFIRMITY-</b> 12:1<br><b>INFLUENCE-</b> 53:21<br>56:20 71:3<br><b>INFORMED-</b> 144:14<br>210:15<br><b>INITIAL-</b> 34:21<br>104:19 167:13<br>239:24 | <b>INITIALLY-</b> 34:19<br>93:7 210:12<br><b>INITIALS-</b><br>119:17,19 121:2<br>194:17,22 196:24,<br>197:1<br><b>INJURED-</b> 101:15<br>117:2<br><b>INJURIES-</b> 116:25<br>118:4 182:16<br>234:21<br><b>INJURY-</b> 259:25<br><b>INNOCENCE-</b><br>80:1,6,9,12,22<br>81:1 95:8,20<br>238:6<br>250:9,15,17,20<br>251:4,7 270:13<br><b>INNOCENT-</b> 79:25<br>83:2 95:21,22<br>160:19 231:7<br>249:24 250:8<br>263:2<br><b>INQUIRE-</b> 266:6,25<br><b>INQUIRY-</b> 6:15<br>269:6,20 279:23<br><b>INSERTED-</b> 264:7<br><b>INSIDE-</b> 46:21<br>88:14,17<br><b>INSISTENCE-</b> 90:7<br><b>INSTANTANEOUSLY-</b><br>89:11 226:1<br>240:10 246:1<br><b>INSTRUCT-</b><br>83:19,22 97:2<br>124:17 219:3<br>222:13 224:4<br>240:2 247:15<br>256:8 262:16<br>271:5<br><b>INSTRUCTED-</b> 62:7<br>74:21 85:11 200:4<br>264:15 271:7<br><b>INSTRUCTION-</b><br>8:20,24 222:19<br>266:23 269:9<br>270:25 273:14,17<br>278:6 280:2<br><b>INSTRUCTIONS-</b><br>6:16 33:6 69:4<br>70:11 165:7,11<br>221:11,21 269:7,9<br>272:6 273:1,4<br><b>INSTRUMENT-</b><br>259:22<br><b>INTEGRAL-</b> 95:19 |
|---|--|--|--|

## STATE VS ANDRE GREEN

|  |  |   |  |
|--|--|---|--|
| <p><b>INTEND-</b> 38:13,14<br/>39:21 40:5 42:8<br/>43:15,20<br/><b>INTENDED-</b> 40:20<br/>42:18 259:23<br/><b>INTENDING-</b> 41:25<br/><b>INTENDS-</b> 37:10<br/><b>INTENSELY-</b> 269:16<br/><b>INTENT-</b> 179:8,15<br/>259:11,15<br/>278:19,23<br/><b>INTENTION-</b> 47:6<br/>79:3 286:6<br/><b>INTER-</b> 204:14<br/><b>INTEREST-</b> 129:13<br/>176:25 212:6,9<br/>213:17 215:9<br/>231:13 254:24<br/>255:3,5,6 287:14<br/><b>INTERESTING-</b><br/>156:24 162:14<br/>231:20 242:12<br/><b>INTERESTS-</b> 41:6<br/>92:15 191:16<br/>230:21 231:10<br/><b>INTERFERE-</b> 21:19<br/>70:5<br/><b>INTERFERES-</b><br/>21:12,17<br/><b>INTERIM-</b> 124:2<br/>195:13 209:17<br/><b>INTERNET-</b> 70:20<br/><b>INTERPRETED-</b><br/>149:10<br/><b>INTERVIEW-</b> 4:6,19<br/>8:3,9 90:14<br/>125:1,5,17,19<br/>126:6 132:10<br/>134:12 135:8<br/>139:10 151:9<br/>152:6 156:12,17<br/>157:21 158:1,4,9<br/>159:17 160:15<br/>161:3,7,14,17<br/>162:11 163:2<br/>165:23<br/>166:7,11,13,17<br/>171:21 196:22<br/>197:11 198:8<br/>204:1<br/><b>INTERVIEW'S-</b><br/>138:3<br/><b>INTERVIEWED-</b> 42:3<br/>89:7<br/><b>INTERVIEWING-</b><br/>185:2 202:21</p> | <p><b>INTERVIEWS-</b> 37:9<br/>91:2 96:6 149:22<br/><b>INTIMIDATED-</b><br/>153:11,12 177:24<br/>232:23 246:10<br/><b>INTIMIDATING-</b><br/>156:1<br/><b>INTIMIDATION-</b><br/>46:20 47:3<br/>78:11,21 151:18<br/>160:2 206:12,13<br/>207:1,19,20<br/>213:22 232:7<br/>236:1,23 239:6<br/>243:10 244:16<br/>257:21 258:9<br/>259:19 279:2<br/><b>INTRODUCE-</b> 41:16<br/>42:9 43:15 49:4<br/>147:25 179:8,15<br/>192:4 193:9<br/>267:21<br/><b>INTRODUCED-</b><br/>38:21,23,24<br/>146:17 190:25<br/>192:20 221:6<br/>266:2,3 287:9<br/><b>INTRODUCING-</b><br/>148:2 188:6,7<br/>192:17<br/><b>INTRODUCTIONS-</b><br/>2:20 45:21<br/><b>INTRODUCTORY-</b><br/>126:19<br/><b>INVEIGLE-</b> 260:6<br/><b>INVESTIGATE-</b><br/>181:24<br/><b>INVESTIGATING-</b><br/>40:9<br/><b>INVESTIGATION-</b><br/>39:10 70:18 71:5<br/>145:19 175:13<br/>185:10 188:12<br/>206:24 207:7,15<br/>222:23 243:14<br/><b>INVESTIGATIONS-</b><br/>103:17<br/><b>INVESTIGATOR-</b><br/>181:16,21<br/><b>INVOLVE-</b> 93:3<br/><b>IRREFUTABLY-</b><br/>212:13<br/><b>ISLAND-</b> 98:22<br/><b>ISLE-</b> 51:3<br/><b>ISN'T-</b> 154:8<br/>188:1</p> | <p><b>ISSUE-</b> 30:17<br/>31:3,6,14 35:16<br/>36:2,4,6 38:4<br/>42:17 70:18 93:16<br/>128:1,14 137:6<br/>149:15,17 161:17<br/>187:6 199:18<br/>222:24 251:22,24<br/>262:9<br/><b>ISSUED-</b> 10:24<br/><b>ISSUES-</b> 30:22<br/>37:13 39:20,25<br/>132:14 180:10<br/>195:14 215:14<br/>230:24<br/><b>IT'D-</b> 54:11<br/>130:21 179:14<br/>239:10<br/><b>IT'LL-</b> 38:19<br/>49:20 74:14 80:10<br/>250:18<br/><b>IT'S-</b> 22:21 23:14<br/>24:16 29:5,7<br/>32:15 33:25 37:22<br/>38:20,23,24 42:17<br/>44:10 54:24 56:17<br/>66:23 77:24 80:23<br/>82:12 84:5 85:6<br/>86:9,18 87:20<br/>88:25 94:25<br/>95:9,14,17 97:14<br/>100:5,14 101:9<br/>103:9 106:1,25<br/>108:8 109:2 11</p> <hr/> <p style="text-align: center;">J</p> <p><b>JACKED-</b> 172:7<br/><b>JACKING-</b> 34:1<br/>46:15 50:11 78:6<br/>86:8 168:2 205:19<br/>233:9 247:6<br/>248:18 256:6,19<br/>257:18,19 258:3<br/>281:7 285:22<br/><b>JACKSON-</b> 64:9,13<br/>179:10<br/><b>JAIL-</b> 13:2,8<br/>189:6,10 190:12<br/>191:3<br/><b>JAILHOUSE-</b> 178:12<br/><b>JAMES-</b> 64:23<br/><b>JANUARY-</b> 256:21<br/><b>JEFFREY-</b> 1:34<br/><b>JOB-</b> 86:9 94:9,15<br/>95:18 96:8 152:12<br/>154:5 181:25</p> | <p>201:8 204:5 206:6<br/>233:24 234:10<br/>236:14,17,19<br/>245:6,8 246:6<br/>247:2<br/><b>JOHNNY-</b> 183:14<br/><b>JOHNSON-</b> 27:15,18<br/><b>JOKINGLY-</b> 245:4<br/><b>JOLYNE-</b> 58:11<br/>65:9<br/><b>JUDGE-</b> 1:28 9:7<br/>13:16 43:6 45:3<br/>62:2 69:16 71:13<br/>85:2 94:9 95:7,24<br/>97:2 190:15<br/>202:13 210:6<br/>213:20 240:2<br/>246:18 252:16<br/>272:24 273:6,10<br/>275:10,18 276:22<br/>280:12 286:13<br/><b>JUDGES-</b> 40:6<br/>42:16 43:1 252:16<br/>253:10,12<br/>255:12,13<br/><b>JUDGMENT-</b> 53:22<br/>56:15,20 58:6<br/>59:7 60:2 71:3<br/>83:25 84:16 98:2<br/>252:20 255:21<br/><b>JUDICIAL-</b> 1:3<br/>39:23 41:6 50:14<br/>216:16<br/><b>JUMP-</b> 51:2 234:14<br/>239:11 246:11,16<br/><b>JUMPED-</b> 116:1<br/>132:24<br/><b>JUNE-</b> 46:12,13<br/>56:5,7 77:13<br/>78:8,15,20 86:16<br/>90:5 96:7 107:1<br/>111:8 118:18<br/>143:16<br/>168:7,10,13,14<br/>172:6 182:9<br/>191:19,20<br/>194:5,6,7 203:2<br/>209:10,12,13<br/>214:12 224:23<br/>225:24 248:12<br/>256:21 287:22<br/><b>JURISDICTION-</b><br/>77:20 212:19,20<br/>216:6,7,21 238:10<br/>10:3,5,11,16,17,2<br/>1,23</p> |
|--|--|---|--|

## STATE VS ANDRE GREEN

|   |  |  |   |
|---|--|--|---|
| 11:4, 6, 9, 13, 16, 20<br>, 25<br><b>JUROR-</b> 9:14, 15, 23<br>12:5, 12<br>13:1, 12, 25<br>15:2, 6, 8, 11, 14, 16<br>, 20<br>14:17, 20, 23<br>17:1, 4, 9, 12, 19, 22<br>, 24<br>16:2, 8, 12, 23<br>19:2, 13, 16, 18, 20,<br>23<br>18:5, 10, 12, 16, 24<br>20:3, 8, 11, 21, 24<br>21:1, 9,<br><b>JUROR'S-</b> 69:13<br><b>JURORS-</b> 2:33 6:22<br>9:11 26:11 27:1, 7<br>29:22 31:23<br>32:2, 7 47:20, 24<br>48:18 68:10 69:12<br>73:22 74:10<br>75:9, 18<br>76:4, 19, 25 77:4<br>78:4 79:19<br>80:11, 19 83:12<br>85:16 95:10 126:9<br>237:4 248:1, 6, 16<br>249:10 250:19<br>251:1 253:7, 14<br><b>JURY-</b> 1:28 2:24<br>5:22, 26<br>6:7, 10, 11, 26 7:2<br>8:18, 20, 24 9:5<br>10:9, 25 11:21<br>12:2, 7, 24<br>13:4, 9, 13, 22<br>14:6, 7, 9, 11 15:21<br>21:16 29:14, 20, 23<br>30:1, 16 31:24<br>32:14 33:10, 16, 19<br>34:11 37:11<br>38:22, 23 45:20, 25<br>48:15 49:2 50:2<br><b>JURY'S-</b> 44:23<br>68:9 71:10, 19<br>75:4 78:1 126:14<br>132:4 136:21<br>175:20 198:25<br>211:16 223:4<br>249:6 264:1 268:3<br>279:22 282:17<br><b>JURY273-</b> 8:28<br><b>JUSTICE-</b> 94:13, 24<br>95:19 96:4 129:13 | 176:25 204:8<br>212:6, 10 213:17<br>215:9 231:4<br><b>JUSTIFIED-</b> 261:7<br><b>JUSTTURNED-</b> 19:4<br><hr/> <b>K</b> <hr/> <b>KAREN-</b> 19:2<br><b>KATY-</b> 234:5<br><b>KELLY-</b> 66:7<br><b>KEYS-</b> 269:1<br><b>KIA-</b> 50:21 51:9<br>52:1, 13, 14, 22, 23<br>91:24 158:23<br>178:24 179:3<br><b>KID'S-</b> 111:20<br>112:2<br><b>KIDNAP-</b> 46:24<br>78:16 260:16<br>261:2, 11<br><b>KIDNAPED-</b> 172:7<br>261:15<br><b>KIDNAPING-</b> 34:1<br>46:15 50:11 57:13<br>58:18 78:6, 15<br>86:8 168:3 205:20<br>233:9 247:6<br>248:18 256:7<br>260:3, 9, 10, 14<br>281:10 285:11<br><b>KIDS-</b> 87:16<br>153:14 237:13<br><b>KIN-</b> 93:23 287:13<br><b>KMART-</b> 276:21<br>277:10<br><b>KNEE-</b> 117:3<br><b>KNEES-</b> 234:21<br><b>KNOWING-</b> 88:16<br>264:20<br><b>KNOWLEDGE-</b> 39:10<br>70:25 81:11<br>170:13, 16, 17<br>178:11 254:3<br><b>KNOWN-</b> 39:8 129:2<br>142:8 174:9, 14<br>185:21 186:11<br>234:8 259:24<br><b>KNOWS-</b> 242:25<br><b>KNUCKLES-</b> 53:4<br>258:20<br><b>KOLLAR-</b> 55:25<br><hr/> <b>L</b> <hr/> <b>LACERDA-</b> 62:25<br><b>LACK-</b> 145:13<br>163:8 167:21 | 213:16 251:20<br><b>LADIES-</b> 9:5 45:25<br>70:2 73:25 77:5<br>86:3 91:16 97:5<br>147:9 181:3 211:8<br>222:1 223:25<br>224:15 230:4<br>245:13 246:4<br>247:11 263:11<br>282:6<br><b>LADY-</b> 69:11 108:1<br>117:12 242:18<br><b>LADY'S-</b> 98:22<br><b>LAGGING-</b> 23:21<br><b>LANGUAGE-</b> 11:1<br><b>LAPSE-</b> 201:17<br><b>LAPTOP-</b> 135:22<br><b>LAPTOPS-</b> 276:14<br><b>LARCENY-</b> 259:5<br><b>LARRY-</b> 50:21<br><b>LASHAWNIA-</b> 53:4<br><b>LASTED-</b> 42:3<br><b>LASTLY-</b> 243:4<br><b>LASTS-</b> 29:21 42:6<br><b>LATCH-</b> 88:17, 20<br>115:3, 24 165:3<br>174:24<br><b>LATE-</b> 268:20<br><b>LATER-</b> 11:18<br>15:22 21:12, 18<br>22:11, 13, 23 24:6<br>89:6, 10 90:4<br>185:10, 20 203:10<br>210:13 226:17<br><b>LATIN-</b> 96:4<br><b>LAUGHING-</b> 272:2<br><b>LAWANDORDER-</b><br>89:19<br><b>LAWYER-</b> 50:6<br>142:19, 20, 21, 23<br>143:3 218:9, 11<br>230:20 231:1<br>233:24 240:16<br>285:21<br><b>LAWYER'S-</b> 81:7<br>218:22<br><b>LAWYERS-</b> 49:8<br>81:3, 5, 9, 13, 19<br>82:6 83:18 85:20<br>211:11 222:12<br>223:7 224:5<br>247:14 267:17<br><b>LAWYERS'-</b> 224:3<br><b>LAYING-</b> 88:22<br><b>LEAD-</b> 164:3 214:1<br><b>LEADING-</b> 119:18 | 123:7<br><b>LEARNED-</b> 96:9<br>166:9<br><b>LEARNING-</b> 188:14<br><b>LEAVE-</b> 17:18 52:8<br>68:10 69:8, 12<br>87:2, 4 93:1 159:8<br>176:1, 3 221:13<br>242:25 283:25<br><b>LEAVES-</b> 33:19<br>71:9 136:19<br>175:19 187:8<br>198:24 211:15<br>223:3 279:21<br>282:16<br><b>LEAVING-</b> 18:2<br>177:21<br><b>LED-</b> 236:24<br><b>LEE-</b><br>28:7, 10, 12, 16<br><b>LEFT-</b> 21:4 73:15<br>112:12, 13, 14, 18, 2<br>3<br>88:16 111:13, 15<br>113:16 114:13<br>115:10 126:13<br>239:3 240:18<br><b>LEFTHAND-</b><br>263:22, 24<br><b>LEG-</b> 116:23 117:3<br><b>LEGAL-</b> 15:23 16:5<br>260:25<br><b>LEGALLY-</b> 185:5, 7<br><b>LEGISLATURE-</b><br>256:21 257:1<br><b>LEND-</b> 242:22<br><b>LENGTH-</b> 191:10<br>192:15, 18 207:4<br><b>LESSER-</b> 259:1<br><b>LET'S-</b> 23:23<br>107:10 126:24<br>129:11 132:25<br>135:25 136:12, 15<br>144:16 146:3<br>151:17 158:8<br>179:25 183:6<br>186:4 228:20<br>233:5 235:16<br>239:25 242:3<br><b>LETTER-</b> 144:23, 25<br>225:19<br><b>LEVEL-</b> 21:15<br>236:20<br><b>LEWIS-</b> 26:4, 6<br><b>LIAISON-</b> 103:18<br><b>LIAR-</b> 232:6 |
|---|--|--|---|



## STATE VS ANDRE GREEN

|  |   |  |   |
|--|---|--|---|
| 71:19 74:2 177:14<br>211:11 223:16<br>267:17 282:1,20<br>284:23<br><b>MAXIMUM-</b> 60:23<br><b>MCKIMMIE-</b> 51:6<br>67:12<br><b>MCTEER-</b> 88:22<br>115:12,14 117:23<br>183:9,11<br>216:13,14,16,19<br><b>MEANS-</b> 12:11<br>14:15 77:19 85:8<br>101:13 135:4<br>218:16 248:25<br>260:8,17,20,21,23<br>,24<br>252:17 256:25<br>261:2,5<br><b>MEAT-</b> 226:8<br><b>MEDIA-</b> 222:25<br><b>MEDICAL-</b> 117:5,6<br><b>MEET-</b> 86:21 149:2<br>182:10 246:23<br><b>MEETING-</b> 182:13<br><b>MEETS-</b> 256:21<br><b>MELANIE-</b> 3:13<br>50:19 103:3,5,8<br>106:9,14,16<br><b>MEMBER-</b> 10:9,25<br>11:21 12:7 13:13<br>14:6 30:19<br>57:7,9,17,18,25<br>58:13 59:11,18<br>61:5 285:19<br><b>MEMBERS-</b> 55:12<br>57:7,10 59:11<br>166:17<br><b>MEMORY-</b> 141:8<br><b>MENTAL-</b> 11:25<br>12:3<br><b>MENTIONS-</b> 274:4<br><b>MERCY-</b> 98:1<br>284:15,24<br><b>MESSAGE-</b> 69:5<br><b>MET-</b> 44:2 49:16<br>140:25 161:12,13<br>230:16 234:25<br>240:21<br><b>METAL-</b> 258:20<br><b>METHOD-</b> 260:17<br><b>MICHAEL-</b> 66:2<br><b>MICROPHONE-</b><br>124:21,22<br>135:18,20,22<br>142:1 144:8 | <b>MIDST-</b> 130:13<br><b>MILES-</b> 109:6<br>110:1,6 116:1,20<br><b>MILITARY-</b> 59:17<br>159:19<br><b>MINDFUL-</b> 32:4<br><b>MINDS-</b> 85:8<br>243:23<br><b>MINE-</b> 277:1,12<br><b>MINIMIZE-</b> 29:24<br><b>MINIMUM-</b> 103:24<br>284:19,25<br><b>MIRANDA-</b> 179:12<br><b>MIRROR-</b> 133:21<br><b>MIRRORS-</b> 42:4<br><b>MISINTERPRETED-</b><br>149:1 180:5<br><b>MISSING-</b> 93:19,20<br><b>MISTAKE-</b> 115:16<br>236:3<br><b>MISTAKEN-</b> 108:4<br><b>MISTAKENLY-</b><br>167:14<br><b>MOMENTS-</b> 89:18<br><b>MONDAY-</b> 24:5<br>161:15 284:8<br><b>MONETARY-</b> 13:6<br><b>MONEY-</b> 47:5 86:22<br><b>MONICA-</b> 3:3 50:20<br>89:4 98:7,9,14<br>100:11,14<br>108:2,15 177:21<br><b>MONTH-</b> 190:9<br>209:9<br><b>MONTHS-</b> 90:4<br>118:20 168:20<br>241:21 284:22<br><b>MORNING-</b> 9:4<br>17:15 24:4<br>30:3,14 32:11<br>33:8 40:18 43:10<br>69:1 70:8 71:7,12<br>72:10,18,20 73:25<br>86:3 89:3,9 91:16<br>94:11 98:16<br>106:12,13 111:6,7<br>178:21 200:10<br>221:11,18,19<br>222:18,20<br>223:2,7,25 225:17<br>229:17 230:4,12<br><b>MORRALL-</b><br>183:14,15<br><b>MOSSEY-</b> 183:8,17<br><b>MOTHER-</b> 60:15,23<br>91:24 111:20 | <b>MOTION-</b> 3:36 5:17<br>37:5 72:5<br>129:6,10 130:12<br>171:10,13<br>176:12,23 177:2<br>178:16 189:18,21<br>191:7,17 211:17<br>212:1 213:14<br>216:5 217:11,21<br><b>MOTIONS-</b> 6:30<br>33:23 211:19,20<br>276:4,6<br><b>MOTIONS33-</b> 2:17<br><b>MOTOR-</b> 46:18 78:9<br>257:20 258:6<br><b>MOUTH-</b> 124:23<br>161:25<br><b>MOVE-</b> 34:18<br>35:4,15 37:4<br>101:22 113:11,12<br>129:24 158:8<br>212:10 216:23<br><b>MOVED-</b> 115:5<br>171:18 197:14<br><b>MOVING-</b> 88:21<br>100:21 109:5<br>115:17 172:8<br><b>MUCH-</b> 34:20 91:8<br>116:12 132:17<br>139:21 156:2<br>159:25 202:5<br>208:20 229:20<br>236:5 237:12<br>239:22 242:10<br>243:6,21 246:6<br>255:15<br><b>MUG-</b> 190:6 191:22<br><b>MULL-</b> 22:16<br><b>MUNICIPAL-</b> 59:14<br><b>MURDER-</b> 57:13<br>157:13 235:3<br><b>MUSIC-</b> 115:15<br><b>MUSTER-</b> 38:14 | <b>NEARBY-</b> 227:11<br><b>NECESSARY-</b> 48:24<br>258:1 260:11<br><b>NECESSITY-</b> 30:15<br><b>NEEDED-</b> 74:2<br>196:10<br><b>NEGATE-</b> 232:15<br><b>NEIL-</b> 36:1<br><b>NEITHER-</b> 176:10<br>185:3 238:11<br>287:13<br><b>NEPHEW-</b> 59:25<br><b>NEW-</b> 60:16 72:9<br><b>NEWS-</b> 55:21<br>56:2,8,9,11,14<br><b>NEWSPAPERS-</b> 70:21<br><b>NICE-</b> 17:10 92:7<br><b>NIGHT-</b> 183:4<br><b>NIGHTS-</b> 25:1<br><b>NINE-</b> 236:19<br><b>NO'S-</b> 1:6<br><b>NOBODY-</b> 14:23<br>218:16 276:17<br><b>NOBODY'S-</b> 190:14<br>252:17<br><b>NOR-</b> 236:13<br>263:6,8 264:20<br>285:18 287:15,19<br><b>NOTARIZED-</b> 43:25<br>44:7,10 142:22<br>146:6 147:13<br>148:10 225:19<br>230:13<br><b>NOTCH-</b> 180:4<br><b>NOTE-</b> 8:28 30:12<br>188:18,24 272:4<br>273:20 276:5,8<br>278:13<br><b>NOTED-</b> 178:5<br>226:13<br><b>NOTES-</b> 169:7<br><b>NOTICE-</b> 24:24<br>25:8 40:5,20<br>42:22 216:16<br>277:20 286:6<br><b>NOTIFIED-</b> 40:24<br><b>NOTIFY-</b> 6:25<br>275:14,16<br><b>NOTING-</b> 177:17<br>191:24<br><b>NOTWITHSTANDING-</b><br>200:3<br><b>NOW'S-</b> 26:19<br><b>NULLIFICATION-</b><br>235:11<br><b>NUMBERS-</b> 32:23 |
| N  |   |  |   |
|  |   | <b>NAME'S-</b> 19:2 53:4<br>86:4 111:5<br><b>NAMED-</b> 185:23<br>210:15<br><b>NARROW-</b> 52:17,25<br>132:25<br><b>NATIONAL-</b> 103:19<br><b>NAW-</b> 221:1<br><b>NCIC-</b> 103:19<br><b>NEAR-</b> 99:9 183:16<br>202:9  |   |

## STATE VS ANDRE GREEN

|   |   |  |   |
|---|---|--|---|
| 104:7 156:2,11,13<br>207:10,11<br>237:7,16,21   | 46:9 77:13 110:2<br>118:17 182:8<br>192:8 213:3 216:9<br>225:5 248:12<br>258:10   | 28:3,8,14,19<br>61:18 105:12<br>136:22 138:20<br>147:5 159:3<br>197:25 210:19<br>238:20<br>155:16  | <b>OPINIONS-</b> 85:9<br><b>OPPOSED-</b> 42:20<br>84:22,23 89:18<br><b>OPPOSITE-</b> 115:11<br><b>OPTION-</b> 36:6<br><b>ORDER-</b> 9:13,22<br>26:20 38:16 64:8<br>77:21 84:10,24<br>118:22 257:24<br>259:13 260:9<br>261:8,23 278:5,21<br><b>ORDERLY-</b> 74:25<br><b>ORDERS-</b> 144:12<br><b>ORIGINAL-</b> 72:14<br>76:1,3,13 117:21<br>128:5 146:9 197:8<br>268:10<br>287:15,17,20<br><b>ORIGINALLY-</b><br>204:2,7<br><b>ORIGINALS-</b><br>187:20,22 188:7<br>190:15<br><b>OTHERWISE-</b> 10:2<br>12:10 31:14 38:25<br>101:14 222:25<br>238:8<br><b>OURS-</b> 96:4 245:11<br><b>OURSELVES-</b> 232:12<br><b>OUTCOME-</b> 255:4<br>284:11<br><b>OUTOFSTATE-</b><br>206:19 237:20<br><b>OUTRIGHT-</b> 93:13<br><b>OVERHEARD-</b> 286:9<br><b>OVERLAP-</b> 25:1<br><b>OVERPOWER-</b><br>114:15,16<br><b>OVERRULE-</b> 109:12<br>120:19<br><b>OVERRULED-</b> 123:8<br>133:12 162:1<br>170:5 207:25<br>209:24<br><b>OWED-</b> 86:22<br>111:20 112:3<br><b>OWN-</b> 70:18 81:10<br>88:10 89:17 90:7<br>94:21 117:16<br>132:17 144:6,9,14<br>166:10 172:8<br>175:13 205:23<br>220:11 247:23 |
| <hr/> O<br><hr/> OAK- 183:17<br>OAKS- 183:8<br>OATHS- 238:5<br>OBJECT- 78:25<br>109:7 160:4<br>161:22 168:24<br>173:25 209:22<br>210:16 258:23<br>OBJECTING-<br>154:17,18 201:20<br>OBJECTION- 4:40<br>35:20 36:23<br>101:17,21 102:23<br>104:25 106:2<br>109:12 110:19<br>119:18 120:19<br>133:10 134:23,24<br>143:25 149:4<br>158:25 160:10,11<br>163:22 167:19<br>170:2 171:19<br>179:5 184:7<br>187:1,10,11<br>188:25 190:19<br>191:17 193:11<br>OBJECTIONABLE-<br>164:2<br>OBJECTIONS-<br>276:8,9<br>OBJECTIVE- 248:4<br>256:1<br>OBLIGATED- 82:23<br>83:1<br>OBLIGATION- 82:18<br>247:15<br>OBLIGATIONS-<br>248:6 256:3<br>OBSERVED- 42:11<br>133:4,6 225:6<br>OBTAINED- 193:7<br>OCCASION- 122:7<br>145:13 148:19<br>155:14 182:10<br>OCCUPANT- 78:12<br>102:8<br>OCCUPANTS- 102:8<br>OCCUPY- 33:8<br>OCCUPYING- 258:12<br>OCCUR- 76:9,20<br>82:3<br>OCCURRED- 39:10 | 319:2<br>320:1<br>321:2<br>322:3<br>323:1<br>324:2<br>325:3<br>326:4<br>327:5<br>328:6<br>329:7<br>330:8<br>331:9<br>332:10<br>333:11<br>334:12<br>335:13<br>336:14<br>337:15<br>338:16<br>339:17<br>340:18<br>341:19<br>342:20<br>343:21<br>344:22<br>345:23<br>346:24<br>347:25<br>348:26<br>349:27<br>350:28<br>351:29<br>352:30<br>353:31<br>354:32<br>355:33<br>356:34<br>357:35<br>358:36<br>359:37<br>360:38<br>361:39<br>362:40<br>363:41<br>364:42<br>365:43<br>366:44<br>367:45<br>368:46<br>369:47<br>370:48<br>371:49<br>372:50<br>373:51<br>374:52<br>375:53<br>376:54<br>377:55<br>378:56<br>379:57<br>380:58<br>381:59<br>382:60<br>383:61<br>384:62<br>385:63<br>386:64<br>387:65<br>388:66<br>389:67<br>390:68<br>391:69<br>392:70<br>393:71<br>394:72<br>395:73<br>396:74<br>397:75<br>398:76<br>399:77<br>400:78<br>401:79<br>402:80<br>403:81<br>404:82<br>405:83<br>406:84<br>407:85<br>408:86<br>409:87<br>410:88<br>411:89<br>412:90<br>413:91<br>414:92<br>415:93<br>416:94<br>417:95<br>418:96<br>419:97<br>420:98<br>421:99<br>422:100<br>423:101<br>424:102<br>425:103<br>426:104<br>427:105<br>428:106<br>429:107<br>430:108<br>431:109<br>432:110<br>433:111<br>434:112<br>435:113<br>436:114<br>437:115<br>438:116<br>439:117<br>440:118<br>441:119<br>442:120<br>443:121<br>444:122<br>445:123<br>446:124<br>447:125<br>448:126<br>449:127<br>450:128<br>451:129<br>452:130<br>453:131<br>454:132<br>455:133<br>456:134<br>457:135<br>458:136<br>459:137<br>460:138<br>461:139<br>462:140<br>463:141<br>464:142<br>465:143<br>466:144<br>467:145<br>468:146<br>469:147<br>470:148<br>471:149<br>472:150<br>473:151<br>474:152<br>475:153<br>476:154<br>477:155<br>478:156<br>479:157<br>480:158<br>481:159<br>482:160<br>483:161<br>484:162<br>485:163<br>486:164<br>487:165<br>488:166<br>489:167<br>490:168<br>491:169<br>492:170<br>493:171<br>494:172<br>495:173<br>496:174<br>497:175<br>498:176<br>499:177<br>500:178<br>501:179<br>502:180<br>503:181<br>504:182<br>505:183<br>506:184<br>507:185<br>508:186<br>509:187<br>510:188<br>511:189<br>512:190<br>513:191<br>514:192<br>515:193<br>516:194<br>517:195<br>518:196<br>519:197<br>520:198<br>521:199<br>522:200<br>523:201<br>524:202<br>525:203<br>526:204<br>527:205<br>528:206<br>529:207<br>530:208<br>531:209<br>532:210<br>533:211<br>534:212<br>535:213<br>536:214<br>537:215<br>538:216<br>539:217<br>540:218<br>541:219<br>542:220<br>543:221<br>544:222<br>545:223<br>546:224<br>547:225<br>548:226<br>549:227<br>550:228<br>551:229<br>552:230<br>553:231<br>554:232<br>555:233<br>556:234<br>557:235<br>558:236<br>559:237<br>560:238<br>561:239<br>562:240<br>563:241<br>564:242<br>565:243<br>566:244<br>567:245<br>568:246<br>569:247<br>570:248<br>571:249<br>572:250<br>573:251<br>574:252<br>575:253<br>576:254<br>577:255<br>578:256<br>579:257<br>580:258<br>581:259<br>582:260<br>583:261<br>584:262<br>585:263<br>586:264<br>587:265<br>588:266<br>589:267<br>590:268<br>591:269<br>592:270<br>593:271<br>594:272<br>595:273<br>596:274<br>597:275<br>598:276<br>599:277<br>600:278<br>601:279<br>602:280<br>603:281<br>604:282<br>605:283<br>606:284<br>607:285<br>608:286<br>609:287<br>610:288<br>611:289<br>612:290<br>613:291<br>614:292<br>615:293<br>616:294<br>617:295<br>618:296<br>619:297<br>620:298<br>621:299<br>622:300<br>623:301<br>624:302<br>625:303<br>626:304<br>627:305<br>628:306<br>629:307<br>630:308<br>631:309<br>632:310<br>633:311<br>634:312<br>635:313<br>636:314<br>637:315<br>638:316<br>639:317<br>640:318<br>641:319<br>642:320<br>643:321<br>644:322<br>645:323<br>646:324<br>647:325<br>648:326<br>649:327<br>650:328<br>651:329<br>652:330<br>653:331<br>654:332<br>655:333<br>656:334<br>657:335<br>658:336<br>659:337<br>660:338<br>661:339<br>662:340<br>663:341<br>664:342<br>665:343<br>666:344<br>667:345<br>668:346<br>669:347<br>670:348<br>671:349<br>672:350<br>673:351<br>674:352<br>675:353<br>676:354<br>677:355<br>678:356<br>679:357<br>680:358<br>681:359<br>682:360<br>683:361<br>684:362<br>685:363<br>686:364<br>687:365<br>688:366<br>689:367<br>690:368<br>691:369<br>692:370<br>693:371<br>694:372<br>695:373<br>696:374<br>697:375<br>698:376<br>699:377<br>700:378<br>701:379<br>702:380<br>703:381<br>704:382<br>705:383<br>706:384<br>707:385<br>708:386<br>709:387<br>710:388<br>711:389<br>712:390<br>713:391<br>714:392<br>715:393<br>716:394<br>717:395<br>718:396<br>719:397<br>720:398<br>721:399<br>722:400<br>723:401<br>724:402<br>725:403<br>726:404<br>727:405<br>728:406<br>729:407<br>730:408<br>731:409<br>732:410<br>733:411<br>734:412<br>735:413<br>736:414<br>737:415<br>738:416<br>739:417<br>740:418<br>741:419<br>742:420<br>743:421<br>744:422<br>745:423<br>746:424<br>747:425<br>748:426<br>749:427<br>750:428<br>751:429<br>752:430<br>753:431<br>754:432<br>755:433<br>756:434<br>757:435<br>758:436<br>759:437<br>760:438<br>761:439<br>762:440<br>763:441<br>764:442<br>765:443<br>766:444<br>767:445<br>768:446<br>769:447<br>770:448<br>771:449<br>772:450<br>773:451<br>774:452<br>775:453<br>776:454<br>777:455<br>778:456<br>779:457<br>780:458<br>781:459<br>782:460<br>783:461<br>784:462<br>785:463<br>786:464<br>787:465<br>788:466<br>789:467<br>790:468<br>791:469<br>792:470<br>793:471<br>794:472<br>795:473<br>796:474<br>797:475<br>798:476<br>799:477<br>800:478<br>801:479<br>802:480<br>803:481<br>804:482<br>805:483<br>806:484<br>807:485<br>808:486<br>809:487<br>810:488<br>811:489<br>812:490<br>813:491<br>814:492<br>815:493<br>816:494<br>817:495<br>818:496<br>819:497<br>820:498<br>821:499<br>822:500<br>823:501<br>824:502<br>825:503<br>826:504<br>827:505<br>828:506<br>829:507<br>830:508<br>831:509<br>832:510<br>833:511<br>834:512<br>835:513<br>836:514<br>837:515<br>838:516<br>839:517<br>840:518<br>841:519<br>842:520<br>843:521<br>844:522<br>845:523<br>846:524<br>847:525<br>848:526<br>849:527<br>850:528<br>851:529<br>852:530<br>853:531<br>854:532<br>855:533<br>856:534<br>857:535<br>858:536<br>859:537<br>860:538<br>861:539<br>862:540<br>863:541<br>864:542<br>865:543<br>866:544<br>867:545<br>868:546<br>869:547<br>870:548<br>871:549<br>872:550<br>873:551<br>874:552<br>875:553<br>876:554<br>877:555<br>878:556<br>879:557<br>880:558<br>881:559<br>882:560<br>883:561<br>884:562<br>885:563<br>886:564<br>887:565<br>888:566<br>889:567<br>890:568<br>891:569<br>892:570<br>893:571<br>894:572<br>895:573<br>896:574<br>897:575<br>898:576<br>899:577<br>900:578<br>901:579<br>902:580<br>903:581<br>904:582<br>905:583<br>906:584<br>907:585<br>908:586<br>909:587<br>910:588<br>911:589<br>912:590<br>913:591<br>914:592<br>915:593<br>916:594<br>917:595<br>918:596<br>919:597<br>920:598<br>921:599<br>922:600<br>923:601<br>924:602<br>925:603<br>926:604<br>927:605<br>928:606<br>929:607<br>930:608<br>931:609<br>932:610<br>933:611<br>934:612<br>935:613<br>936:614<br>937:615<br>938:616<br>939:617<br>940:618<br>941:619<br>942:620<br>943:621<br>944:622<br>945:623<br>946:624<br>947:625<br>948:626<br>949:627<br>950:628<br>951:629<br>952:630<br>953:631<br>954:632<br>955:633<br>956:634<br>957:635<br>958:636<br>959:637<br>960:638<br>961:639<br>962:640<br>963:641<br>964:642<br>965:643<br>966:644<br>967:645<br>968:646<br>969:647<br>970:648<br>971:649<br>972:650<br>973:651<br>974:652<br>975:653<br>976:654<br>977:655<br>978:656<br>979:657<br>980:658<br>981:659<br>982:660<br>983:661<br>984:662<br>985:663<br>986:664<br>987:665<br>988:666<br>989:667<br>990:668<br>991:669<br>992:670<br>993:671<br>994:672<br>995:673<br>996:674<br>997:675<br>998:676<br>999:677<br>1000:678 | 28:3,8,14,19<br>61:18 105:12<br>136:22 138:20<br>147:5 159:3<br>197:25 210:19<br>238:20<br>155:16<br>OFTEN- 30:9 97:7<br>OFTENTIMES- 12:18<br>OLD- 19:19<br>91:22,25 98:25<br>139:12,16<br>162:19,21,22<br>276:24<br>OLDER- 14:22,24<br>21:2<br>OLDFASHIONED-<br>276:25<br>ONE- 2:5 9:1 11:2<br>12:8,15 13:8<br>14:12,17 15:2<br>18:1 30:3,18<br>32:12,13 37:17<br>42:20 46:7 47:24<br>48:18 52:14,16,20<br>66:11 69:8 71:15<br>74:10<br>76:1,2,3,20,21<br>77:11 84:11,22,23<br>86:19 88:23,24<br>89:4 93:19 94:2<br>95:11 96:1<br>ONEANDA- 204:14<br>ONEANDAHALF-<br>204:14<br>ONES- 29:22<br>45:9,11 186:24<br>207:5,6 243:17,18<br>ONTHERECORD- 4:39<br>187:9<br>OPEN- 85:6 88:20<br>99:4 102:1 114:22<br>OPENED- 165:18<br>OPENING-<br>2:38,40,44<br>81:4,22 82:12<br>85:21,25 91:13<br>92:3 235:2 240:2<br>OPERATE- 33:6<br>165:6<br>OPERATING- 46:21<br>78:12 257:22<br>258:11<br>OPERATOR- 169:8<br>OPINION- 61:5,8<br>244:9 245:16 | <hr/> P<br><hr/> PAID- 111:14   |

## STATE VS ANDRE GREEN

|                         |                         |                          |                          |
|-------------------------|-------------------------|--------------------------|--------------------------|
| 170:18                  | 116:16 154:9            | <b>PERCEIVE-</b> 199:17  | 76:7 259:6 260:22        |
| <b>PAINS-</b> 201:6     | 160:2                   | 254:17                   | <b>PERSONAL-</b> 9:16    |
| <b>PAINSTAKINGLY-</b>   | <b>PARTS-</b> 156:24    | <b>PERCEIVED-</b> 254:22 | 79:2 81:10 152:12        |
| 37:18                   | 197:9                   | <b>PERCENT-</b> 150:4,9  | 236:21                   |
| <b>PALM-</b> 184:22     | <b>PARTY-</b> 207:22    | <b>PERCEPTION-</b> 81:11 | <b>PERSONALLY-</b> 97:10 |
| <b>PAMPHLET-</b>        | 272:16 287:14           | <b>PERFECT-</b> 215:2    | 152:18 172:24            |
| 32:10,11,21,22          | <b>PASS-</b> 256:22     | <b>PERFECTLY-</b> 92:8   | 236:15,17 245:6          |
| <b>PANEL-</b> 9:5       | <b>PASSED-</b> 234:6    | <b>PERFORM-</b> 268:10   | <b>PERSONNEL-</b> 21:14  |
| 10:9,25 11:21           | <b>PASSENGER-</b> 87:6  | <b>PERHAPS-</b> 13:6     | 22:2 30:23               |
| 12:7 13:13 14:6         | 100:1                   | 22:24 178:19             | <b>PERSPECTIVE-</b>      |
| 28:25 50:2 57:7         | <b>PASSES-</b> 38:14    | <b>PERIOD-</b> 40:14,22  | 81:24 135:24             |
| 59:11 61:5 77:3         | <b>PASSING-</b> 99:18   | 132:18 155:19            | <b>PERSUADE-</b> 82:9    |
| 268:15                  | <b>PAST-</b> 34:19 40:6 | 241:7,23 285:14          | <b>PEW-</b> 127:2        |
| <b>PANICKED-</b> 115:22 | 42:15 43:1 113:17       | 286:1                    | <b>PHONE-</b> 17:5,8     |
| <b>PARENT-</b> 57:9     | 141:11 168:17           | <b>PERIODICAL-</b> 190:7 | 90:17 96:22 100:2        |
| <b>PARK-</b> 87:9,12,13 | 176:14 244:5            | <b>PERMANENT-</b> 122:16 | 117:12,14                |
| 112:17 113:1            | 283:4                   | <b>PERMISSION-</b> 6:12  | 124:13,17 125:7          |
| 132:16,19,23            | <b>PATIENT-</b> 69:22   | 268:6                    | 134:16,17 140:11         |
| 133:1 225:11            | <b>PATRICK-</b> 1:33    | <b>PERMIT-</b> 263:4     | 153:21,23,24             |
| 228:24                  | 34:3 50:13 86:4         | 279:8                    | 154:1,2,11,14,23         |
| <b>PARKER-</b> 39:6,22  | 97:22                   | <b>PERMITS-</b> 15:20    | 155:1,12,20,21,23        |
| 40:13,15,25             | <b>PAUL-</b> 60:9       | <b>PERMITTED-</b> 14:2   | 156:1 157:3              |
| 41:8,18,25 42:2,9       | <b>PAUSE-</b> 135:10    | 41:24 70:15,17,24        | 158:10,17,22             |
| 50:21 51:9,12           | 138:13 139:4            | 76:17 255:14             | 169:11,17                |
| 52:1,13,15,22,23        | 195:5 239:8             | 264:10                   | 207:4,20                 |
| 86:24,25 87:4,6         | <b>PAUSED-</b> 135:14   | 265:19,20,22             | 208:15,16 215:18         |
| 88:6 91:24 93:22        | 137:25                  | 266:17                   | 228:4,5,9,10             |
| 94:3,8 111:25           | <b>PAVEMENT-</b> 115:25 | <b>PERPETRATE-</b>       | 232:11,12                |
| 112:4 116:13            | <b>PAY-</b> 76:18 85:1  | 235:1,5                  | <b>PHOTO-</b> 7:24 89:10 |
| 133:4 134:4             | 97:18,21 108:11         | <b>PERPETRATED-</b>      | 119:14 120:8             |
| 150:5,7 153:7           | 111:14 263:4            | 162:7 214:11             | 123:23 150:20            |
| 158:24 163:6            | 285:21                  | 241:8                    | 189:6 194:3,6            |
| 168:1,6 171:3           | <b>PAYING-</b> 211:24   | <b>PERPETRATOR-</b>      | 203:11 225:25            |
| 172:19,20               | 224:16                  | 161:21 168:2             | <b>PHOTOGRAPH-</b>       |
| 173:9,14                | <b>PEARSON-</b> 60:21   | 205:19 212:14            | 185:25 186:11            |
| <b>PARKER'S-</b>        | 64:14,21                | 262:10,13 271:1          | <b>PHOTOGRAPHIC-</b>     |
| 41:16,22 54:13          | <b>PENALTY-</b> 256:25  | <b>PERSECUTE-</b> 232:6  | 192:25                   |
| 113:4 115:16            | 257:5,7,8,15            | <b>PERSECUTING-</b> 26:7 | <b>PHOTOGRAPHS-</b> 7:28 |
| <b>PARTIAL-</b> 184:21  | <b>PENDENCY-</b> 73:19  | <b>PERSECUTION-</b> 26:3 | 118:4,6,10 182:16        |
| <b>PARTIALS-</b> 184:21 | 196:2                   | <b>PERSON-</b> 21:2,9    | 183:3 184:10,13          |
| <b>PARTICIPATE-</b>     | <b>PENDING-</b> 12:12   | 29:16 36:10 46:4         | 191:3,4 193:21           |
| 48:19 57:5              | <b>PEOPLE-</b> 32:16    | 47:5 49:7                | <b>PHOTOS-</b> 187:16    |
| 76:10,14,15             | 41:22 49:5,11           | 50:10,22 70:16           | 189:5,6                  |
| 214:24 225:20           | 87:20 95:1,2,17         | 77:19 78:25              | 190:11,22,24             |
| 230:15 231:4            | 99:16 102:11            | 79:22,24 93:8,12         | <b>PHYSICAL-</b> 12:1,3  |
| 264:19 268:9            | 113:2 119:13            | 99:23 119:21             | <b>PHYSICALLY-</b>       |
| <b>PARTICIPATING-</b>   | 140:5 143:21            | 120:2,6,24,25            | 164:24                   |
| 31:25                   | 145:3 153:5 169:1       | 121:5,8 123:6            | <b>PICK-</b> 16:15,23    |
| <b>PARTICIPATION-</b>   | 172:11,17 173:5,8       | 131:11                   | 17:15                    |
| 33:18 46:2 69:6         | 175:2 185:19            | 133:15,19,25             | 18:1,6,10,13,23          |
| 76:23,24 85:19          | 190:8 195:14            | 134:6 142:22             | 19:16 25:15,16           |
| 268:13,22 282:14        | 206:19,20 210:13        | 149:19 150:4             | 29:20 135:20             |
| <b>PARTICULARLY-</b>    | 216:1,2 227:9,10        | 152:8 166:23             | 239:2                    |
| 83:21 191:13            | 228:23,25               | 173:17 185:17            | <b>PICKED-</b> 18:2      |
| 206:19 237:17,20        | 229:2,3,7,8             | 186:3 19                 | 89:12 111:17,19          |
| <b>PARTIES-</b> 114:24  | 231:10,                 | <b>PERSON'S-</b> 49:18   | 120:8 121:1,5,21         |

## STATE VS ANDRE GREEN

|   |  |  |   |
|---|--|--|---|
| 122:3 133:8<br>150:18 225:9<br>226:2 228:11<br>240:10 246:1<br><b>PICTURE-</b> 120:1<br>121:1,10 161:19<br>166:19 188:22<br>193:1,2 194:16,24<br>217:8 246:1<br><b>PICTURES-</b> 118:23<br>182:25 185:21<br>191:5 194:13<br><b>PIECE-</b> 96:18<br>165:13 243:12<br>267:1<br><b>PIGGY-</b> 183:16<br><b>PINPOINT-</b> 37:19<br><b>PINPOINTED-</b> 38:8<br><b>PISTOL-</b> 46:16<br>78:7 248:19 256:7<br>258:20<br>261:17,20,25<br>279:6,7,8,11,15,17<br>278:15 281:17<br><b>PLACE-</b> 37:24<br>76:1,7 80:3 81:25<br>111:8 114:14<br>117:18 119:19<br>121:15 122:21<br>131:24 138:3<br>139:10 178:6<br>182:1,13 194:21<br>230:17 260:25<br><b>PLACED-</b> 13:5<br>47:14 81:14 87:21<br>89:4,6 113:23<br>114:5 135:17,21<br>188:4 225:15<br>249:14 250:10<br>285:17<br><b>PLACES-</b> 37:21<br>79:12<br><b>PLAIN-</b> 251:16<br>276:24 277:10<br><b>PLAINTIFF-</b> 1:10<br>130:22,24<br><b>PLAN-</b> 37:12<br><b>PLANNING-</b> 148:2<br><b>PLAY-</b> 38:17 43:9<br>104:24 105:4<br>124:4 125:13<br>134:21 137:20<br>197:15 198:4<br>265:10<br><b>PLAYED-</b> 91:2 | 215:18 276:15<br><b>PLAYER-</b> 265:16<br>276:24,25 277:22<br><b>PLAYERS-</b> 96:7<br><b>PLAYING-</b> 3:19<br>4:4,16 105:16<br>112:18 135:7,14<br>137:24,25<br>138:12,13<br>139:3,4,22,23<br>198:18 202:18<br>227:11 275:21,22<br><b>PLEA-</b> 29:13 47:13<br>79:11,12 248:20<br>249:12,13<br><b>PLEAD-</b> 12:24<br><b>PLEAS-</b> 14:10 29:6<br><b>PLEASURE-</b> 154:5<br>246:21<br><b>PLED-</b> 13:3<br><b>PLENTY-</b> 219:18<br>220:4<br><b>PLUG-</b> 136:8<br><b>PM-</b> 33:19 45:5,20<br>68:10 70:1<br>71:9,15 127:11<br>132:2 136:19<br>137:2,11 175:19<br>177:9,10 181:2<br>187:8 194:1<br>198:24 202:15<br>211:15 221:23<br>223:3,10 277:24<br>278:11 279:21<br>280:8,9,14 282:16<br>286:17<br><b>POCKETS-</b> 87:23<br>113:21 114:8<br><b>POINTBLANK-</b> 157:9<br><b>POINTED-</b> 86:7<br>114:18 116:14<br>150:19 154:13<br>161:18 166:18,23<br><b>POLICE-</b> 35:7<br>43:14 50:17 59:18<br>60:1,6,7,16 90:8<br>92:2 112:21<br>118:22 128:6<br>181:15,18,21<br>182:14 227:19<br>237:16 241:20<br><b>POLLED-</b> 282:4<br><b>POOL'S-</b> 69:10<br><b>POOR-</b> 242:18<br><b>POP-</b> 114:21<br><b>POPS-</b> 88:20 | <b>PORT-</b> 35:7 50:17<br>78:20 86:17 90:8<br>92:2 104:15<br>118:21 128:6<br>159:13<br>181:15,17,21<br>182:14<br>213:3,12,14 216:9<br>245:3<br><b>PORTION-</b> 84:20,21<br>253:16 255:19,20<br>266:11 283:22<br><b>POSITION-</b> 22:3,5<br>36:21 106:25<br>174:2 180:12<br>188:21 200:14<br>217:6<br><b>POSITIONS-</b> 21:17<br><b>POSITIVELY-</b> 150:4<br>226:14<br><b>POSSESS-</b> 47:9<br>79:8 261:25<br>279:7,8<br><b>POSSESSED-</b> 47:8<br><b>POSSESSING-</b><br>279:10<br><b>POSSESSION-</b> 34:2<br>43:15 46:16 47:7<br>78:7 79:4,7 86:8<br>233:9,10 247:7<br>248:19 256:7<br>259:16,17 267:12<br>275:2<br>278:4,15,24,25<br>279:6,15,16<br>285:20<br><b>POSSIBILITY-</b><br>72:13,15 145:6<br>270:11<br><b>POSTPONE-</b> 21:18<br>22:10,22<br><b>POSTPONED-</b> 15:22<br>21:12 22:13<br><b>POSTURE-</b> 90:3<br><b>POTENTIAL-</b> 29:23<br>49:9 50:16 179:2<br>263:18 266:6<br><b>POTENTIALLY-</b> 9:11<br>29:18 189:4<br><b>POWER-</b> 233:22<br>234:13 240:4<br><b>PRACTICE-</b><br>94:20,22 103:21<br>236:17<br><b>PRACTICING-</b> 94:14<br><b>PRAY-</b> 247:3 | <b>PRECEDING-</b> 153:1<br>160:25<br><b>PREFACE-</b> 163:25<br><b>PREGNANT-</b> 195:4<br><b>PREJUDICE-</b> 189:8<br>191:8 254:23<br><b>PREJUDICIAL-</b><br>191:12,16<br>192:17,19,21,22<br><b>PREMATURE-</b> 129:9<br>130:8 131:14<br><b>PREPAID-</b> 156:8<br><b>PREPARE-</b> 192:25<br>204:11<br><b>PREPARED-</b> 33:15<br>109:11 191:19<br>194:5 242:9 265:2<br>270:20<br><b>PRESCHOOL-</b> 16:14<br><b>PRESENCE-</b> 5:22,26<br>30:15 218:4<br>221:24 259:7<br><b>PRESENT-</b> 1:36,44<br>30:13 35:23 36:13<br>45:23 50:9 73:11<br>78:25 82:18,22<br>83:16 88:6 131:10<br>132:4 139:9<br>142:14 143:18<br>169:9 218:10<br>222:5 258:24<br>264:18 276:13,15<br>282:2<br><b>PRESENTATION-</b><br>82:19,20 130:13<br>131:4 176:21<br>181:4 222:2<br><b>PRESENTED-</b> 130:23<br>229:17<br><b>PRESENTING-</b> 50:12<br>129:25<br><b>PRESENTS-</b> 92:21<br><b>PRESERVING-</b> 34:22<br>72:4 130:6<br>188:10,24<br><b>PRESIDE-</b> 9:8<br>74:17,23<br><b>PRESSURE-</b> 195:21<br><b>PRESSED-</b> 141:21<br>220:15<br><b>PRESUMED-</b> 79:25<br>95:21,22 250:7<br><b>PRESUMPTION-</b><br>80:1,6,9,12,22,25<br>95:8,20 238:6<br>250:8,14,17,20 |
|---|--|--|---|

## STATE VS ANDRE GREEN

|  |   |  |  |
|--|---|--|--|
| 251:3,7 270:13<br><b>PRETRIAL-</b> 2:17<br>33:23 34:7,10<br>179:14<br><b>PREVENT-</b> 12:4<br>213:17 283:12<br><b>PREVENTS-</b> 76:5<br><b>PREVIOUS-</b><br>14:12,17<br><b>PREVIOUSLY-</b><br>175:11 254:19,22<br><b>PRINCIPLES-</b> 94:24<br><b>PRINT-</b> 244:12<br><b>PRINTED-</b> 275:11<br><b>PRINTER-</b> 274:10<br><b>PRINTOUT-</b><br>156:10,12<br><b>PRINTS-</b> 167:4<br>184:22 185:6<br>244:8<br><b>PRIOR-</b> 13:22<br>34:11 36:4<br>37:2,22 40:17<br>43:13 44:8<br>77:8,16 108:2<br>120:17 161:13<br>172:23 191:22<br>197:17 211:22<br>212:2 217:19<br>240:23 248:16<br>274:4 282:21<br>283:20 284:19<br><b>PRISON-</b> 60:23<br><b>PROBATE-</b> 13:16<br><b>PROBATION-</b> 13:5<br>60:24 69:15<br>285:17,18<br><b>PROBATIVE-</b> 191:9<br><b>PROBLEM-</b> 11:18<br>15:2 18:4 69:24<br>74:14 137:13<br>197:22 276:10<br><b>PROBLEMS-</b> 92:25<br>93:2 97:22 228:14<br>230:11<br><b>PROCEDURALLY-</b><br>36:5 177:1 212:1<br><b>PROSECUTE-</b><br>188:16,20<br><b>PROCEED-</b> 37:16<br>72:21 81:2 123:19<br>132:5 147:14<br>163:14 170:10<br>193:24 215:8<br>222:3<br><b>PROCEEDED-</b> 111:13 | 112:8,11,17 116:6<br>142:18 155:4<br><b>PROCEEDINGS-</b><br>73:19 178:22<br>196:3 287:9<br><b>PROCEEDS-</b><br>114:9,10<br><b>PROCESSING-</b><br>184:17<br><b>PRODUCE-</b> 43:20<br>83:10 107:19<br>237:2 245:24<br><b>PRODUCED-</b> 105:21<br>128:8,13<br><b>PRODUCING-</b> 259:24<br><b>PROFESSIONAL-</b><br>183:12 244:18<br>245:7<br><b>PROGRAM-</b> 191:4<br>231:8<br><b>PROGRESSES-</b> 96:15<br><b>PROHIBITED-</b> 257:1<br>261:12<br><b>PROHIBITION-</b><br>279:10<br><b>PROMISES-</b> 180:17<br><b>PROMPT-</b> 31:15<br><b>PROMPTLY-</b> 31:20<br>32:1<br><b>PRONOUNCE-</b> 75:22<br><b>PROOF-</b> 77:18<br>82:15 248:24<br>261:11<br><b>PROPER-</b> 9:25<br>108:8 138:16<br>271:10<br><b>PROPERLY-</b> 84:25<br><b>PROPERTY-</b> 23:6<br>47:7 79:3,5<br>259:7,11,15,17,18<br>278:19,23,25<br>279:1<br><b>PROPOSED-</b> 8:20,24<br>273:14,17<br><b>PROPOSITION-</b><br>236:21<br><b>PROS-</b> 119:24<br><b>PROSECUTE-</b> 40:5<br>86:5 89:24 93:25<br>162:9 233:15<br>243:17<br><b>PROSECUTING-</b><br>119:24 131:6<br>217:12 225:20<br><b>PROSECUTION-</b><br>44:14 212:7 214:4 | 217:7 230:15<br>231:8,9,13 238:11<br><b>PROSECUTOR-</b><br>225:17<br><b>PROSECUTOR'S-</b><br>231:6<br><b>PROTECT-</b> 142:5<br>231:7<br><b>PROTECTION-</b> 140:8<br>157:14<br><b>PROTOCOL-</b> 188:12<br><b>PROVED-</b> 96:1<br><b>PROVEN-</b> 29:17<br>48:10 80:20 83:14<br>238:7 251:2<br>252:10 257:10<br>258:1 260:11<br>262:7,11 271:1<br><b>PROVIDE-</b><br>9:16,17,19 10:4<br>11:3,24 12:2,6,17<br>16:1,7 21:6 25:14<br>26:20 45:12 70:11<br>75:3 81:22 252:24<br>253:4 266:22<br>272:5 278:5<br><b>PROVIDED-</b> 13:24<br>14:9,11 15:18<br>40:2 48:9 80:17<br>127:24 128:19<br>158:22 187:24<br>222:21 250:24<br>251:18 262:3<br>267:7<br><b>PROVIDER-</b> 20:12<br>156:13<br><b>PROVIDES-</b> 21:11<br>22:12 252:15,16<br>257:18 258:17<br>260:5 261:18<br><b>PROVING-</b> 47:14,16<br>79:13,15 92:16<br>249:14,16 251:10<br><b>PUBLIC-</b> 10:24<br>39:13 94:19<br>277:18<br><b>PUBLISH-</b> 146:15<br>184:6 186:23<br>190:23 281:3<br><b>PUBLISHED-</b> 184:13<br><b>PULL-</b> 112:22,25<br>113:10 240:17<br><b>PULLED-</b> 86:23<br>87:19,21 89:13<br>113:16,18,19<br>115:9,24 | <b>PUNISHMENT-</b><br>257:5,7,14<br><b>PURPORTED-</b><br>154:9,24 192:13<br>207:19 213:21<br><b>PURSING-</b> 145:13<br><b>PURSUAUNT-</b> 286:3<br><b>PURSUE-</b> 140:20<br>141:20 142:3,8<br><b>PUTTING-</b> 88:7<br>161:25 178:18<br>259:18 279:1 |
| <b>Q</b>   |   |  |  |
| <b>QUALIFICATIONS-</b><br>9:13,23 26:21  |   |  |  |
| <b>QUALIFIED-</b><br>10:12,13,14,19<br>28:25   |   |  |  |
| <b>QUESTIONED-</b><br>164:8,9  |   |  |  |
| <b>QUESTIONING-</b><br>160:5 168:25<br>169:24 174:3<br>186:19 189:3,15<br>192:24 214:7   |   |  |  |
| <b>QUICK-</b> 112:6<br>115:23 241:3<br>277:10,22   |   |  |  |
| <b>QUICKLY-</b> 194:24<br>272:12   |   |  |  |
| <b>QUOTE-</b> 227:12<br>228:10   |   |  |  |
| <b>R</b>   |   |  |  |
| <b>RACING-</b> 115:2   |   |  |  |
| <b>RADIO-</b> 70:21  |   |  |  |
| <b>RAFFERTY-</b> 64:2,6  |   |  |  |
| <b>RAISE-</b> 32:12<br>177:15  |   |  |  |
| <b>RAISED-</b> 91:24<br>94:22 242:7  |   |  |  |
| <b>RAISING-</b> 281:24   |   |  |  |
| <b>RAN-</b> 114:17<br>123:20   |   |  |  |
| <b>RANK-</b> 103:13  |   |  |  |
| <b>RAPE-</b> 58:18   |   |  |  |
| <b>RATE-</b> 101:14  |   |  |  |
| <b>RAZOR-</b> 258:20   |   |  |  |
| <b>REACH-</b> 248:4<br>256:1 263:6<br>275:14   |   |  |  |
| <b>REACHED-</b> 111:24<br>220:10 264:6<br>267:8 280:17   |   |  |  |
| <b>REACHES-</b> 75:10  |   |  |  |

## STATE VS ANDRE GREEN

|                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|
| 263:14                   | 127:19 134:14            | 135:1,3,6,7              | 160:4 169:1,2            |
| <b>REACHING-</b> 256:12  | 140:11 153:25            | 171:21 196:22            | 209:23                   |
| <b>READY-</b> 26:22      | 154:23 167:15            | 197:7 198:8              | <b>RELIED-</b> 200:9     |
| 42:24 45:25 74:4         | 177:19 215:18,19         | <b>REDACTION-</b> 38:12  | <b>RELIEVING-</b> 181:24 |
| 137:7 154:7              | 224:2 225:19             | <b>REDACTIONS-</b> 37:4  | <b>RELYING-</b> 201:7    |
| 177:12                   | 230:13 232:10            | 200:2,3,11               | 205:10,13                |
| <b>REALIZE-</b> 131:14   | 243:13 247:25            | <b>REDEFINE-</b> 278:14  | <b>REMAIN-</b> 160:22    |
| 165:2 176:17             | 252:22 254:12            | <b>REDID-</b> 274:25     | 218:16                   |
| 178:18,20 192:19         | 255:10 266:5 28:         | <b>REDIRECT-</b> 4:25    | <b>REMAINING-</b> 79:6   |
| <b>REARRANGE-</b> 24:25  | <b>RECEIVING-</b> 82:1   | 5:8 172:1 208:23         | 261:16                   |
| <b>REARVIEW-</b> 133:21  | 237:15                   | <b>REDUCTION-</b> 39:11  | <b>REMAINS-</b> 80:1     |
| <b>REASK-</b> 170:20     | <b>RECENT-</b> 56:4      | <b>REFERENCED-</b>       | 95:24 155:24             |
| <b>REASON-</b> 10:1      | <b>RECENTLY-</b> 234:6   | 184:24 208:25            | 222:11 224:2             |
| 22:15,19 23:1,4          | <b>RECESSED-</b> 224:1   | <b>REFERENCES-</b>       | 250:9                    |
| 39:19 42:25 48:18        | <b>RECOGNIZE-</b> 22:17  | 37:7,22 38:9             | <b>REMARKS-</b> 37:14    |
| 49:11 61:10              | 30:6 53:5 138:9          | <b>REFERRED-</b> 22:14   | 96:5 243:5               |
| 76:3,21 90:2,21          | 140:24 186:8             | 29:5,7 248:15            | <b>REMOTELY-</b> 96:23   |
| 168:20 185:1             | <b>RECOMMEND-</b> 178:7  | 259:4                    | <b>REMOVE-</b> 260:25    |
| 189:2 231:18             | 283:10                   | <b>REFLECT-</b> 220:5    | <b>RENDER-</b> 12:1      |
| 239:18 240:11            | <b>RECOMMENDATION-</b>   | <b>REFLECTED-</b> 10:2   | 99:13                    |
| 241:15,17,21             | 284:1                    | <b>REFRAINED-</b> 188:14 | <b>RENEW-</b> 34:18,22   |
| 254:25 264:17            | <b>RECORD'S-</b> 274:1   | <b>REFRESHES-</b> 137:22 | 72:5 276:8               |
| 267:18                   | <b>RECORDATION-</b>      | <b>REGISTER-</b>         | <b>RENEWED-</b> 276:6    |
| <b>REASONABLE-</b> 47:20 | 126:20                   | 10:12,13,15,19           | <b>RENEWING-</b> 6:30    |
| 79:19 80:21,24           | <b>RECORDED-</b> 38:1    | <b>REGISTERED-</b>       | 276:4                    |
| 82:16 83:7 86:10         | 69:5 127:15              | 10:11,13,14,17           | <b>REOPEN-</b> 216:23    |
| 92:6,10,17 93:15         | 196:14                   | 183:23,24                | <b>REPEATEDLY-</b> 214:6 |
| 96:1,16 230:8,10         | <b>RECORDING-</b> 103:23 | <b>REGULAR-</b> 227:24   | 241:23                   |
| 232:11 233:18            | 104:3 105:5,19           | <b>REGULATIONS-</b>      | <b>REPLAYED-</b>         |
| 237:14 238:8             | 108:12 137:20            | 256:23                   | 266:9,11,15              |
| 246:24 249:20            | 139:6 226:20             | <b>REHEAR-</b> 265:11    | <b>REPLIES-</b> 227:14   |
| 251:2,7,10,14,15,        | 227:2,21                 | <b>REILLY-</b> 27:21,24  | <b>REPORT-</b>           |
| 16,17,20,23,25           | <b>RECORDINGS-</b>       | <b>REINCARCERATED-</b>   | 31:16,19,20,22           |
| 250:3                    | 103:25 104:1             | 39:13                    | 32:1 69:1 70:7           |
| 252:2,4,10,14            | 106:17                   | <b>REINSTRUCTION-</b>    | 71:6 125:25              |
| 258:2 260:12             | 107:2,8,14,19            | 7:3 266:18 277:25        | 166:10 167:13            |
| 262:2,5,12,22,25         | 169:10 224:19            | 278:3 279:24             | 175:14 188:12,19         |
| 279:1                    | 244:23                   | <b>REITERATE-</b> 151:12 | 203:14                   |
| <b>REASONABLY-</b> 79:1  | <b>RECORDS-</b> 96:22,23 | 201:6 205:22             | 204:9,11,16,20           |
| 258:25                   | 109:8                    | <b>REJECT-</b> 84:14,21  | 205:23 207:1             |
| <b>REASONS-</b> 90:5     | 158:10,17,22             | 255:19,24                | 210:7,8,14 223:1         |
| 141:16                   | 159:9,14 207:6           | <b>RELATE-</b> 48:7      | 243:14 268:20            |
| <b>REBUT-</b> 217:2      | 243:17,20,25             | 49:22 55:16 59:23        | <b>REPORTER-</b> 1:47    |
| <b>RECANTED-</b> 43:13   | 244:2 245:24             | 80:16 218:19             | 6:19 272:6 273:8         |
| <b>RECEIVE-</b> 32:12    | <b>RECROSS-</b> 210:1    | <b>RELATION-</b> 160:1   | 274:15 276:23            |
| 33:4 69:2 82:13          | <b>RECROSSEXAMINATIO</b> | 183:9 207:20             | 277:1,3,8,11             |
| 122:17 124:6             | <hr/>                    | 208:14 209:6             | 287:1,6,26               |
| 154:12                   | N                        | 232:13                   | <b>REPORTING-</b> 33:4   |
| 155:16,18,19             | <hr/>                    | <b>RELATIONSHIP-</b>     | 68:21 268:16             |
| 267:9,13 268:16          | 5:11 210:4               | 270:13,17                | 282:12                   |
| 282:12                   | <hr/>                    | <b>RELATIVE-</b> 283:17  | <b>REPORTS-</b> 128:7    |
| <b>RECEIVED-</b> 12:8,25 | R                        | <b>RELAY-</b> 97:14      | 186:15                   |
| 13:8 43:10 44:5          | <hr/>                    | <b>RELEASE-</b> 115:3,24 | <b>REPRESENTATION-</b>   |
| 48:4 70:23 74:20         | <b>REDACT-</b> 37:6      | <b>RELEASED-</b> 175:17  | 78:24 105:18             |
| 81:5 82:4 83:17          | 201:7                    | 176:9,11                 | 258:23                   |
| 85:4,11 125:6            | <b>REDACTED-</b> 8:2,8   | <b>RELEVANCE-</b> 158:25 | <b>REPRESENTATIVE-</b>   |
|                          | 37:14 38:17,19,25        |                          |                          |

## STATE VS ANDRE GREEN

|  |   |  |   |
|--|---|--|---|
| 92:15<br><b>REPUTABLE-</b> 208:11<br>234:4<br><b>REQUEST-</b> 156:16<br>175:22 196:7<br>243:16 269:9<br>272:4<br><b>REQUESTED-</b><br>61:15,22 101:10<br>103:25 159:10<br>237:1 270:23<br>280:21<br><b>REQUESTING-</b> 212:5<br><b>REQUESTS-</b> 7:2<br>45:7 277:25<br><b>REQUIRE-</b> 37:3<br>41:2 46:1 117:5<br>251:13<br><b>REQUIRED-</b> 9:15<br>14:15,23 23:2<br>29:18 82:23<br>249:23 264:3<br>283:3,8 285:3<br><b>REQUIRES-</b> 259:20<br><b>REQUIRING-</b> 22:19<br><b>RESCHEDULE-</b> 24:6<br><b>RESEARCH-</b><br>70:17,19 71:1,5<br>144:7,9,14 175:13<br>222:23<br><b>RESEMBLE-</b> 121:10<br><b>RESIDE-</b> 91:25<br>92:1<br><b>RESIDENCE-</b> 122:16<br><b>RESIDENT-</b> 9:6<br>10:5,6 94:18<br><b>RESOLVE-</b> 31:5<br>33:11 84:10<br>251:25 252:4<br>262:14<br><b>RESOLVED-</b> 31:18<br>137:12 251:24<br><b>RESOLVES-</b> 84:11<br><b>RESOLVING-</b> 265:24<br><b>RESOURCES-</b><br>234:2,11 243:8<br><b>RESPECT-</b> 41:5<br>104:3 174:1,16<br>204:4 214:17<br>234:5 236:6,7,10<br>245:2 269:13<br>286:8<br><b>RESPECTED-</b> 236:5<br><b>RESPECTFULLY-</b><br>129:24 212:10<br>215:11 269:18,25 | 284:12,14,18<br><b>RESPECTIVE-</b> 55:12<br><b>RESPOND-</b> 9:15,20<br>12:21 26:17,18<br>48:22 77:22 267:3<br><b>RESPONDED-</b> 281:25<br><b>RESPONDING-</b> 61:14<br>253:24,25<br><b>RESPONSE-</b> 169:24<br>170:3 201:4<br><b>RESPONSES-</b> 218:24<br>281:20<br><b>RESPONSIBILITIES-</b><br>75:15<br><b>RESPONSIBILITY-</b><br>200:9<br><b>RESTED-</b> 176:18,20<br><b>RESTING-</b> 212:2<br><b>RESTORED-</b> 12:9<br><b>RESTRAIN-</b> 260:21<br><b>RESTRICT-</b> 260:21<br><b>RESTS-</b> 5:14,21,25<br>211:5,7 218:4<br>221:24 222:8<br><b>RESULT-</b> 22:20<br>105:21 257:15<br><b>RESULTED-</b> 193:20<br><b>RESULTS-</b> 23:1<br><b>RESUME-</b> 30:4<br>264:18<br><b>RETIRE-</b> 267:24<br><b>RETIRED-</b> 60:7<br><b>RETIRES-</b> 6:10<br>268:5<br><b>RETURN-</b> 252:5<br>262:15 279:18<br><b>RETURNED-</b> 47:21<br>79:20 249:21<br><b>RETURNING-</b> 73:16<br><b>RETURNS-</b> 45:20<br>132:2<br><b>REVEALED-</b> 243:25<br><b>REVERSE-</b> 113:19<br><b>REVIEWED-</b> 104:20<br>197:7 202:10<br><b>REVIEWING-</b> 6:21<br>274:16<br><b>REVOLVER-</b> 162:23<br><b>REWARDS-</b> 180:16<br><b>REWIND-</b> 201:14<br><b>REYNOLDS-</b><br>63:16,20<br><b>RIBAUT-</b> 101:6<br>183:10<br><b>RICHARD-</b> 60:21<br>64:14 | <b>RID-</b> 156:2<br><b>RIDE-</b> 86:25<br>87:8,11,12 90:11<br>93:18 111:25<br>112:2,5 117:12,13<br>172:5,9,13 173:2<br>204:22 214:23<br>215:25 225:11<br>233:3 240:24<br><b>RIFLED-</b> 88:2<br><b>RIGHTS-</b> 12:9<br>242:1<br><b>RISK-</b> 21:5<br><b>ROAD-</b> 88:23 101:6<br>116:3 181:24<br>183:10 204:25<br>216:12<br><b>ROBBED-</b> 117:11<br>120:3 172:7 173:6<br>216:1 225:12<br>226:4 228:25<br>229:8<br><b>ROBBERY-</b> 34:1<br>37:22 46:15 47:2<br>50:11 57:14 58:4<br>78:6,19 86:8<br>168:2 205:19<br>233:9 247:5<br>258:14,17,18,19,2<br>4<br>259:1,3,4,5,10,19<br>,20<br>248:18 256:6<br>278:4,14,18<br>279:2,3 281:13<br>283:20 284:20<br><b>ROBBINS-</b> 59:22<br>62:13,19,24<br><b>ROBERT-</b> 21:24<br><b>RODE-</b> 228:24<br>229:2<br><b>ROLL-</b> 99:11 239:2<br><b>ROLLING-</b> 99:5<br>100:24<br><b>ROLLS-</b> 88:20<br><b>ROOM-</b> 6:11<br>33:11,17 38:22,23<br>68:8 70:8,9 71:7<br>74:23 77:23 80:10<br>115:5 126:10<br>136:16 138:3<br>175:15 187:5<br>198:22 211:13<br>223:2 224:22<br>227:22 234:14<br>244:23 246:10 | 248:22 249:3<br>250:16,18 264:11<br>265:3 267:20,24<br>26<br><b>ROUSSEAU-</b> 67:2,6<br><b>ROW-</b> 16:10 51:1<br>52:9 127:2<br><b>ROWE-</b> 1:46<br>287:5,25<br><b>ROYAL-</b> 35:7 50:17<br>78:21 86:17 90:8<br>92:2 104:15<br>118:22 128:6<br>159:13<br>181:15,18,21<br>182:14<br>213:3,12,14 216:9<br>245:3<br><b>RULE-</b><br>34:18,20,21,23,24<br>72:5 127:18 250:4<br><b>RULED-</b> 272:18<br><b>RULES-</b> 256:23<br><b>RULING-</b> 276:10<br><b>RUN-</b> 113:21 114:7<br>277:9<br><b>RUNS-</b> 19:24<br><b>RUPPEL-</b> 60:15<br><b>RUSHED-</b> 112:4,5<br><hr/> <p style="text-align: center;">S</p> <b>S/M/I/T/H-</b> 103:10<br><b>SAFE-</b> 101:7<br>145:14,15<br>158:20,21<br><b>SAFETY-</b> 10:24<br>140:8 151:15,16<br>237:10,11<br><b>SAINT-</b> 18:17<br><b>SAMPLES-</b> 184:24<br><b>SANCTIONED-</b> 261:6<br><b>SAT-</b> 90:7<br><b>SATISFACTION-</b><br>47:20 79:18<br>249:20 250:3<br>251:14 252:13<br>258:2 260:12<br><b>SATISFACTORY-</b><br>15:22 193:15<br><b>SATISFIED-</b> 80:24<br>192:24 220:22<br>251:6<br><b>SAVE-</b><br>155:14,21,23<br><b>SAW-</b> 56:1 86:23<br>99:11 100:20 |
|--|---|--|---|

## STATE VS ANDRE GREEN

|                          |                         |                          |                          |
|--------------------------|-------------------------|--------------------------|--------------------------|
| 108:5 111:24             | 185:17 186:2            | <b>SENDING-</b> 274:2    | 236:11                   |
| 112:3 115:24             | 188:15 207:5            | <b>SENSED-</b> 100:19    | <b>SERVES-</b> 13:22     |
| 116:10 122:11,12         | 210:10 258:13           | <b>SENSES-</b> 254:19    | 141:8                    |
| 161:8 165:13,25          | <b>SECONDLY-</b> 74:17  | <b>SENT-</b> 6:22        | <b>SERVICE-</b> 12:2     |
| 170:22,23 224:25         | 258:7 260:17            | 142:10,11 143:4          | 13:22,24 14:9,12         |
| 234:20,21 242:19         | <b>SECONDS-</b> 133:20  | 274:17                   | 15:21                    |
| <b>SCARED-</b> 237:5     | 134:8 152:6             | <b>SENTENCING-</b>       | 21:8,11,16,18            |
| <b>SCARY-</b> 237:9      | 156:11,16 158:4,8       | 282:24 283:3,17          | 22:6,10,12,22,25         |
| <b>SCENE-</b> 183:21     | 163:1 165:22            | <b>SEPARATE-</b> 46:6    | 29:18 30:1,16            |
| 184:15,17                | 166:22 180:6            | 47:22 75:5               | 52:7 54:2 55:10          |
| <b>SCHEDULED-</b> 24:4   | <b>SECTIONS-</b> 38:2,4 | 77:10,15 79:21           | 62:8 76:14               |
| 70:3                     | <b>SECURING-</b> 40:17  | 80:18 117:16             | 156:5,13 268:11          |
| <b>SCHEDULES-</b> 24:25  | <b>SECURITY-</b> 60:23  | 248:9,14 249:5           | 282:7 285:16             |
| <b>SCHOLP-</b> 67:19     | 62:20                   | 256:5,9,12 261:21        | <b>SERVICES-</b> 236:11  |
| <b>SCHOOL-</b> 19:5,13   | <b>SEE-</b> 12:15 17:20 | 263:17 280:18            | <b>SERVING-</b>          |
| 20:4                     | 20:9 25:24 30:21        | <b>SEPTEMBER-</b> 20:25  | 13:1,9,20 14:2           |
| 21:13,14,15,16,19        | 39:19 50:2 53:23        | 46:10                    | 16:2,4 23:12             |
| 22:7 49:15               | 54:17 56:12 94:11       | <b>SEQUESTER-</b> 35:22  | 53:12 78:2 95:10         |
| 51:9,12 52:14            | 102:8 111:20            | 178:17                   | 249:9                    |
| 53:6 155:20              | 116:11 119:1,12         | <b>SEQUESTERED-</b>      | <b>SESSIONS-</b> 1:5 9:9 |
| 227:25                   | 121:7 129:18,20         | 35:5,15,18 36:13         | 14:10 29:1,8,9           |
| <b>SCIENTIFIC-</b> 96:24 | 132:13 135:11,25        | 179:2                    | 256:22                   |
| <b>SCOPE-</b> 72:19      | 136:20 137:22           | <b>SERGEANT-</b> 1:36    | <b>SET-</b> 23:8         |
| <b>SCUFFED-</b>          | 138:6 139:7 147:4       | 4:5,18,34 8:4,10         | 47:10,15 77:15           |
| 116:22,23                | 158:11 162:17           | 35:6 37:24 38:15         | 79:13 136:7,13           |
| <b>SEARCH-</b> 157:2     | 165:15 186:17           | 50:18 90:8 103:14        | 183:15 194:16            |
| <b>SEAT-</b> 52:9 55:10  | 187:15,22 190:          | 125:1,6,17 126:22        | 196:23 248:14            |
| 63:2,4,7,10,13,18        | <b>SEEING-</b> 112:2    | 132:11 134:10            | 249:15 256:19            |
| ,24                      | <b>SEEK-</b> 96:5,8     | 135:8 138:5,6            | 258:15 260:4             |
| 64:1,4,11,13,19,2        | <b>SEEN-</b> 53:15,21   | 140:1,4 145:12           | <b>SEVEN-</b> 15:24 16:6 |
| 5                        | 55:15 61:7 82:7         | 148:18,23                | 19:20,21                 |
| 62:9,11,15,23            | 150:20 151:2            | 151:20,25                | <b>SEVENTEEN-</b> 158:3  |
| 66:1,4,6,9,13,16,        | 158:23 162:12           | 152:7,11,20 153:3        | 202:6                    |
| 18,21                    | 225:21 240:12,13        | 154:10,23 157:1          | <b>SEVENYEAROLD-</b>     |
| 67:4,6,9,11,14,16        | 247:12 272:19           | 158:2 159:18             | 19:4                     |
| ,21                      | <b>SEES-</b> 88:23      | 160:6 161:4,12           | <b>SEVERAL-</b> 26:11    |
| 65:2,5,11,24             | <b>SEIZE-</b> 46:23     | <b>SERGEANT'S-</b>       | 27:1,7 84:23 90:4        |
| 68:1,5 73:6 87:7         | 78:16 260:6,15,19       | 243:16                   | 226:20                   |
| 112:11 113:4,8           | 261:10                  | <b>SERIES-</b> 118:22    | <b>SEVERE-</b> 42:16     |
| 127:1 221:9 241:7        | <b>SELECT-</b>          | <b>SERIOUS-</b> 79:23    | <b>SEVERELY-</b> 21:3    |
| <b>SEATED-</b> 9:4 10:22 | 194:9,11,14             | 95:5 206:4               | <b>SEXUAL-</b> 57:14     |
| 51:17,24 56:23           | <b>SELECTED-</b> 9:10   | 227:14,16 228:14         | <b>SHALL-</b> 250:7      |
| 58:9,23 59:10            | 29:14,22 33:3           | 235:3 242:3 250:6        | 260:6                    |
| 60:5,14,20 61:4          | 48:19 53:9,19,22        | 259:25                   | <b>SHE'S-</b>            |
| 62:7,9 71:18             | 56:21 57:5 58:7         | <b>SERIOUSLY-</b> 101:15 | 19:13,15,17,21           |
| 73:24 87:6,7             | 68:7,16 70:4,5          | <b>SERVE-</b> 9:11,13,23 | 101:18 107:10            |
| 89:12 90:9 91:23         | 74:6 75:24 76:25        | 14:3,13,16,18,25         | 161:2 179:6              |
| 137:5 177:12,22          | 77:6 193:2              | 22:19 24:5 44:13         | <b>SHEET-</b> 282:24     |
| 223:15 267:14            | <b>SELECTING-</b> 47:23 | 47:25 48:1 51:22         | 283:4                    |
| 278:2,10 280:15          | <b>SELECTION-</b> 29:24 | 61:12 74:7,11            | <b>SHELL-</b> 122:13     |
| <b>SECOND-</b> 37:20     | 31:24 34:11 46:1        | 76:3,6 78:3              | <b>SHERIFF-</b> 13:15    |
| 65:16 112:1              | 48:3,15 68:12           | 81:20,22 95:11           | 59:14 178:8              |
| 115:23 135:11            | 77:8,17 91:18           | 249:4,10 253:2           | <b>SHERIFF'S-</b> 50:20  |
| 151:9 161:3              | 193:7 194:25            | 267:23                   | 103:16,21 106:23         |
| 163:11 166:13            | 248:16                  | <b>SERVED-</b> 13:25     | <b>SHIFTED-</b> 269:21   |
| 169:6 178:15             | <b>SELECTS-</b> 191:4   | 14:4,6,16,23             | <b>SHIRT-</b> 50:4       |

## STATE VS ANDRE GREEN

|                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>SHOOK-</b> 221:3      | 225:24 229:14            | <b>SOLELY-</b> 53:23     | 149:7,8 215:3            |
| <b>SHOOT-</b>            | 248:4,6 252:17           | 70:23                    | <b>SPECULATING-</b>      |
| 115:18,19,21             | 253:6 254:2 256:1        | <b>SOLICITOR-</b> 39:16  | 163:22                   |
| <b>SHORTLY-</b> 33:17    | 261:5                    | 50:13 77:9 192:16        | <b>SPECULATION-</b>      |
| 34:6 39:9 42:19          | <b>SIMULTANEOUSLY-</b>   | 232:21                   | 101:18 159:15            |
| 68:8 73:16 82:1          | 150:19                   | <b>SOLICITOR'S-</b> 34:4 | 207:24 208:11            |
| 192:7 211:14             | <b>SINCERELY-</b> 268:12 | 43:24 45:13 50:24        | <b>SPEED-</b> 101:2,14   |
| 265:15                   | <b>SISTER-</b> 18:12     | 51:19 107:22             | 116:17,18,20             |
| <b>SHOT-</b> 191:22      | <b>SISTER'S-</b> 18:23   | 145:5 197:18             | <b>SPELL-</b> 98:12      |
| <b>SHOULDN'T-</b> 217:12 | <b>SIT-</b> 54:19,20     | <b>SOLID-</b> 244:12     | 103:9 234:5              |
| <b>SHOW-</b> 32:1,3      | 73:18 124:20             | <b>SOLVED-</b> 137:6     | <b>SPEND-</b> 139:19     |
| 35:19 104:12             | 232:5 240:16             | <b>SOMETHING'S-</b>      | 151:4                    |
| 119:9 143:22             | <b>SITS-</b> 95:23       | 234:15                   | <b>SPLIT-</b> 116:2      |
| 145:7 186:5              | <b>SITTING-</b> 29:5,6   | <b>SOMEWHAT-</b> 106:16  | <b>SPOKESPERSON-</b>     |
| 187:14 196:19            | 31:21 32:2               | 205:16 217:5             | 74:11                    |
| 231:19 233:2             | 54:16,17 121:11          | 284:13                   | <b>SPOTS-</b> 38:8       |
| 271:15,17                | 143:21 145:3             | <b>SON-</b> 18:6,10,11   | <b>SPOUSE-</b> 57:9      |
| <b>SHOWED-</b> 194:8     | 155:1 161:1              | 19:3 59:25 60:6          | <b>STAFF-</b> 30:19      |
| 231:16                   | 178:21 195:18            | 91:25 98:24              | 31:5,7 233:25            |
| <b>SHOWING-</b> 182:23   | <b>SITUATION-</b> 17:13  | 139:17                   | <b>STAGE-</b> 216:8      |
| <b>SHOWN-</b> 38:25      | 88:5 93:21 108:22        | <b>SON'S-</b> 98:25      | <b>STAGES-</b> 35:23     |
| 89:10                    | 149:2 205:24             | <b>SOUGHT-</b> 90:16     | <b>STAKE-</b> 97:16      |
| <b>SHOWS-</b> 35:18      | 227:23 270:12            | <b>SOUL-</b> 234:6       | 239:21                   |
| 127:21 154:13            | 283:2 284:15,22          | <b>SOUND-</b> 135:21     | <b>STAMP-</b> 287:17,21  |
| 190:8                    | <b>SITUATIONS-</b> 42:15 | 198:13                   | <b>STAND-</b> 10:8 12:21 |
| <b>SHRUBS-</b> 113:17,18 | 213:20                   | <b>SOUNDS-</b> 89:16     | 13:21                    |
| <b>SHUTTING-</b> 198:16  | <b>SIX-</b> 119:12 152:6 | 101:20 210:15            | 14:5,8,21,25 16:8        |
| <b>SIBLING-</b> 57:9     | 174:15 194:13            | <b>SOURCE-</b> 55:19     | 21:10,20 48:23           |
| <b>SICK-</b> 16:17       | 284:21                   | 165:10                   | 49:19 50:1,25            |
| <b>SICKNESS-</b> 16:24   | <b>SIXMONTHOLD-</b>      | <b>SOUTH-</b> 1:2,10,20  | 54:20 55:13,19           |
| <b>SIDE-</b> 29:2 100:1  | 16:13,16                 | 10:7 29:3 95:6           | 57:6,19 59:20            |
| 112:18 114:13,20         | <b>SIXMONTHOLD'S-</b>    | 159:13 213:3             | 61:9,13 81:12,13         |
| 255:2                    | 17:3                     | 214:3 232:20             | 91:19,21 96:18           |
| <b>SIDEBAR-</b> 159:1    | <b>SIXTEEN-</b> 261:21   | 235:4 256:20             | 97:1 114:10              |
| <b>SIDED-</b> 225:17     | <b>SIXTH-</b> 11:22,23   | 261:18                   | 129:13 131:25            |
| 230:12,19                | <b>SKEPTICAL-</b> 112:24 | 281:6,9,12,15            | 181:7 201:8 202:8        |
| <b>SIGHT-</b> 87:20      | <b>SKIPPED-</b> 156:24   | 285:13,25                | 212:25 213:9             |
| <b>SIGN-</b> 148:10      | <b>SLED-</b> 244:8       | 287:3,6,10,12            | 216:24 217:3             |
| 264:3,5,6 267:7          | <b>SLIGHTEST-</b> 263:4  | <b>SOUTHSIDE-</b> 112:13 | 218:1                    |
| 280:23 283:3,6           | <b>SLINGSHOT-</b> 258:20 | <b>SPACE-</b> 115:4,22   | <b>STANDARD-</b> 103:20  |
| <b>SIGNATURE-</b> 119:12 | <b>SLOWLY-</b> 165:18    | 267:7                    | <b>STANDARDS-</b> 45:9   |
| 146:12                   | <b>SMALLS-</b> 21:24     | <b>SPANISH-</b> 86:20,23 | <b>STANDING-</b> 50:5    |
| 287:17,21,22             | <b>SMART-</b> 114:2      | 87:2,4                   | <b>STANDS-</b> 79:24     |
| <b>SIGNED-</b> 89:23     | <b>SMITH-</b> 3:13 50:19 | 111:16,18,22,24          | 250:7                    |
| 147:13 281:18            | 51:6 67:12,16            | 112:12 225:10            | <b>START-</b> 16:9 37:20 |
| <b>SIGNIFICANT-</b> 21:5 | 103:3,5,8,9              | 228:24                   | 38:21 51:1 57:20         |
| 44:14 139:19             | 106:7,9,14               | <b>SPARTANBURG-</b> 9:7  | 107:10 126:18            |
| 260:22                   | <b>SMOKE-</b> 264:11,12  | <b>SPEAKER-</b> 135:21   | 146:2 149:22,23          |
| <b>SILENT-</b> 218:16    | <b>SMOKERS-</b> 264:9    | 136:1,3                  | 151:9 198:17             |
| <b>SIMILAR-</b> 49:23    | <b>SMOKING-</b> 264:10   | <b>SPEAKER'S-</b> 135:25 | 224:16 228:5             |
| 57:16                    | <b>SMOOTHLY-</b> 33:6    | <b>SPEAKERS-</b>         | 239:1                    |
| <b>SIMPLE-</b> 229:6     | <b>SOCIALIZE-</b> 49:15  | 136:7,13                 | <b>STARTED-</b> 86:20    |
| <b>SIMPLY-</b> 9:24 48:3 | <b>SOCIETY-</b> 246:8    | <b>SPECIFIC-</b> 34:20   | 92:4 94:18,21            |
| 74:24 75:14 77:19        | <b>SOLE-</b> 20:12 248:3 | 45:8 74:9 83:21          | <b>STATE-</b> 1:2,10,31  |
| 83:24 109:9              | 253:10,11                | 144:18                   | 2:41 5:14,38             |
| 125:16 178:5             | 255:12,13 256:1          | <b>SPECULATE-</b>        | 13:14 21:11 22:12        |

## STATE VS ANDRE GREEN

|   |   |   |   |
|---|---|---|---|
| 33:24,25 34:14,23<br>35:13 36:23<br>37:6,10,16 39:20<br>40:2 41:8 42:17<br>43:14<br>46:3,8,17,23<br>47:1,14,19 50:12<br>59:16 60:23,24<br>61:15,22 62:14<br>63:1,6,12,17,23<br>64:3,10,18,24<br><b>STATE'S-</b> 7:21<br>42:18 87:20<br>104:12 105:24<br>106:4 119:10,15<br>121:7 125:15<br>134:20 155:25<br>160:9 171:17,23<br>181:4 182:24<br>184:4,10 186:5,21<br>193:14 196:19<br>197:14 198:10<br>212:2 213:25<br>214:7,8 217:6<br>230:18 233:14<br><b>STATEMENT-</b><br>43:12,25 44:7<br>72:14 85:25 89:7<br>90:10 91:13<br>101:20<br>140:3,6,10,13<br>142:8,10,11,13,16<br>,23<br>141:14,15<br>146:6,22<br>147:13,20,23<br>148:13<br>149:10,23,24,25<br>150:3,10,15<br>152:17,153:1,13<br>165:24 173:1<br>179:9,12,15,18<br>184:<br><b>STATEMENTS-</b><br>2:38,40,44 5:37<br>6:3 41:9,16,19,23<br>42:9 43:13,14<br>44:8,9<br>81:4,6,8,20,22<br>82:3,5,13 85:21<br>89:23 118:12,13<br>125:6 134:13<br>140:20,23 146:3<br>172:23 180:13<br>217:3 218:18<br>224:12 230:1 | 238:23 241:13<br>254:9<br><b>STATING-</b> 144:24<br>169:13<br><b>STATION-</b> 92:2<br>116:8 190:7<br>241:20<br><b>STATUTE-</b> 15:19<br>257:4 260:19<br>261:22 274:24<br>279:9<br><b>STATUTES-</b><br>256:24,25<br><b>STATUTORY-</b> 258:15<br>260:3<br><b>STAY-</b> 14:19 15:10<br>17:2 23:3,24<br>25:15 35:9<br>268:1,2<br><b>STAYED-</b> 23:8<br><b>STAYS-</b> 122:15<br><b>STEAL-</b> 47:4 79:2<br>259:11,15<br>278:19,23<br><b>STEALING-</b> 259:6<br><b>STEP-</b> 20:17 26:6<br>102:22 110:21<br>111:11 127:1<br>175:9 211:3<br><b>STEPHEN-</b> 67:24<br><b>STEPHENS-</b> 1:34<br>20:20 26:10,25<br>27:6,12,17,23<br>28:4,9,15,20<br>45:18 61:19<br>105:13 136:23<br>138:21 147:6<br>159:4 198:1<br>210:20 238:21<br><b>STEPS-</b> 158:15<br><b>STICKER-</b> 188:1<br><b>STICKING-</b> 72:14<br>99:23<br><b>STIFF-</b> 20:16<br><b>STIPULATED-</b><br>106:17 197:17<br><b>STOOD-</b> 99:25<br><b>STOP-</b> 37:20 38:21<br>99:13,17 112:25<br>115:17,20 123:12<br>202:11 264:15,17<br><b>STOPPED-</b> 99:15,18<br>112:19 116:4,5<br>189:14<br><b>STOPS-</b> 88:25<br><b>STORE-</b> 182:3 | <b>STRAIGHTFORWARD-</b><br>253:24<br><b>STRANGE-</b> 242:16<br>284:11<br><b>STREET-</b> 124:16<br>210:14<br><b>STRENGTHENED-</b><br>255:9<br><b>STRIKE-</b> 62:22<br><b>STRONG-</b> 93:1<br>134:5 246:10<br><b>STRUGGLE-</b> 88:9<br>114:14<br><b>STRUGGLED-</b> 224:19<br><b>STUDENT-</b> 21:13<br><b>SUBJECTED-</b> 81:15<br><b>SUBJECTS-</b> 257:4<br><b>SUBJUGATE-</b> 231:9<br><b>SUBMITTED-</b><br>34:18,20<br><b>SUBPOENA-</b> 144:5<br>176:5 235:23<br><b>SUBPOENAED-</b> 35:11<br>98:15 144:6,9<br>147:2<br><b>SUBSEQUENT-</b><br>118:16 121:14<br>140:18<br><b>SUBSTANTIAL-</b><br>40:21 283:22<br><b>SUCCINCTLY-</b> 230:6<br><b>SUDDENLY-</b> 260:20<br><b>SUFFER-</b> 11:25<br>12:3 219:16<br><b>SUFFICIENT-</b> 15:20<br>22:14,15 216:3,18<br>261:12 275:10<br><b>SUGARCOAT-</b> 232:23<br><b>SUGGESTED-</b> 220:17<br><b>SUGGESTION-</b><br>135:23<br><b>SUGGESTIONS-</b><br>221:12,20<br><b>SUGGESTIVE-</b><br>188:22<br><b>SUIT-</b> 142:5<br><b>SUMMATIONS-</b> 83:18<br>222:12,18 224:3,7<br>247:13<br><b>SUMMED-</b> 214:20<br><b>SUMMER-</b> 55:22<br>98:18<br><b>SUMMONED-</b> 9:25<br><b>SUMMONS-</b> 10:3<br>32:14,15,16,17,20<br><b>SUNDAY-</b> 141:11 | <b>SUPERVISION-</b> 16:2<br><b>SUPPLEMENT-</b> 70:25<br><b>SUPPLEMENTAL-</b><br>207:1 210:14<br>243:14<br><b>SUPPORT-</b> 82:10<br><b>SUPPOSED-</b> 23:6<br>40:18 97:4 145:24<br>154:16,200:17<br>275:25 277:22<br><b>SUPPRESSED-</b> 37:5<br><b>SURELY-</b> 276:20<br><b>SURGERY-</b> 15:3<br><b>SURRENDER-</b><br>259:11,16,17<br>278:19,24,25<br><b>SURROUNDING-</b><br>98:21 122:8<br><b>SUSAN-</b> 63:16<br><b>SUSPECT-</b> 185:8<br><b>SUSPECTS-</b> 185:2<br><b>SUSPENDED-</b> 285:16<br><b>SUSTAIN-</b> 101:21<br>116:25 160:10<br><b>SUSTAINED-</b> 160:11<br>167:23 169:3<br>174:5 182:16<br>210:23<br><b>SWEAR-</b> 77:3<br><b>SWORE-</b> 146:23<br>232:3,4 235:19<br><b>SWORN-</b> 2:33 77:4<br>98:8-103:4 111:1<br>142:7 168:6,13,14<br>181:8 243:2<br><b>SYMPATHIZE-</b><br>100:18<br><b>SYNOPSIS-</b><br>204:17,19<br><b>SYSTEM-</b> 26:2<br>94:13 95:19 96:4<br>103:23,25 237:25<br>238:1<br><b>SZADY-</b> 27:10,13<br>57:22<br><b>SZALAI-</b> 67:24<br>75:22,23,24<br>268:1,8,23<br>269:1,4<br><b>SZATKOWSKI-</b> 63:5 |
| <b>T</b>  |   |   |   |
| <b>TABLE-</b> 86:6 92:12<br>121:11 143:22<br>145:4 155:2 236:2<br>244:21  |   |   |   |

## STATE VS ANDRE GREEN

|  |   |  |  |
|--|---|--|--|
| <b>TACTICS-</b> 213:22<br>236:7                    | <b>TESTIFIES-</b> 35:18<br>44:12 85:1             | 252:1 253:11<br>255:13,16 257:24                   | <b>THREATS-</b> 47:3<br>78:21 134:13           |
| <b>TAKING-</b> 138:3<br>139:10 142:4               | <b>TESTIMONY-</b> 36:14<br>84:2,8,9,13,14,20      | 259:2 260:9 263:3<br><b>THESE-</b> 9:14 39:21      | 151:19,22 158:3<br>160:2,9 180:16              |
| 200:2 209:19<br>243:6 258:7,10                     | 37:12 41:9 70:23<br>85:3,4 89:2 90:22             | 40:9 46:5 47:15<br>48:7,21 49:5,11                 | 206:11,12<br>207:18,19 215:19                  |
| 259:6,15 278:23<br><b>TALBIRD-</b> 112:13          | 91:1 92:20 93:17<br>94:6 97:19 109:8              | 76:2,21 77:1<br>80:16 83:20 87:16                  | 232:8 237:15<br>243:10                         |
| <b>TALENTS-</b> 31:17<br><b>TAMPED-</b> 246:11     | 127:3 150:23<br>171:1 179:3                       | 91:7 93:4,9 95:5<br>96:6 104:20                    | <b>THREE-</b> 5:32 74:9<br>95:5 116:2 151:21   |
| <b>TAMPING-</b> 151:18<br>157:4,5 206:17           | 195:17 205:13<br>209:16 211:9                     | 107:19 124:9<br>140:23 141:8                       | 152:5 158:15<br>204:15 223:12                  |
| 207:2 236:1,23<br>237:19,23 239:5                  | 212:21 213:1,2<br>214:19 215:15,17                | 146:3 148:20<br>149:20 150:8                       | 235:1 246:17<br>258:2                          |
| 243:15 244:15<br><b>TANGENT-</b> 38:3              | 217:24 218:7<br>222:9 2                           | 153:21<br>154:1,9,12,24                            | <b>THREEANDAHALFYEAR</b>                       |
| <b>TAPE-</b> 109:18,25<br>110:9,14 126:17          | <b>THANKING-</b> 224:16<br><b>THAT'D-</b> 130:15  | 155:25 169:1<br>183:3 186:7                        | <hr/> O <hr/>                                  |
| 135:4 152:14<br>156:25 157:7,19                    | <b>THAT'LL-</b> 29:24<br><b>THAT'S-</b> 9:18 10:3 | <b>THEY'D-</b> 41:24<br>185:5 190:25               | <hr/> T <hr/>                                  |
| 200:3 202:5,10<br>214:20                           | 11:17 12:15 22:21<br>23:14 25:1 29:2              | <b>THEY'LL-</b> 30:21<br>31:8 82:18 265:14         | <b>THREW-</b> 211:23<br><b>THURSDAY-</b> 20:14 |
| <b>TAPES-</b> 37:1<br>103:17 200:1                 | 31:12 36:6 37:14<br>38:20 41:13,14,19             | <b>THEY'RE-</b> 23:19,21<br>31:24 41:15,20         | 24:3,5,8<br><b>TIE-</b> 86:5                   |
| 211:25 242:10<br>245:17                            | 42:13,25 44:17<br>50:5 54:2,23                    | 77:18,19 81:14,15<br>93:6 103:23 104:1             | <b>TIME-</b> 19:7,24,25<br>20:3,15,16 22:16    |
| <b>TARDINESS-</b> 32:6<br><b>TASK-</b> 92:16       | 56:24 72:17,18<br>74:21 75:10 76:15               | 115:20 135:15<br>167:21 184:8                      | 23:7,9,17,19,22<br>25:8,9 26:19 30:4           |
| <b>TEACHER-</b> 21:14<br><b>TELEPHONE-</b> 122:17  | 82:24 83:11<br>84:7,13 85:12                      | 187:20<br><b>THEY'VE-</b> 83:4                     | 31:16 32:7 33:8<br>34:23 35:4 37:6             |
| 124:6,9<br><b>TELEVISION-</b> 70:21                | 89:8 91:1<br>92:12,13 93:25                       | 127:25 192:4,20<br>201:19 228:11                   | 40:14,22 43:18<br>44:17 66:11 69:2             |
| <b>TELLING-</b> 128:4<br>156:25 199:14             | 97:8,24 9<br><b>THEFT-</b> 259:14                 | 234:10 250:1<br><b>THIRD-</b> 88:24                | 74:18,22 76:12,20<br>79:9 80:2,7 90:15         |
| 214:13 230:6,19<br>232:25 243:24                   | 278:22<br><b>THEORY-</b> 230:6                    | 154:9 160:2<br>207:21 272:15                       | 92:20 93:25 94:10<br>95:12 104:23              |
| 244:20 245:23,24<br>254:3                          | 270:14<br><b>THERE'S-</b>                         | <b>THIRDLY-</b> 75:1<br><b>THIRDPARTY-</b>         | 113:25<br><b>TIMES-</b> 24:19                  |
| <b>TELLS-</b> 158:9<br>227:20 230:12               | 37:8,13,17 41:11<br>43:2 52:14 71:25              | 270:11,19,24<br><b>THIRTEEN-</b> 47:24             | 37:19 151:21<br>171:4 173:15                   |
| 255:22<br><b>TEMPORARY-</b> 22:22                  | 87:15 90:2 94:1,5<br>95:7 97:16 126:20            | <b>THIRTY-</b> 110:6<br><b>THOROUGHLY-</b>         | 174:4 226:20<br>269:15                         |
| <b>TEN-</b> 33:20 99:1<br>118:19 126:25            | 135:4 143:22<br>150:7 151:1,10                    | 246:21<br><b>THOUSAND-</b> 171:4                   | <b>TIMING-</b> 132:14<br><b>TIRE-</b> 115:5    |
| 127:5,7,8 137:1<br>286:7                           | 160:15 169:2<br>180:10 190:5                      | 173:15<br><b>THREAT-</b> 143:18                    | <b>TITLE-</b> 46:3<br><b>TODAY-</b> 16:17      |
| <b>TENDERED-</b> 8:21,25<br>273:14,17              | 191:21 206:11<br>216:3,23 227:5                   | 156:2 231:18<br>259:8                              | 23:19 29:18 39:16<br>40:16 70:7                |
| <b>TENYEAR-</b> 283:21<br><b>TERM-</b> 9:8,10 14:1 | 234:16,17,18,21<br>238:15 239:21                  | <b>THREATEN-</b> 158:4<br><b>THREATENED-</b> 152:1 | 90:23,25 95:23<br>97:16,21 100:20              |
| 20:25 25:12 29:1<br>163:9 251:15                   | 243:22 265:23 277<br><b>THEREFORE-</b>            | 215:21 228:19<br>239:16                            | 102:3 119:2<br>126:19 129:16                   |
| 260:19,20,22,24<br>261:2,4 278:14                  | 47:14,18 79:17<br>222:11 224:2                    | <b>THREATENING-</b><br>125:7 134:17                | 131:8 138:7<br>140:15 143:18                   |
| <b>TERMS-</b> 261:10<br><b>TERRIBLE-</b> 94:8      | 247:14 249:18                                     | 140:11 155:25<br>259:12 278:20                     | 145:7 146:2                                    |

## STATE VS ANDRE GREEN

|                          |                         |                         |                          |
|--------------------------|-------------------------|-------------------------|--------------------------|
| 166:10 171:1             | 41:16 42:22             | 48:1 75:11 79:19        | 166:14                   |
| 176:15 188:5             | 43:9,21 48:2,5,19       | 80:11,19 85:15          | <b>UNDERSTOOD-</b> 44:15 |
| 195:17 205:18            | 49:6,10 50:6,17         | 92:9 95:17,24           | 65:21 129:8,9            |
| 208:8 215:22             | 53:24 63:21             | 248:1 250:19,25         | 130:14,17,20             |
| 242:22                   | 64:7,22 65:8            | 253:7,14 263:15         | 178:13 192:6,9           |
| <b>TODAY'S-</b> 104:19   | 67:1,17 70:13,24        | 264:18 268:10           | 213:13 271:9             |
| 286:7                    | 74:5,12,19 76:2         | <b>TWENTYEIGHT-</b>     | 283:14                   |
| <b>TOLERATED-</b> 178:13 | 77:22 80:5 81:2         | 91:22                   | <b>UNDULY-</b> 188:22    |
| <b>TOMORROW-</b>         | 82:8 85:5,7 89:19       | <b>TWICE-</b> 151:21    | 191:12 192:22            |
| 16:18,25 69:2            | 93:10 177:19            | <b>TWO-</b> 2:29        | <b>UNEQUIVOCALLY-</b>    |
| 282:8                    | 178:3 22                | 14:12,17 41:22          | 94:7 233:7               |
| <b>TONIGHT-</b> 69:3     | <b>TRIAL'S-</b> 75:3    | 43:2 57:20 71:16        | <b>UNEXPECTEDLY-</b>     |
| <b>TOOK-</b> 37:24 74:3  | 76:10 77:24 80:7        | 88:12 89:4,10           | 87:5                     |
| 111:8 121:15             | <b>TROUBLE-</b> 87:16   | 105:6 111:19            | <b>UNFOLD-</b> 89:19     |
| 122:21 178:6             | 112:21 235:24           | 113:1 116:2,16          | <b>UNFORTUNATELY-</b>    |
| 182:1 183:3              | <b>TROUBLING-</b>       | 123:17 139:15           | 96:9 244:4               |
| 225:25 226:5             | 231:2,3 232:19          | 140:5 153:5             | <b>UNIDENTIFIED-</b>     |
| 235:18 236:4,17          | <b>TRUNK-</b>           | 172:17 173:4,5,8        | 163:12 164:13            |
| 238:5 245:1 275:1        | 88:8,9,11,12,18         | 176:14 210:13           | 203:14                   |
| <b>TOP-</b> 183:25 285:3 | 89:14,15                | 214:9 215:25            | <b>UNIFORM-</b> 190:12   |
| <b>TOTAL-</b> 197:12     | 99:4,5,11               | 216:1 223:11            | <b>UNIMPORTANT-</b> 90:5 |
| <b>TOTALITY-</b> 284:14  | 100:21,24               | 227:9 228:8,23          | <b>UNITED-</b> 10:6      |
| <b>TOUGH-</b> 206:6      | 108:6,17 109:5,19       | 229:2 241:13            | <b>UNLAWFUL-</b> 78:6    |
| 239:1                    | 114:21,22,23,25         | 259:4 263:              | 79:7 86:8 233:10         |
| <b>TOWARDS-</b> 88:21    | 115:1,4,5,6,7,8         | <b>TWOYEAROLD-</b> 18:6 | 247:7 248:18             |
| 98:22 99:4 101:6         | 116:19                  | <b>TYPES-</b> 257:2     | 256:7 261:19             |
| 169:23                   | 132:17,20,24            | 265:20                  | 274:5,7 278:4,14         |
| <b>TOWN-</b> 59:14       | 164:10,15,17,19,2       | <b>TYPICALLY-</b> 41:4  | 279:6,7,15 281:16        |
| 159:13                   | 0,23,24                 |                         | <b>UNLAWFULLY-</b> 46:16 |
| <b>TRACE-</b> 86:20,23   | 163:15,21               |                         | 47:8 78:16 260:6         |
| 87:2,4                   | 165:3,19 172:8          |                         | 261:17                   |
| 111:16,18,22,24          | 174:24 225:6,13         |                         | <b>UNLESS-</b> 31:24     |
| 112:12 225:10            | 226:5 234:21            |                         | 41:23 80:10,23           |
| 228:24                   | 242:20                  |                         | 250:19 251:5             |
| <b>TRACK-</b> 161:5      | <b>TRUST-</b> 45:10     |                         | 272:11 279:7             |
| 186:12,14 212:24         | 97:17,24 245:4          |                         | <b>UNNOTARIZED-</b>      |
| <b>TRAFFIC-</b> 88:21    | <b>TRUSTING-</b> 138:14 |                         | 147:21                   |
| <b>TRAINED-</b> 204:6,7  | <b>TRUTH-</b> 96:5,8,10 |                         | <b>UNREASONABLE-</b>     |
| <b>TRANSCRIPT-</b> 1:18  | 154:7 182:1 232:4       |                         | 22:20 23:1               |
| 287:2,7,15,18            | 243:24 248:4            |                         | <b>UNSURE-</b> 162:24    |
| <b>TRANSCRIPTS-</b>      | 254:3 256:2             |                         | <b>UNTRUE-</b> 44:9      |
| 266:13                   | <b>TRUTHFUL-</b> 71:4   |                         | <b>UNUSUAL-</b> 203:13   |
| <b>TRANSFER-</b> 21:17   | <b>TUESDAY-</b> 161:15  |                         | <b>UPHOLD-</b> 232:17    |
| 25:12                    | <b>TURN-</b> 183:11     |                         | 245:10                   |
| <b>TRANSFERRED-</b>      | 243:16                  |                         | <b>UPSET-</b> 116:5      |
| 20:24 22:11 26:15        | <b>TURNED-</b> 88:16,17 |                         | 177:25                   |
| 27:3,9 28:1              | 161:19 166:19           |                         | <b>URGE-</b> 215:11      |
| <b>TRANSPIRED-</b> 96:7  | 230:24                  |                         | <b>USED-</b> 174:12,13   |
| 143:16 168:21            | <b>TURNS-</b> 88:19     |                         | 188:13,16,20             |
| <b>TRASI-</b> 39:14      | <b>TUSSLING-</b> 134:4  |                         | 236:7 254:19             |
| <b>TRAUMATIC-</b> 100:18 | 163:6                   |                         | 259:23,24                |
| <b>TRAVELING-</b> 101:13 | <b>TV-</b> 94:11        |                         | <b>USING-</b> 37:10      |
| <b>TRAVIS-</b> 66:7      | <b>TWELFTH-</b> 76:8,22 |                         | 78:24 135:20             |
| <b>TRIAL-</b> 1:18 12:24 | <b>TWELVE-</b> 47:20,24 |                         | 242:4 258:22             |
| 13:4 23:13 29:3          | 76:1,2,13,16,17,2       |                         | <b>UTURN-</b> 101:5      |
| 31:25 40:6,16            | 1                       |                         | 116:6,7,10               |

## STATE VS ANDRE GREEN

| V                 |                   | W                 |                   |
|-------------------|-------------------|-------------------|-------------------|
| VACATION- 17:10   | 43:12,22 49:8     | W/I/S/E/R- 98:14  | 235:17 265:1      |
| VAGUELY- 56:18    | 50:8,10 52:2      | WADDELL-          | 267:9 268:25      |
| VALUE- 248:2      | 57:11,17          | 112:14,15         | 280:6             |
| 253:15            | 58:15,16,25 72:12 | WAIT- 9:19 276:23 | WE'RE- 26:7 30:6  |
| VAN- 116:3        | 73:10,17 86:25    | WAITED- 112:9,10  | 33:20 37:23 47:23 |
| VANESSA- 64:9     | 87:8 90:17        | WAITING- 31:21    | 48:25 69:14 82:1  |
| VARIETY- 256:24   | 93:3,23 108:25    | 32:3 89:18        | 87:14 96:11 97:10 |
| VAST- 243:8       | 109:3 123:19      | WAIVER- 48:3      | 115:21 136:13     |
| VEHICLE-          | 131:6 141:21,22   | WALK- 95:13       | 138:14 160:7      |
| 46:18,21,22       | 142:2 145:24      | 101:10 114:13     | 166:4 171:14      |
| 78:10,12,13 93:12 | 157:5 160:7       | 232:17            | 173:16 175:9      |
| 99:25 100:21      | 168:18 177:2      | WALKED- 117:23,24 | 176:14 181:4      |
| 102:9,15 131:11   | VICTIM'S- 205:13  | WALLS- 13:18      | 188:6,7 189:12    |
| 164:10            | VICTIM/WITNESS-   | WALMART- 18:17    | 222:17 238:4,5    |
| 185:4,6,7,17      | 43:13             | WANDA- 1:46 276:5 | 276:2             |
| 186:3 214:23      | VICTIMS- 45:12    | 287:5,25          | WE'VE- 33:7 39:24 |
| 257:20,22,23      | 231:12,15         | WANTING- 217:7    | 71:23 137:12,21   |
| 258:6,11,12       | VIDEO- 36:25      | WANTS- 73:11      | 145:10 166:21     |
| VEHICLES- 99:7,9  | 37:17 38:1,2,5    | 92:12 236:23      | 191:9 192:17      |
| VENTURE- 127:20   | 42:3 128:8 154:12 | 246:12 264:12     | 209:16 214:18     |
| VER- 96:5         | 161:8,11          | WAR- 95:11        | 277:5 284:6       |
| VERDICT- 3:37     | VIDEORECORDED-    | WARRANTS-         | WEAKENED- 255:9   |
| 5:18 7:10 47:21   | 196:15            | 168:6,13          | WEAPON- 34:2 47:4 |
| 48:12,13 75:2     | VIDEOS- 37:11     | 241:15,16         | 59:1 78:22,24     |
| 77:1,6 78:3 79:20 | 128:7             | WASN'T- 101:13,18 | 79:1 86:9         |
| 129:6,24          | VIEWED- 191:20    | 115:4 124:10      | 258:21,23,25      |
| 130:12,16,22      | VILLAGE- 183:8,17 | 150:24 161:5,10   | 259:21 279:5      |
| 131:3 211:17      | VIOLATION-        | 172:24 195:8      | WEAPONS- 260:1    |
| 212:11 216:4      | 257:3,25 261:9    | 200:23 224:25     | WEDNESDAY-        |
| 217:20,21 247:4   | VIOLENCE- 46:20   | 225:1 229:12      | 23:7,20,22 24:6   |
| 249:4,9,21 251:23 | 57:15 78:11       | 237:12 241:18     | WEEK- 9:8 14:2,18 |
| 252:5 257:13      | 257:21 258:8      | 244:7             | 23:3 24:19,22,23  |
| 262:15            | 259:8,9,12,13     | WASTE- 214:3      | 25:6,15,16,18     |
| 263:18,19,23,25   | 278:20,21         | WATCH- 18:12      | 26:8 29:10,20     |
| 264:5,7           | VIOLENT- 57:12    | 56:11             | 30:17 31:12,22    |
| 267:6,11,23       | VIRTUE- 29:25     | WATCHED- 161:8    | 39:12 156:18      |
| 275:13,14         | 30:16             | WATCHING- 40:9    | 190:9 237:2 253:2 |
| VERDICTS- 75:20   | VISIT- 170:18     | WATERMAP- 128:11  | 268:21            |
| VERIFY- 273:23    | 226:17            | WATERMARK- 128:11 | WEEKEND- 43:11,25 |
| VERIZON- 156:6    | VISITED- 209:16   | WATKIS- 17:24     | 146:23 147:12     |
| VERSION- 135:1,3  | VITAL- 250:4      | 52:12             | 230:13            |
| 197:7,8 230:18    | VOICE- 115:17     | WAYS- 256:24      | WEEKS- 228:4      |
| VERSUS- 1:14      | 125:14            | WE'D- 35:4 244:2  | WEIGH- 263:4      |
| 33:25 46:3 71:11  | VOIR- 2:13,21 9:3 | WE'LL- 11:19 15:9 | WEIGHS- 97:3      |
| 77:7              | 26:13 45:7,22     | 17:2,8,20 18:25   | WEIGHT- 248:1     |
| 281:7,9,12,15     | VOLUME- 135:12    | 20:6 22:10 24:10  | 253:14            |
| 287:10            | VOLUNTARILY-      | 30:4,7 31:20      | WELCOME- 14:20    |
| VETERAN- 208:11   | 163:20            | 32:13 36:18 52:6  | WEREN'T- 148:19   |
| 236:9             | 164:14,17,18      | 54:1 55:9 67:18   | 162:18 164:20     |
| VIA- 177:18       | 180:1,14          | 69:15,22 72:1     | 200:17 205:8      |
| VICTIM-           | VOLUNTARINESS-    | 126:24 137:1,22   | 244:10            |
| 35:10,17,22       | 179:21            | 151:9 175:18      | WHAT'S- 15:13,19  |
| 36:9,16 39:7,8    | VOTE- 10:17 75:12 | 177:6 221:10      | 22:14 36:20 39:2  |
| 41:21 42:10       | VOTER-            | 222:3,17,19 225:2 | 72:25 90:25 91:5  |
|                   | 10:11,12,15       |                   | 95:20 104:12      |
|                   |                   |                   | 110:2 119:9       |

## STATE VS ANDRE GREEN

|                          |                          |                          |                        |
|--------------------------|--------------------------|--------------------------|------------------------|
| 124:14 129:5             | 177:21 242:18            | ,25                      | 285:15 286:1           |
| 155:5 175:22             | <b>WISH-</b> 14:18,25    | <b>WORK-</b> 17:20 19:23 | <b>YELLOW-</b> 115:24  |
| 182:23 186:5             | 89:24 198:17             | 20:1,3,4,16 23:25        | <b>YESTERDAY-</b> 72:5 |
| 187:11 196:19            | 222:5 282:4              | 24:10 25:8,13            | 156:21 224:1,25        |
| 204:9 226:9              | <b>WISHED-</b> 83:16     | 31:14 49:14 51:2         | 225:5,23               |
| 229:11 235:10            | 225:20                   | 136:9 155:21             | 226:12,22              |
| 238:1 240:3              | <b>WISHES-</b> 278:13    | 245:14 246:21            | 228:15,17,21           |
| 277:11,16                | <b>WITHDRAW-</b> 186:18  | 284:10                   | 229:1 231:16           |
| <b>WHATSOEVER-</b> 38:6  | 193:10 236:6,7           | <b>WORKED-</b> 59:15     | 236:3 243:2            |
| 49:17 61:10 70:16        | <b>WITHDRAWN-</b> 210:24 | 60:24                    | <b>YORK-</b> 60:16     |
| 83:12 121:3 168:1        | <b>WITNESS-</b> 35:10,13 | <b>WORKING-</b> 25:4     | <b>YOU'D-</b> 145:6    |
| 195:2 222:23             | 36:13 43:20 51:14        | 106:25 201:23            | 201:3 211:20           |
| 244:3 260:8              | 72:12 81:12,13           | <b>WORKS-</b> 18:16      | <b>YOU'LL-</b> 16:10   |
| 262:20                   | 82:22 83:10              | 24:25                    | 29:19 30:11,12         |
| <b>WHEN'S-</b> 170:22    | 84:2,6,18,22 85:1        | <b>WORRIED-</b> 140:7    | 31:16 48:6,8 50:1      |
| <b>WHERE'S-</b> 233:12   | 96:17 98:8 100:7         | 237:10,12,13             | 51:4 57:20 62:7,9      |
| <b>WHITE-</b> 190:10     | 102:20 103:4             | <b>WORRY-</b> 275:7      | 70:10 74:10 76:8       |
| <b>WHO'S-</b> 54:17      | 104:9 105:24             | <b>WORST-</b> 86:19      | 81:25 83:22 89:2       |
| 59:15 90:9 123:5         | 111:1 119:5              | 237:24                   | 90:14,22 91:6          |
| 178:9 183:23             | 131:6,25 149:7,9         | <b>WOULDN'T-</b> 70:5    | 93:17 95:13,15         |
| <b>WHOLE-</b> 91:20 96:4 | 151:18 157:5             | 92:7 97:13 130:24        | 96:5 121:7 126:10      |
| 125:8 134:15             | 169:9 177:20             | 158:7 203:13             | 183:14,15 189:21       |
| 148:22 158:14            | 178:10 181:8             | 226:25 229:15            | 199:7 218:20           |
| 161:6,10 164:9           | 182:19 192:12 194        | 275:4                    | 220:5 221:14           |
| 244:1 252:2 266:9        | <b>WITNESS'-</b> 253:15  | <b>WOUNDS-</b> 102:1     | 224:20 226:12          |
| <b>WHOSOEVER-</b> 260:6  | <b>WITNESS'S-</b>        | <b>WOW-</b> 198:14       | 227:2                  |
| <b>WIFE-</b> 94:22       | 84:20,21,25              | <b>WRITE-</b> 11:1 75:2  | <b>YOU'RE-</b>         |
| <b>WIGGLE-</b> 183:16    | 85:2,3 248:2             | 267:1                    | 10:13,14,19            |
| <b>WILL-</b> 10:8        | 254:7,12,16,20           | <b>WRITING-</b> 44:10    | 11:11,14 12:18         |
| 29:11,18 31:15           | 255:7,19,20              | 204:9 271:12,13          | 14:2,20,22,24          |
| 33:6 43:9 48:9           | 266:7,9,10               | 272:11                   | 16:2,7,9,20,21         |
| 73:19 74:10,15,23        | <b>WITNESSES-</b> 35:5   | <b>WRITTEN-</b> 128:9,10 | 21:7 22:10 23:2        |
| 75:4,12,13 77:23         | 36:20,22 49:9            | 140:19 149:23,24         | 31:2,10,11 32:1        |
| 80:6,9                   | 50:16 52:20              | 150:10,15 202:22         | 33:14 38:11 41:15      |
| 81:2,5,11,16,18          | 81:9,11,16 84:8          | 240:5                    | 48:3 62:7              |
| 82:8,14 83:19            | 178:17,20 207:2          | <b>WROTE-</b> 141:13,15  | 70:15,16,24            |
| 86:12 91:6               | 221:2                    | 149:23,24,25             | 74:8,17 75:1           |
| 96:13,18,25              | <b>WOMAN-</b> 89:1       | 202:25 204:21            | 77:25 83:24 84:10      |
| 97:2,17 98:2             | <b>WON'T-</b> 20:9 29:22 |                          | 89:5 90:1,25 91:1      |
| 160:22 178:11,13         | 31:23 38:22 74:19        | <b>Y</b>                 | 92:19,22 93:19,20      |
| 201:21 202:12            | 117:13 163:4             | <b>YEAR-</b> 12:9 13:1,8 | 95:10                  |
| 212:16 218:6             | 193:21 245:23            | 14:1,3,4,7               | <b>YOU'VE-</b> 12:23   |
| 219:19 220:11            | 265:13 271:22            | 21:13,16,19 25:16        | 17:17,18 31:15         |
| <b>WILLIAMS-</b>         | <b>WOOL-</b> 240:17      | 42:21 56:7 86:16         | 33:2 53:15 56:13       |
| 66:19,25                 | <b>WORD-</b> 33:17       | 96:8 101:9 125:2         | 61:7 70:9 74:20        |
| <b>WILLIAMSON-</b>       | 124:14,15                | 143:17 256:21            | 75:24 85:13 98:15      |
| 66:2,6                   | 200:2,10 244:7           | <b>YEAROLD-</b> 16:13    | 128:24 140:1,24        |
| <b>WILLING-</b> 283:25   | 263:23,24,25             | <b>YEARS-</b> 10:10      | 142:3 143:15           |
| <b>WILLINGNESS-</b>      | 267:18,25                | 14:12,17,22 15:24        | 149:18 172:6           |
| 179:11                   | <b>WORDS-</b> 12:2 13:3  | 16:6 21:2 60:25          | 174:18,23 175:1,2      |
| <b>WIN-</b> 130:24       | 55:17 78:23 80:13        | 91:22 94:14,17,20        | 193:13 195:17,18       |
| <b>WISE-</b> 100:16      | 84:12 144:17             | 96:9 97:5 127:23         | 197:7 202:1            |
| <b>WISER-</b> 3:3 50:20  | 155:12 193:19            | 174:15 181:19            | 204:4,5,6              |
| 89:4 98:7,9,14,15        | 250:21 252:25            | 204:5 212:18             | 218:21,22 226:19       |
| 100:11,14                | 254:16,25 258:22         | 234:7,8 236:16,19        | 229:7,11 231           |
| 108:2,15 117:21          | 18:13,16,18,19,20        | 269:24 284:21            | <b>YOUNG-</b> 242:19   |

STATE VS ANDRE GREEN

|   |  |  |  |
|---|--|--|--|
| <p>YOUNGEST- 16:24<br/>YOURS- 277:11,16<br/>YOURSELVES-<br/>175:12 233:20<br/>237:5</p> |  |  |  |
|---|--|--|--|

STATE OF SOUTH CAROLINA  
14TH JUDICIAL CIRCUIT  
COUNTY OF BEAUFORT  
COURT OF GENERAL SESSIONS  
CASE NO.'s. 2007-GS-07-02109, 2007-GS-07-02110,  
2007-GS-07-02111, 2007-GS-07-02112

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

APRIL 26, 2012

TRANSCRIPT OF HEARING  
BEAUFORT, SOUTH CAROLINA

ANDRE GREEN

DEFENDANT

---

B E F O R E:

HON. J. DURHAM COLE, JUDGE.

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

ON BEHALF OF THE STATE:

HON. PATRICK HALL

ON BEHALF OF DEFENDANT:

HON. DON COLONGELI

ORIGINAL

WANDA H. ROWE, CVR-M  
OFFICIAL COURT REPORTER

INDEX

Caption & Appearances.....1  
Index.....2  
The Court.....3

ATTACHMENTS

Certificate of Reporter.....16  
Keyword Index

EXHIBITS

No exhibits were presented, either for marking for identification, or entering as evidence.

1 BEGIN 4:00 P.M.

2 BY THE COURT:

3 MR. HALL: The State recalls Andre Green. For the  
4 record, these are case numbers 2011-GS-07-2109, 2110,  
5 2111, and 2112, I believe.

6 MR. COLONGELI: Beg the Court's indulgence just one  
7 moment so I can get to what I wanted to see. All right,  
8 Judge. Thank you. May it please the Court. Your  
9 Honor, respectfully, at this point in time, I want to  
10 thank you. We discussed briefly yesterday my ability to  
11 come back today and go on the record for purposes of  
12 preserving the record. And at this time, the Defense  
13 would renew any and all motions and objections which  
14 were made all throughout Mr. Andre Green's trial and the  
15 basis for such. And would ask that that be noted for  
16 the record.

17 THE COURT: It is.

18 MR. COLONGELI: Thank you, your Honor. In addition  
19 the that, and obviously, with all due respect to you,  
20 your Honor, and Mr. Hall, the state of South Carolina,  
21 at this point, I do have a couple post-trial motions I  
22 would like to respectfully address with the Court. One  
23 being a post-trial motion regarding the fact that I had,  
24 at the outset of this case, in pretrial matters, renewed  
25 my Rule 5, at which point, Mr. Hall had indicated that I

1 had everything that he had as far as discovery goes for  
2 the trial of this case.

3 There were also some discussions involving the co-  
4 defendant, Brandon Parker, the fact that the State chose  
5 not to prosecute him, which is their discretion, and the  
6 fact that there would be no mention of testimony  
7 involving Brandon Parker throughout the trial of this  
8 case, which was addressed by the Court at pretrial.

9 I believe, if my recollection serves me correctly,  
10 that, that was agreed upon by both the State and the  
11 Defense. And I understand that the Court may call into  
12 question the fact that I believe I may have personally  
13 brought up Brandon Parker, not only in my opening, but  
14 at some point during the cross-examination in the  
15 State's case, some reference to Mr. Parker, that went  
16 without any objection from the State.

17 And when the State ended its case with its last  
18 witness, I believe it was Exhibit 4, and I stand to be  
19 corrected on that, but the last disk redacted that  
20 involved Detective Sergeant Andre Massey's interview  
21 with Mr. Green, I, unfortunately, failed to address or  
22 object spontaneously with some discussion Sergeant  
23 Massey had with Andre Green dealing with statements  
24 purportedly made by Brandon Parker. I was not  
25 admonished by the Court, but I had been informed by the

1 Court earlier that day, based on these redactions that  
2 Mr. Hall went out of his way to make the night before,  
3 that I should take time at lunch to sit down and address  
4 that particular tape, and I fully admitted to the Court  
5 after I failed to do so.

6 If the Court recalls prior to us leaving on lunch  
7 break, I attempted to make a motion, and the Court  
8 kindly informed me, or informed me that, Mr. Colongeli,  
9 you're aware that the State hasn't rested yet; and I  
10 said, *Yes, your Honor, you're right.* And you suggested  
11 that I think about what, procedurally, I would have as a  
12 motion at this time, prior to the State resting. And  
13 unfortunately, that's what sank into my brain, and I  
14 went to lunch and was preoccupied trying to think about  
15 that instead of doing what I should have done in  
16 listening to this tape.

17 However, notwithstanding that, your Honor, I had  
18 taken Mr. Hall's word and we had went through two other  
19 tapes that morning, which I had had no opportunity to  
20 listen to, and trusted that there would be no  
21 prejudicial material that would come out. And  
22 thankfully, there was not.

23 So, in the morning, I did not have the opportunity  
24 to do that. As far as listening to those beforehand, I  
25 had reviewed them completely, the unredacted versions,

1 before, in prepping for the case. So, although  
2 instructed by the Court, the wise thing to do would have  
3 been to listen to those. I did not. I made a motion  
4 for a mistrial, based on a comment that was made  
5 involving Mr. Green's background that I thought was  
6 prejudicial enough for a mistrial. You ruled on that,  
7 and I respect that ruling, and we moved on. It was  
8 right after that objection and motion for a mistrial  
9 that a snippet, which even Mr. Hall would agreed to was  
10 maybe 1.5 seconds of a comment made by Detective  
11 Sergeant Massey about this Brandon Parker comment where  
12 it, specifically, if we hear or later read the  
13 transcript, said or question Mr. Green saying why would  
14 Brandon Parker, who was charged with the exact same  
15 charges, say that you were the one with him and did  
16 these things to, what would his motive be to lie. I  
17 failed to jump up and object to that.

18 I think the Court would agree that was an error on  
19 my part... And if I had objected, I can only venture to  
20 guess that, possibly, this Court would have taken that  
21 into serious consideration and possibly, possibly, may  
22 have ruled on that motion, other than the one I did  
23 about the background.

24 I'm bringing this up for purposes of judicial  
25 economy and judicial fairness in that I believe my

1 motion, which is for a new trial at this point, based on  
2 those factors, should be taken into consideration by  
3 this Court. And I'd be happy to move on, because I have  
4 more to kind of go around that, but I feel that it's  
5 important to address that.

6 I hope I haven't disrespected the Court in any way  
7 as far as bringing that up. I think I owe it to my  
8 client at this point to do that. And I think it's  
9 proper.

10 The bottom line is that, in pretrial motions, you  
11 had warned or put the State on notice that he had gone  
12 out of his way to do these redactions, and you had told  
13 him, I hope you done a good job more or less, because,  
14 obviously, if something comes out in those tapes, it's  
15 prejudicial, there would potentially be a problem. But  
16 for my failure to spontaneously object to the testimony  
17 of Mr. Massey regarding the co-defendant, I believed  
18 that what has transpired in the last 24 hours very well  
19 could have been different. So that's part of my motion  
20 for a new trial. If you'd like me to continue, and you  
21 could rule on everything at once, I'll leave it up to  
22 you.

23 THE COURT: No. I'll be glad to hear from Mr. Hall.  
24 That's your first motion -- that's your first ground for  
25 a motion?

1 MR. COLONGELI: Yes, sir.

2 THE COURT: Okay. What's your second one?

3 MR. COLONGELI: The second one, your Honor, would  
4 be, and this is something we briefly discussed  
5 afterwards that I've informed Mr. Hall about, it is the  
6 Defense's contention that the verdict the jury reached  
7 yesterday was not only what is considered an  
8 inconsistent verdict, but was a compromise verdict. The  
9 State of South Carolina and other states in this  
10 country, have addressed this issue specifically as to  
11 inconsistent and what's known as compromised verdicts.

12 I will concede that, pursuant to *State v. Alexander*,  
13 the State of South Carolina does not recognize  
14 inconsistent verdicts in this state. However, for the  
15 record, I would take contention with that, respectfully,  
16 and still make my motion, based upon the fact that I do  
17 believe it was inconsistent.

18 And the reason I believe that it was inconsistent,  
19 is exactly this. Based on the testimony that we heard,  
20 based on the testimony that the State elicited from its  
21 witnesses, it could only logically be deduced --  
22 logically be implied from that testimony that, in my  
23 mind, in order to get to car jacking or kidnaping, the  
24 armed robbery would have had to occurred prior to that.  
25 I know that's my interpretation, and that may not --

1 that's subjective on my part. And I believe, obviously,  
2 the Court or an appellate court or lay people, may  
3 interpret that differently, as did this jury. But that  
4 would be another basis for my motion; that it was  
5 inconsistent; that there is no real way that they could  
6 have come up with that, and therefore, it was  
7 inconsistent, based on those facts that I brought before  
8 you. So that's another ground for my motion.

9 THE COURT: All right. You got any more?

10 MR. COLONGELI: Couple more, your Honor. And I'll  
11 try to be brief. The other part is that the fact that  
12 it was compromised. Now, interestingly enough, --

13 THE COURT: That was your last ground.

14 MR. COLONGELI: I'm sorry?

15 THE COURT: That was your last ground. You said  
16 inconsistent and compromised.

17 MR. COLONGELI: I said inconsistent and compromised.  
18 I haven't discussed the compromised one yet.

19 THE COURT: Oh.

20 MR. COLONGELI: Compromised is something in my  
21 research I found extremely interesting. And as a matter  
22 of fact, I argued to the jury yesterday. It was  
23 something when I was arguing to the jury as far as what  
24 the State's asking you to do here is what's called jury  
25 nullification. And when my research was done, what I

1 learned is, actually, the courts do allow for juries to  
2 be lenient in situations where we have the scenario that  
3 panned out as it did yesterday. And I did a great deal  
4 of research on that, and I was quite shocked to have  
5 finally learn that. Maybe that's something I should  
6 have already known, but the courts do allow juries to be  
7 lenient when it comes to what the courts have defined as  
8 a compromised verdict. More or less, let's split the  
9 baby. Let's find him guilty of the car jacking,  
10 kidnaping, dismiss -- find him not guilty of the armed  
11 robbery and handgun charge, which, by the way, the  
12 papers today all are inaccurate in what they say as far  
13 as him being guilty of the gun charge, but that's  
14 another matter. However, --

15 THE COURT: You can take that up with the paper.

16 MR. COLONGELI: Yes, sir, I will take that up with  
17 the paper. But that would be the other grounds as far  
18 as I believe that I would assert, even though the courts  
19 have ruled on this before, that compromise verdicts are  
20 allowed; that I, as a defense lawyer, and as in the  
21 defense of Andre Green, would be part of my motion that  
22 it was compromised, and therefore, fundamentally unfair.

23 Moving on to my last grounds for my motion for a new  
24 trial. And I would ask the court -- I would be happy to  
25 stand down on this if it doesn't apply. In my research

1 last night, there's something known for a motion to set  
2 aside a verdict, which, basically, is the same as  
3 requesting a new trial, based on what's known as the  
4 13th juror doctrine. And --

5 THE COURT: Where were you researching that  
6 doctrine?

7 MR. COLONGELI: I'm sorry?

8 THE COURT: Where were you researching that  
9 doctrine? Did you look at the *Rules of Civil Procedure*?

10 MR. COLONGELI: Well, and that's why I do stand to  
11 be corrected. I don't know maybe if that only applies  
12 in civil matters, because it does bring up, obviously,  
13 it was a civil case. It was Judge Baxley where I found  
14 it. And I'll be happy not to go there if you're telling  
15 me that's inaccurate.

16 THE COURT: Well, you're the lawyer. I'll leave  
17 that up 2240? but

18 MR. COLONGELI: All right. I would argue that it  
19 does apply, your Honor, and this is why. Based on what  
20 my research shows, new trials should be granted when the  
21 verdict is not supported by a preponderance of the  
22 evidence.

23 The evidence presented at this trial was  
24 overwhelmingly in favor of the defendant. The victim's  
25 failure to identify the defendant in court and

1 repeatedly, upon cross-examination by me as to not only  
2 the fact that he could not identify Mr. Green, but did  
3 this man commit the offenses alleged against you -- the  
4 ultimate question most lawyers would never ask the  
5 victim or witness on the stand or ask of this  
6 victim/witness, who he said, *No, no, no, no*, to all four  
7 charges. So you have overwhelming evidence in favor of  
8 the defendant.

9 The victim's statements that the defendant was not  
10 the suspect. The sworn affidavits presented by the  
11 victim to the defense, and also, by me, to the State  
12 prior to the case beginning. I, as an officer of the  
13 Court, shared those as quickly as I could with Mr. Hall.

14 And also, the law enforcement's tactics in  
15 interviewing the victim and the way he obtained the  
16 identification, that, if the State failed to prove to  
17 the jury that the defendant committed armed robbery and  
18 possession of a weapon, then the jury made a mistake in  
19 finding him guilty of car jacking and kidnaping, as  
20 those crimes for the evidence occurred after the armed  
21 robbery, arguable, by the defense.

22 And that the jury verdict was inadequate, and based,  
23 instead, on considerations not part of the evidence.  
24 That actually goes kind of partly to what I discussed  
25 before as a compromised verdict. That, in that event,

1 the only remedy after a verdict is rendered by a jury is  
2 either an appeal or motion for the new trial. An appeal  
3 upon the refusal of such motion, would be my motion for  
4 a new trial is that you step in as this 13th juror and,  
5 I think, probably, under due process and fundamental  
6 notions of fairness, set aside the verdict and grant a  
7 new trial.

8 Lastly, and I stand to be corrected here, but I  
9 think that new trials and amendments of judgments are  
10 controlled in the civil world under *Rule 59*. However,  
11 as far as criminal matters go, I think they're similar  
12 to the extent that, where the jury verdict is so  
13 confused that it is not absolutely clear what was  
14 intended, where the jury disregarded the charges of the  
15 judge, where a variance between the proof at trial and  
16 the allegations in the pleading is material to the  
17 extent that a party is misled through his prejudice,  
18 where the verdict is contrary to fair preponderance of  
19 the evidence, where excessive -- well, this one doesn't  
20 apply. I apologize. Where there was an error in the  
21 amount of the verdict, that doesn't apply either. I  
22 withdraw those last two.

23 I know I've said a lot. I know you've clearly  
24 followed me. I hope. I think you follow me. But those  
25 would be the grounds that I want preserved for the

1 record. That would be my argument, and respectfully ask  
2 and urge you that you do grant a new trial.

3 I understand the last thing any court or state wants  
4 is to have to re-try a case. I go out of my way in  
5 trying cases to try to do everything to the best of my  
6 ability and to do them ethically and right. I believe,  
7 short of saying that I did anything completely wrong, I  
8 can say to this Court, cautiously, that I know that I  
9 should have objected to a part of the testimony that I  
10 failed to do, and I'll have to address that at PCR, if  
11 we get there.

12 That's why I'm urging this Court possibly to save  
13 the State's money and time in what we know will  
14 eventually happen, and let's start over. Because I  
15 venture to guess, based on some of the things that have  
16 happened here, there is a good chance, and this is only  
17 my opinion, that this case very well could come back at  
18 no fault of your own, possibly no fault of Mr. Hall's  
19 and maybe everything to do with me. And I'm willing to  
20 take that -- I'm willing to accept that. I'm willing to  
21 accept that I'm willing to admit to any errors I've  
22 made. I always have been. And that'll remain the case.  
23 If I'm wrong, then I'll have judges like you or people  
24 much more intelligent than I telling me that I'm not  
25 wrong.

1           But I think fundamental fairness, your Honor, and  
2 principles of due process, other than what I've already  
3 told you, might save everyone a great deal of time and  
4 agony in starting over now as opposed to later. And  
5 that's only a consideration I bring before you.

6           Unfortunately, your sentence was extremely fair. I  
7 know Mr. Green is very appreciative of it, as am I. In  
8 reality, maybe we should leave it at that. And I  
9 believe I've covered everything that I have to address  
10 today. I appreciate you letting me come back today and  
11 argue these things. I hope I've not belabored the  
12 issue. And that's all I have.

13           THE COURT: All right. Mr. Hall.

14           MR. HALL: Well, your Honor, other than Mr.  
15 Colongeli's mea culpa regarding what took place during  
16 the trial, I don't see that there's anything there that  
17 would require this Court to grant a new trial. I just  
18 don't think there are grounds based on anything that Mr.  
19 Colongeli said to grant a new trial, and I'd ask that  
20 you rule that way.

21           THE COURT: All right. Motions for a new trial on  
22 all four grounds are denied.

23           MR. COLONGELI: Thank you, your Honor.

          ENDING 4:10 P.M.

## CERTIFICATE OF REPORTER

APRIL 26, 2012 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

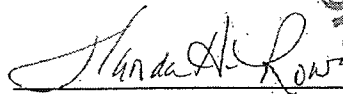
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing April 26, 2012 Transcript of Hearing is a true, accurate, and complete record of the proceedings had and evidence introduced and/or admitted at said proceeding in the case of State of South Carolina versus Andre Green, Beaufort County, Court of General Sessions, Case Numbers 2007-GS-07-02109, 2007-GS-07-02110, 2007-GS-07-2111, and 2007-GS-07-02112.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

The original of this transcript, nor any copy of same, is not certified, nor authorized for use by me, to be true, accurate, and complete without my original signature and stamp affixed hereto.

Witness my signature March 17, 2013.

  
Wanda H. Rowe, CVR-M  
Official Court Reporter

ORIGINAL

## 4-26-12 State v Andre Green - Hearing

|                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|
| &                 | AFFIXED- 16:21    | 16:5,13           | 9:6 14:17 15:10   |
| &- 2:8            | AGAINST- 12:3     | BEFOREHAND- 5:24  | COMES- 7:14 10:7  |
| 1                 | AGONY- 15:4       | BELABORED- 15:11  | COMMENT-          |
| 1.5- 6:10         | AGREE- 6:18       | BELIEVED- 7:17    | 6:4,10,11         |
| 13TH- 11:4 13:4   | AGREED- 4:10 6:9  | BOTH- 4:10        | COMMIT- 12:3      |
| 14TH- 1:3         | ALEXANDER- 8:12   | BOTTOM- 7:10      | COMMITTED- 12:17  |
| 17- 16:22         | ALLEGATIONS-      | BRAIN- 5:13       | COMPLETE-         |
| 2                 | 13:16             | BRANDON-          | 16:10,20          |
| 2007- 16:14       | ALLEGED- 12:3     | 4:4,7,13,24       | COMPLETELY- 5:25  |
| 2007GS0702109-    | ALLOW- 10:1,6     | 6:11,14           | 14:7              |
| 1:6 16:14         | ALLOWED- 10:20    | BREAK- 5:7        | COMPROMISE- 8:8   |
| 2007GS0702110-    | AMENDMENTS- 13:9  | BRIEF- 9:11       | 10:19             |
| 1:6 16:14         | AMOUNT- 13:21     | BROUGHT- 4:13 9:7 | COMPROMISED- 8:11 |
| 2007GS0702111-    | AND/OR- 16:11     |                   | 9:12,16,17,18,20  |
| 1:7               | ANDRE- 1:24       | C                 | 10:8,22 12:25     |
| 2007GS0702112-    | 3:3,14 4:20,23    | CALL- 4:11        | CONCEDE- 8:12     |
| 1:7 16:15         | 10:21 16:13       | CALLED- 9:24      | CONFUSED- 13:13   |
| 2011GS072109- 3:4 | APOLOGIZE- 13:20  | CAN- 3:7 6:19     | CONSIDERATION-    |
| 2012- 1:17 16:2,9 | APPEAL- 13:2      | 10:15 14:8        | 6:21 7:2 15:5     |
| 2013- 16:22       | APPEARANCES1- 2:8 | CAPTION- 2:8      | CONSIDERATIONS-   |
| 2110- 3:4         | APPELLATE- 9:2    | CAR- 8:23 10:9    | 12:23             |
| 2111- 3:5         | APPLIES- 11:11    | 12:19             | CONSIDERED- 8:7   |
| 2112- 3:5         | APPLY- 10:25      | CAROLINA-         | CONTENTION-       |
| 2240- 11:17       | 11:19 13:20,21    | 1:2,11,21 3:20    | 8:6,15            |
| 24- 7:18          | APPRECIATE- 15:10 | 8:9,13 16:4,8,12  | CONTINUE- 7:20    |
| 26- 1:17 16:2,9   | APPRECIATIVE-     | CASE- 1:6 3:4,24  | CONTRARY- 13:18   |
| 4                 | 15:7              | 4:2,8,15,17 6:1   | CONTROLLED- 13:10 |
| 4- 4:18           | APRIL- 1:17       | 11:13 12:12       | COPY- 16:18       |
| 4:00- 3:1         | 16:2,9            | 14:4,17,22        | CORRECTED- 4:19   |
| 4:10- 15:24       | ARGUABLE- 12:21   | 16:12,14          | 11:11 13:8        |
| 5                 | ARGUE- 11:18      | CASES- 14:5       | CORRECTLY- 4:9    |
| 5- 3:25           | 15:11             | CAUTIOUSLY- 14:8  | COUNSEL- 16:17    |
| 59- 13:10         | ARGUED- 9:22      | CERTIFICATE- 2:19 | COUNTRY- 8:10     |
| A                 | ARGUING- 9:23     | 16:1              | COUNTY- 1:4       |
| ABILITY- 3:10     | ARGUMENT- 14:1    | CERTIFIED- 16:19  | 16:5,13           |
| 14:6              | ARMED- 8:24 10:10 | CERTIFY- 16:8,16  | COUPLE- 3:21 9:10 |
| ACCEPT- 14:20,21  | 12:17,20          | CHANCE- 14:16     | COURT- 1:5,45     |
| ACCURATE-         | ASSERT- 10:18     | CHARGE- 10:11,13  | 3:2,8,17,22       |
| 16:10,20          | ATTACHMENTS- 2:16 | CHARGED- 6:14     | 4:8,11,25         |
| ADDITION- 3:18    | ATTEMPTED- 5:7    | CHARGES- 6:15     | 5:1,4,6,7         |
| ADDRESS- 3:22     | AUTHORIZED- 16:19 | 12:7 13:14        | 6:2,18,20         |
| 4:21 5:3 7:5      | AWARE- 5:9        | CHOSE- 4:4        | 7:3,6,23 8:2      |
| 14:10 15:9        | B                 | CIRCUIT- 1:3      | 9:2,9,13,15,19    |
| ADDRESSED- 4:8    | BABY- 10:9        | CIVIL- 11:9,12,13 | 10:15,24          |
| 8:10              | BACK- 3:11 14:17  | 13:10             | 11:5,8,16,25      |
| ADMIT- 14:21      | 15:10             | CO- 4:3           | 12:13 14:3,8,12   |
| ADMITTED- 5:4     | BACKGROUND-       | CODEFENDANT- 7:17 | 15:13,17,21       |
| 16:11             | 6:5,23            | COLE- 1:30        | 16:7,13,26        |
| ADMONISHED- 4:25  | BASED- 5:1 6:4    | COLONGELI- 1:41   | COURT'S- 3:6      |
| AFFIDAVITS- 12:10 | 7:1 8:16,19,20    | 3:6,18 5:8 8:1,3  | COURT3- 2:12      |
|                   | 9:7 11:3,19 12:22 | 9:10,14,17,20     | COURTS-           |
|                   | 14:15 15:18       | 10:16 11:7,10,18  | 10:1,6,7,18       |
|                   | BASIS- 3:15 9:4   | 15:19,23          | COVERED- 15:9     |
|                   | BAXLEY- 11:13     | COLONGELI'S-      | CRIMES- 12:20     |
|                   | BEAUFORT- 1:4,21  | 15:15             | CRIMINAL- 13:11   |
|                   |                   | COME- 3:11 5:21   | CROSSEXAMINATION- |

|  |   |   |  |
|--|---|---|--|
| 4:14 12:1<br>CULPA- 15:15<br>CVRM- 1:44<br>16:7,25   | EVERYTHING- 4:1<br>7:21 14:5,19 15:9<br>EVIDENCE- 2:29<br>11:22,23<br>12:7,20,23 13:19<br>16:11<br>EXCESSIVE- 13:19<br>EXHIBIT- 4:18<br>EXHIBITS- 2:25,28<br>EXTENT- 13:12,17   | GREEN- 1:24 3:3<br>4:21,23 6:13<br>10:21 12:2 15:7<br>16:13<br>GREEN'S- 3:14 6:5<br>GROUND- 7:24<br>9:8,13,15<br>GROUNDS- 10:17,23<br>13:25 15:18,22<br>GS072111- 16:15<br>GUESS- 6:20 14:15<br>GUILTY-<br>10:9,10,13 12:19<br>GUN- 10:13   | 11:15<br>INADEQUATE- 12:22<br>INCONSISTENT-<br>8:8,11,14,17,18<br>9:5,7,16,17<br>INDEX- 2:5,21<br>INDEX2- 2:10<br>INDICATED- 3:25<br>INDULGENCE- 3:6<br>INFORMED- 4:25<br>5:8 8:5<br>INSTRUCTED- 6:2<br>INTELLIGENT-<br>14:24<br>INTENDED- 13:14<br>INTEREST- 16:17<br>INTERESTING- 9:21<br>INTERESTINGLY-<br>9:12<br>INTERPRET- 9:3<br>INTERPRETATION-<br>8:25<br>INTERVIEW- 4:20<br>INTERVIEWING-<br>12:15<br>INTRODUCED- 16:11<br>ISSUE- 8:10 15:12<br>IT'S- 7:4,8,14 |
| D  | F   | H   | J  |
| DAY- 5:1<br>DEAL- 10:3 15:3<br>DEALING- 4:23<br>DEDUCED- 8:21<br>DEFENDANT-<br>1:24,39 4:4<br>11:24,25<br>12:8,9,17<br>DEFENSE- 3:12<br>4:11 10:20,21<br>12:11,21<br>DEFENSE'S- 8:6<br>DEFINED- 10:7<br>DENIED- 15:22<br>DETECTIVE- 4:20<br>6:10<br>DIFFERENT- 7:19<br>DIFFERENTLY- 9:3<br>DISCOVERY- 4:1<br>DISCRETION- 4:5<br>DISCUSSIONS- 4:3<br>DISK- 4:19<br>DISMISS- 10:10<br>DISREGARDED-<br>13:14<br>DISRESPECTED- 7:6<br>DOCTRINE-<br>11:4,6,9<br>DOESN'T- 10:25<br>13:19,21<br>DON- 1:41<br>DON'T- 11:11<br>15:16,18<br>DUE- 3:19 13:5<br>15:2<br>DURHAM- 1:30 | FACTORS- 7:2<br>FAILED- 4:21 5:5<br>6:17 12:16 14:10<br>FAILURE- 7:16<br>11:25<br>FAIR- 13:18 15:6<br>FAIRNESS- 6:25<br>13:6 15:1<br>FAR- 4:1 5:24 7:7<br>9:23 10:12,17<br>13:11<br>FAULT- 14:18<br>FAVOR- 11:24 12:7<br>FEEL- 7:4<br>FINALLY- 10:5<br>FIND- 10:9,10<br>FINDING- 12:19<br>FIRST- 7:24<br>FOLLOW- 13:24<br>FOLLOWED- 13:24<br>FOREGOING- 16:9<br>FOUND- 9:21 11:13<br>FOUR- 12:6 15:22<br>FULLY- 5:4<br>FUNDAMENTAL- 13:5<br>15:1<br>FUNDAMENTALLY-<br>10:22<br>FURTHER- 16:16 | HALL- 1:36<br>3:3,20,25 5:2 6:9<br>7:23 8:5 12:13<br>15:13,14<br>HALL'S- 5:18<br>14:18<br>HANDGUN- 10:11<br>HAPPY- 7:3 10:24<br>11:14<br>HASN'T- 5:9<br>HAVEN'T- 7:6 9:18<br>HEAR- 6:12 7:23<br>HEARD- 8:19<br>HEARING- 1:19<br>16:2,9<br>HEREBY- 16:8<br>HERETO- 16:17,21<br>HON- 1:30,36,41<br>HONOR- 3:9,18,20<br>5:10,17 8:3 9:10<br>11:19 15:1,14,23<br>HOPE- 7:6,13<br>13:24 15:11<br>HOURS- 7:18 | JACKING- 8:23<br>10:9 12:19<br>JOB- 7:13<br>JUDGE- 1:30 3:8<br>11:13 13:15<br>JUDGES- 14:23<br>JUDGMENTS- 13:9<br>JUDICIAL- 1:3<br>6:24,25<br>JUMP- 6:17<br>JURIES- 10:1,6<br>JUROR- 11:4 13:4<br>JURY- 8:6<br>9:3,22,23,24<br>12:17,18,22<br>13:1,12,14   |
| E  | G   | I   | K  |
| EARLIER- 5:1<br>ECONOMY- 6:25<br>ELICITED- 8:20<br>ENDING- 15:24<br>ENFORCEMENT'S-<br>12:14<br>ENTERING- 2:29<br>ERROR- 6:18 13:20<br>ERRORS- 14:21<br>ETHICALLY- 14:6<br>EVENTUALLY- 14:14<br>EVERYONE- 15:3  | GENERAL- 1:5<br>16:13<br>GET- 3:7 8:23<br>14:11<br>GLAD- 7:23<br>GO- 3:11 7:4<br>11:14 13:11 14:4<br>GONE- 7:11<br>GOOD- 7:13 14:16<br>GOT- 9:9<br>GRANT- 13:6 14:2<br>15:17,19<br>GRANTED- 11:20   | I'D- 7:3 15:19<br>I'LL- 7:21,23<br>9:10 11:14,16<br>14:10,23<br>I'M- 6:24 9:14<br>14:12,19,20,21,23<br>,24<br>I'VE- 8:5 13:23<br>14:21 15:2,9,11<br>IDENTIFICATION-<br>2:29 12:16<br>IMPLIED- 8:22<br>IMPORTANT- 7:5<br>INACCURATE- 10:12   | KEYWORD- 2:21<br>KIDNAPING- 8:23<br>10:10 12:19<br>KIN- 16:16<br>KINDLY- 5:8<br>KNOWN- 8:11 10:6<br>11:1,3   |



|   |  |   |  |
|---|--|---|--|
| <p>SNIPPET- 6:9<br/> SOUTH- 1:2,11,21<br/> 3:20 8:9,13<br/> 16:4,8,12<br/> SPLIT- 10:8<br/> SPONTANEOUSLY-<br/> 4:22 7:16<br/> STAMP- 16:21<br/> STAND- 4:18 10:25<br/> 11:10 12:5 13:8<br/> START- 14:14<br/> STARTING- 15:4<br/> STATE- 1:2,11,34<br/> 3:3,20<br/> 4:4,10,16,17<br/> 5:9,12 7:11<br/> 8:9,12,13,14,20<br/> 12:11,16 14:3<br/> 16:4,8,12<br/> STATE'S- 4:15<br/> 9:24 14:13<br/> STATEMENTS- 4:23<br/> 12:9<br/> STEP- 13:4<br/> SUBJECTIVE- 9:1<br/> SUGGESTED- 5:10<br/> SUPPORTED- 11:21<br/> SUSPECT- 12:10<br/> SWORN- 12:10</p> <hr/> <p style="text-align:center">T</p> <hr/> <p>TACTICS- 12:14<br/> TAPE- 5:4,16<br/> TAPES- 5:19 7:14<br/> TELLING- 11:14<br/> 14:24<br/> TESTIMONY- 4:6<br/> 7:16 8:19,20,22<br/> 14:9<br/> THANKFULLY- 5:22<br/> THAT'LL- 14:22<br/> THAT'S- 5:13<br/> 7:19,24 8:25<br/> 9:1,8 10:5,13<br/> 11:10,15 14:12<br/> 15:5,12<br/> THERE'S- 11:1<br/> 15:16<br/> THEREFORE- 9:6<br/> 10:22<br/> THESE- 3:4 5:1<br/> 6:16 7:12 15:11<br/> THEY'RE- 13:11<br/> TIME- 3:9,12<br/> 5:3,12 14:13 15:3<br/> TODAY- 3:11 10:12</p> | <p>15:10<br/> TOOK- 15:15<br/> TRANSCRIPT- 1:19<br/> 6:13 16:2,9,18<br/> TRANSPIRED- 7:18<br/> TRIAL- 3:14 4:2,7<br/> 7:1,20 10:24<br/> 11:3,23<br/> 13:2,4,7,15 14:2<br/> 15:16,17,19,21<br/> TRIALS- 11:20<br/> 13:9<br/> TRUSTED- 5:20<br/> TWO- 5:18 13:22</p> <hr/> <p style="text-align:center">U</p> <hr/> <p>ULTIMATE- 12:4<br/> UNFAIR- 10:22<br/> UNFORTUNATELY-<br/> 4:21 5:13 15:6<br/> UNREDACTED- 5:25<br/> URGE- 14:2<br/> URGING- 14:12</p> <hr/> <p style="text-align:center">V</p> <hr/> <p>VARIANCE- 13:15<br/> VENTURE- 6:19<br/> 14:15<br/> VERDICT- 8:6,8<br/> 10:8 11:2,21<br/> 12:22,25<br/> 13:1,6,12,18,21<br/> VERDICTS- 8:11,14<br/> 10:19<br/> VERSIONS- 5:25<br/> VERSUS- 1:15<br/> 16:12<br/> VICTIM-<br/> 12:5,11,15<br/> VICTIM'S- 11:24<br/> 12:9<br/> VICTIM/WITNESS-<br/> 12:6</p> <hr/> <p style="text-align:center">W</p> <hr/> <p>WANDA- 1:44<br/> 16:7,25<br/> WANTS- 14:3<br/> WARNED- 7:11<br/> WEAPON- 12:18<br/> WHAT'S- 8:2,11<br/> 9:24 11:3<br/> WILL- 8:12 10:16<br/> 14:13<br/> WILLING-<br/> 14:19,20,21</p> | <p>WISE- 6:2<br/> WITHDRAW- 13:22<br/> WITNESS- 4:18<br/> 12:5 16:22<br/> WITNESSES- 8:21<br/> WORD- 5:18<br/> WORLD- 13:10</p> <hr/> <p style="text-align:center">Y</p> <hr/> <p>YESTERDAY- 3:10<br/> 8:7 9:22 10:3<br/> YOU'D- 7:20<br/> YOU'RE- 5:9,10<br/> 11:14,16</p> |  |
|---|--|---|--|

STATE OF SOUTH CAROLINA

up to 30 yrs.

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort  
 STATE VS  
Andre Green  
 AKA:  
 Race: B Sex: M Age: 28  
 DOB: SS#  
 Address:  
 City, State, Zip: Beaufort SC 29902  
 DL# SS#

INDICTMENT/CASE# 2011GS0702109  
 A/W# I261082  
 Date of Offense: 6/9/2011  
 S.C. Code § 16-03-0910  
 CDR Code #: 0095

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Kidnapping / Kidnapping

CONVICTED OF or  PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor-1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State

ATTEST Patricia Hall 76643 Andre Green 0002469  
 Clerk of Court SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 30 days/months/years or  under the Youthful Offender Act not to exceed — years  
 and/or to pay a fine of \$ —, provided that upon the service of 12 days/months/years and/or payment  
 of \$ —, plus costs and assessments as applicable\*, the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
 Total: \$ — plus 20% fee: \$ —  
 Payment Terms:  
 Set by SCDPPTS

PTUP: — days/hours Public Service, Employment  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp. —  
 May serve W/E beginning —  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ — beginning —  
 \$ — paid to Public Defender Fund

Recipient: —

\*Fine:

|  |         |                  |
|--|---------|------------------|
| § 14-1-206 (Assessments 107.5%)        | \$      | \$               |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$               |
| § 56-5-2995: (DUI Assessment)          | \$12    | \$               |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$               |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$ <u>500.00</u> |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ <u>25.00</u>  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$               |
| § 50-21-114 (BUI Breath Test Fee)      | \$50    | \$               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$               |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ <u>5.00</u>   |
| 3% to County (if paid in installments) | \$      | \$ <u>18.90</u>  |
| TOTAL                                  |         | \$ <u>648.90</u> |

Other: No contact w/ Dennis Pospay or family member; no firearms.  
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk La Synda Jones  
 Court Reporter: Wanda Roe  
 SCCA/217 (03/2011)

Presiding Judge —  
 Judge Code: 2053  
 Sentence Date: April 25, 2012

WITNESSES

A. Massey, Port Royal PD

DOCKET NO: 2011GS0702109

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

December Term 2011

Hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

1261082

THE STATE

VS.

Andre Green

ACTION OF GRAND JURY

*Bud W...*  
Foreperson of Grand Jury

DEC 15 2011

VERDICT

*Guilty*

Indictment for

Kidnapping / Kidnapping

Defendant

Witness:

SC Code: 16-03-0910

CDR Code: 0095

C.C.C. PLS. and G.S.

*Mara De Mattos*  
Foreperson of Petit Jury

Date: 25 April 2012

INDICT

344

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

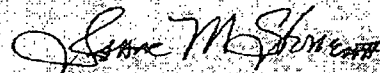
INDICTMENT  
2011GS0702109

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

**Kidnapping / Kidnapping**

That in Beaufort County, South Carolina, on or about June 9, 2011, the Defendant, Andre Green, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Dennis Boskey, without authority of law, all in violation of Section 16-3-910 of the 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.



Solicitor

346

STATE OF SOUTH CAROLINA

Up to 20 yrs.

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort  
STATE VS.

INDICTMENT/CASE# 2011GS0702111

Andre Green

A/W# 1261084

AKA:

Date of Offense: 6/9/2011

Race: Sex: M Age: 28

S.C. Code: § 16-03-1075(B)(1)

DOB: SS#:

CDR Code #: 2599

Address:

City, State, Zip: Beaufort, SC 29502

DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Carjacking / Take or attempt a vehicle from person by force without great bodily harm

in violation of § 16-03-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury (defendant's initials)

The plea is: Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

ATTEST: [Signature] 76643 SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 12 days/months/years under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment of \$ plus costs and assessments as applicable\*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on. The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total \$ plus 20% fee: \$ Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing

Payment Terms: Set by SCDPPPS Recipient: Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

|  |           |
|--|-----------|
| *Fine                                  | \$        |
| § 14-1-206 (Assessments 107.5%)        | \$        |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100     |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100     |
| § 56-5-2995 (DUI Assessment)           | \$12      |
| § 56-1-286 (DUI Breath Test)           | \$25      |
| Proviso 47.9 (Public Def/Prob)         | \$500     |
| § 14-1-212 (Law Enforce. Funding)      | \$25      |
| § 14-1-213 (Drug Court Surcharge)      | \$150     |
| § 50-21-114 (BUI Breath Test Fee)      | \$50      |
| § 56-5-2942(I) (Vehicle Assessment)    | \$40/ea   |
| Proviso 90.5 (SCCA Surcharge)          | \$5       |
| 3% to County (if paid in installments) | \$        |
| TOTAL                                  | \$ 133.90 |

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: [Signature] Court Reporter: [Signature] SCCA/217 (03/2011)

Presiding Judge: [Signature] Judge Code: 2093 Sentence Date: April 25, 2012

WITNESSES

A: Massey, Port Royal PD

ARREST WARRANT NUMBER

1261084

ACTION OF GRAND JURY

*Becca Wep*  
Foreperson of Grand Jury  
Date: DEC 15 2011

VERDICT

*Guilty*

*Maisha Martin*  
Foreperson of Petit Jury  
Date: 25 April 2012  
INDICT

DOCKET NO. 2011GS0702111

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Andre Green

Indictment for

Carjacking

SC Code: 16-03-1075(B)(1)  
CDR Code: 2599

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

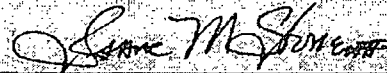
INDICTMENT  
2011GS0702111

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

**Carjacking**

That in Beaufort County, South Carolina, on or about 2011-06-09, the Defendant, did take or attempt to take a motor vehicle from Dennis Boskey by force, violence or intimidation while Dennis Boskey was operating the vehicle or inside of the vehicle, in violation of Section 16-3-1075(B)(1), 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.



Solicitor

349

WITNESSES

A. Massey, Port Royal PD

ARREST WARRANT NUMBER

1261083

ACTION OF GRAND JURY

*Burt Wolf*  
Foreperson of Grand Jury  
Date: DEC 15 2011

VERDICT

*Not Guilty*

*Marlene Warden*  
Foreperson of Petit Jury  
Date: 27 April 2012

INDICT

DOCKET NO 2011GS0702110

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

VS.

Andre Green

Indictment for

Armed Robbery, robbery while armed or  
allegedly armed with a deadly weapon

SC Code: 16-11-0330(A)  
CDR Code: 0139

After being fully advised as to my legal  
rights, I hereby waive presentment to the  
Grand Jury.

Defendant

Hereby appear in my own proper person  
and plead guilty to the within indictment or  
to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

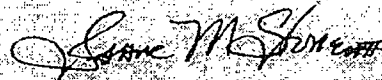
INDICTMENT  
2011GS0702110

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

**Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

That on or about June 9, 2011, in Beaufort County, South Carolina, the Defendant, Andre Green, at Casablanca Circle, Port Royal, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Dennis Boskey with the intent to permanently deprive the victim of possession thereof, in violation of Section 16-11-330(A) 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.



**WITNESSES**

A. Massey, Port Royal PD

**ARREST WARRANT NUMBER**

1261085

**ACTION OF GRAND JURY**

Foreperson of Grand Jury  
Date

**VERDICT**

*Not Guilty*

*Lanika Martin*  
Foreperson of Petit Jury  
Date: *25 April 2012*  
INDICT

DOCKET NO. 2011GS0702112

**The State of South Carolina**

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Andre Green

Indictment for

Unlawful Carrying of a Pistol

SC Code: 16-23-0020; 16-23-0050(A)(2)  
CDR Code: 44

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

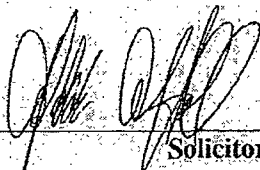
INDICTMENT  
2011GS0702112

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath.

**Unlawful Carrying of a Pistol**

That in Beaufort County, South Carolina, on or about June 9, 2011, the Defendant, Andre Green, unlawfully did carry about his person a handgun, described as follows: black handgun, in violation of Section 16-23-20, 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.

  
\_\_\_\_\_  
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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

May 28th, 2013



---

Carmen V. Ganjehsani

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S. C. 29211-1589

(803) 734-1330

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Beaufort County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRE GREEN,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 28th day of May, 2013.

Brandon Hall  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 28th day of May, 2013.

Emily Bayle (L.S.)  
Notary Public for South Carolina

My Commission Expires: November 16, 2022.

RECEIVED

MAY 28 2013

SC Court of Appeals