

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLES ANDERSON,

APPELLANT

APPELLATE CASE NO. 2012-213188

RECORD ON APPEAL

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DECEMBER 11
AUG 0 3 2013
APPEALS

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT.
STATE'S EXHIBIT # 5 (INVESTIGATOR FOSTER - IN - CAR VIDEO)**

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF GENERAL SESSIONS
2011-GS-42-05097 & 05098
2011-GS-42-05110 & 05111

THE STATE OF SOUTH CAROLINA,

-VS-

CHARLES L. ANDERSON, JR. and
LAURI DANIELLE HOLLIS,

Defendants.

TRANSCRIPT OF RECORD

October 1 & 2, 2012
Spartanburg, South Carolina

ordered: October 26 & 29, 2012

Delivered: December 29, 2012.

B E F O R E:

THE HONORABLE ROGER L. COUCH, Presiding Judge.

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Assistant Solicitors Appearing for the State

MR. CHRISTOPHER THOMPSON, Esquire
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Attorneys Appearing for the Defendants

VOLUME I

Pamela Faucette
Circuit Court Reporter

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MOTIONS & MATTERS

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October 1, 2012

11:35 A.M.

(Off-the-Record Comments)

(Whereupon, State's Exhibit Numbers 1 through 5
were marked for identification.)

THE COURT: Let me know when you're ready.

(Off-The-Record Discussion)

(On-The-Record at 11:48 a.m.)

THE COURT: All right. Court come to order,
please.

We are on the record in the cases of 2011-GS-42-
5097, *The State vs. Charles Anderson, Jr.* for armed --
the indictment is for armed robbery. Case number 11-GS-
42-5098, *The State vs. Charles L. Anderson, Jr.*, the
indictment is for murder.

Mr. Thompson, as to those two indictments, has your
client been arraigned on both charges?

MR. THOMPSON: He has, Your Honor. And it's been
true billed by the grand jury.

THE COURT: And has he -- he's pleading not guilty
to those charges; is that correct?

MR. THOMPSON: To both charges, yes, sir.

THE COURT: And requesting trial by jury I assume?

MR. THOMPSON: Yes -- yes, Your Honor.

THE COURT: Thank you. The other two cases before
the Court today are case number 11-GS-42-5110 and 5111.

1 5110 is an indictment against Lauri Danielle Hollis for
2 armed robbery. Indictment 5111 is an indictment against
3 Lauri Danielle Hollis for murder.

4 Mr. McCarty, your client I would assume has been
5 arraigned on the charges; is that correct?

6 MR. MCCARTY: She has, Your Honor. And the
7 charges, as we understand it, have been true billed by
8 the grand jury as direct indictments.

9 She does plead not guilty to the charges and
10 requests a trial by jury.

11 THE COURT: Thank you very much. Any matters that
12 need to be taken up before we go into jury selection from
13 the State's perspective?

14 MR. GRAY: No, sir.

15 THE COURT: Any from the Defense perspective?

16 MR. MCCARTY: None for Ms. Hollis, Your Honor.

17 THE COURT: All right. And Mr. Thompson?

18 MR. THOMPSON: Your Honor, just briefly. We'll
19 have no other motions. I just basically wanted to make
20 sure my client's nickname is ---

21 THE COURT: We'll give you an opportunity to do
22 pretrial motions before the jury is sworn.

23 MR. THOMPSON: Okay.

24 THE COURT: We're just going into selection now. I
25 have received a list of witnesses from the State. That

1 list of witnesses includes some sixty-eight (68) names.
2 Any other witnesses to be identified by the Defense?
3 Potential witnesses, Mr. Thompson?

4 MR. THOMPSON: None, Your Honor. I did handwrite
5 out Teresa Rice out beside William Rice on my copy.

6 THE COURT: Teresa Wright?

7 MR. THOMPSON: Rice.

8 THE COURT: What number is she?

9 MR. THOMPSON: I -- I -- I hand wrote her out
10 beside her son's name, Your Honor. So I did not give her
11 a number.

12 THE COURT: I know that. What number is he? I'm
13 sorry.

14 MR. THOMPSON: He is number 26.

15 THE COURT: Twenty-six (26)? On my list that is
16 Ila Simmons.

17 MR. THOMPSON: Okay. I'm -- I'm sorry, the Defense
18 -- you asked if the Defense had any additional ---

19 THE COURT: I'm just asking if you have any
20 additional -- other than the ones the State has -- has
21 identified, are there other witnesses you would like to
22 identify?

23 MR. THOMPSON: I -- I provided a list to the clerk,
24 Your Honor.

25 THE COURT: All right.

1 MADAM CLERK: Do you need a copy?

2 THE COURT: Yes, I do.

3 MR. THOMPSON: There are several that overlap, and
4 I -- I don't believe I've been provided with the State's
5 list either, the State's list -- the updated list.

6 THE COURT: Well, what I'm going to do is, since
7 there is some overlapping, I'm going to ask that the
8 attorneys call the names of the potential witnesses.
9 I'll give you that opportunity.

10 Mr. McCarty, do you need to identify anyone?

11 MR. MCCARTY: None other than Ms. Hollis
12 potentially, Your Honor.

13 THE COURT: Okay. All right. Are you prepared to
14 do that, Mr. Gray?

15 MR. GRAY: Yes, sir.

16 THE COURT: All right.

17 (Brief Pause)

18 THE COURT: I've received requested voir dire. The
19 Court will consider those requests and ask the questions
20 that the Court finds appropriate.

21 MR. GRAY: Yes, sir.

22 THE COURT: All right. Are we ready for the jury
23 panel from the State's perspective?

24 MR. GRAY: Yes, sir, Your Honor.

25 THE COURT: Is the Defense ready to proceed with

1 jury selection, Mr. Thompson?

2 MR. THOMPSON: Yes, Your Honor.

3 THE COURT: Mr. McCarty?

4 MR. MCCARTY: Yes, Your Honor.

5 THE COURT: All right. Let's bring the jury panel
6 in.

7 (The jury panel was summoned and entered the
8 courtroom at 11:59 a.m.)

9 (Off-The-Record Comments)

10 VOIR DIRE

11 THE COURT: Thank you. All right. Ladies and
12 gentlemen of the jury panel, we're about to begin the
13 trial of the case of *The State of South Carolina vs.*
14 *Charles L. Anderson Jr. and Lauri Danielle Hollis.*

15 Before we select the jury, there are several
16 questions that we're going to ask you that would apply to
17 these cases.

18 And there's some information that I need to provide
19 to you before we begin to ask those questions that might
20 assist you later on in responding to these questions more
21 fully and completely.

22 First of all, I'm going to go over with you the
23 indictments in these cases.

24 The indictments -- let me explain to you -- are the
25 documents that bring these cases before this Court. They

1 informed this Court of the charges that are to be tried.
2 They inform the Defendants of the charges that have been
3 lodged against them.

4 Now an indictment, though, is not evidence in the
5 case and cannot be used by a jury, in any manner
6 whatsoever in determining the guilt or the innocence of a
7 defendant. Again, it's simply the document that places
8 the charges before this Court for trial.

9 Now I'm going to go over them with you because they
10 do contain some information concerning the dates and
11 possibly information concerning the offenses that would
12 allow you to more fully answer the questions that I'm
13 about to ask you that would apply to these cases.

14 The first indictments I will go over with you -- and
15 there are two indictments against each defendant. The
16 first indictments that I will go over with you are
17 against the Defendant Charles L Anderson.

18 They are indictments 11-GS-42-5097 for the offense
19 of armed robbery. The second indictment is indictment
20 11-GS-42-5098, and that is for the offense of murder.

21 The indictment for armed robbery states in part:
22 "...that Charles L Anderson Jr., did in Spartanburg
23 County, on or about April 7, 2011, commit a robbery while
24 armed with a pistol, dirk, slingshot, metal knuckles,
25 razor, or other deadly weapon or while alleging, either

1 by action or words, that he was armed while using a
2 representation of a deadly weapon or any object which a
3 person present, during the commission of the robbery,
4 reasonably believed to be a deadly weapon, and did
5 feloniously take from the person or presence of Stephen
6 Means, by force or violence and/or intimidation, goods or
7 monies of Stephen Means, to wit;

8 "Jewelry, a cell phone, dental gold, with the intent
9 to deprive the owner permanently of such property in
10 violation of code section 23-11-330(a) of the code of
11 laws of South Carolina, 1976 as amended, against the
12 peace and dignity of the State and contrary to the
13 statute in such case made and provided."

14 That's the first indictment against Mr. Anderson.
15 The second indictment, 5098, is for the offense of
16 murder. That indictment states in part:

17 "...that Charles L Anderson did in Spartanburg
18 County, on or about April 7, 2011, feloniously,
19 willfully, and with malice aforethought caused the death
20 of Stephen Means by shooting the victim with a handgun
21 and the victim died as a proximate result thereof all in
22 violation of code section 16-310 and 20 of the code of
23 laws of South Carolina, 1976 as amended, against the
24 peace and dignity of the State and contrary to the
25 statute in such case made and provided."

1 Those are the two indictments that have been alleged
2 against Mr. Anderson.

3 The indictments against Ms. Hollis, case number
4 2011-GS- 42-5110, for the offense of armed robbery, it
5 states in part: "...that Lauri Danielle Hollis did in
6 Spartanburg County, on or about April 7, 2011, commit a
7 robbery while armed with a pistol, dirk, slingshot, metal
8 knuckles, razor, or other deadly weapon or while engaging
9 -- while alleging, either by action or words, that she
10 was armed while using representation of a deadly weapon,
11 or any object which a person present during the
12 commission of the robbery reasonably -- reasonably
13 believed to be a deadly weapon, did feloniously take from
14 the person or presence of Stephen Means, by means of
15 force, violence, and/or intimidation, goods or monies the
16 Stephen Means, to wit:

17 "Jewelry, cell phone, and dental gold with the
18 intent to deprive the owner permanently of such property
19 in violation of section 16-11-330(a) of the code of laws
20 of South Carolina, 1976 as amended, against the peace and
21 dignity of the State and contrary to the statute in such
22 case made and provided."

23 The second indictment against the Defendant Lauri
24 Danielle Hollis is for murder, case number 2011-GS-42-
25 5111.

1 That indictment states in part: "...that Lauri
2 Danielle Hollis did in Spartanburg County, on or about
3 April 7, 2011, feloniously, willfully, and with malice
4 aforethought caused the death of Stephen Means by
5 shooting the victim with a handgun and that the victim
6 died as a proximate result thereof, all in violation of
7 section 16- 310 and 20 of the code of laws of South
8 Carolina, 1976 as amended, against the peace and dignity
9 of the State and contrary to the statute in such case
10 made and provided."

11 Those are the indictments before the Court. And,
12 again, those indictments simply represent the charges
13 that have been brought before the Court and cannot be
14 used by a jury in any manner in determining the guilt or
15 the innocence of a defendant named therein.

16 Now, there's some other information that I'm going
17 to give you before I begin to ask questions. I'm going
18 to ask that the attorneys involved in this case introduce
19 themselves to you. First of all, for the State?

20 MR. GRAY: My name is Abel Gray. I'm an assistant
21 solicitor here in Spartanburg County. I will be trying
22 this case with Mr. Dan -- Dan Cude.

23 THE COURT: Thank you. And for the Defendant Mr.
24 Anderson?

25 MR. THOMPSON: My name is Chris Thompson. I'm an

1 attorney here in Spartanburg, South Carolina with Adams
2 Law Firm, which is located in Boiling Springs.

3 THE COURT: And, if you would, introduce Mr.
4 Anderson. If you'll stand, sir, and face the jury panel
5 for me.

6 (The Defendant stood and faced the jury panel as
7 requested by the Court.)

8 MR. THOMPSON: This is my client Charles Anderson
9 and he is a Spartanburg native as well.

10 THE COURT: Thank you very much. And for the
11 Defendant Ms. Hollis?

12 MR. MCCARTY: Thank you, Your Honor. Good morning,
13 my name is Ryan McCarty. I'm here representing Lauri
14 Danielle Hollis.

15 THE COURT: Ma'am, you'll stand and face the jury
16 panel so they can put a face with the name.

17 (The Defendant stood and faced the jury panel as
18 requested by the Court.)

19 THE COURT: Thank you.

20 MR. MCCARTY: I am an attorney here in Spartanburg
21 with the Turner Rhodes Law Firm over on church street.
22 Thank you, Your Honor.

23 THE COURT: Thank you very much. Now, before I
24 begin to ask questions, it's important, again, that
25 information that you're going to provide me during this

1 process will to be truthful, honest, and complete
2 information.

3 And, for that reason, it's necessary that you to be
4 sworn concerning your responses that you're about to give
5 to the questions that I'm going to ask you. Madam clerk,
6 please swear the potential jury panel for me.

7 MADAM CLERK: Yes, sir.

8 (Whereupon, the jury panel was sworn.)

9 THE COURT: Now if there was any member of the
10 potential jury panel who either failed or refused to take
11 the oath that was just administered by the clerk, I would
12 ask that you please stand.

13 (No Response)

14 THE COURT: All right. The court record then will
15 reflect that all jurors have been sworn concerning the
16 responses that I'm about to receive.

17 Now we'll go through a similar process that we -- as
18 we did during qualification. I'll be asking you some
19 questions.

20 I'll ask that you stand if you have a response to
21 those questions. Before I receive your response, it is
22 necessary that I put your name and juror number on the
23 record before I discuss any response that you might have
24 to the questions that I'm about to ask.

25 My first question is: Is there any member of the

1 jury panel who has ever been related by marriage or are
2 you related by blood to either defendant, Charles L.
3 Anderson Jr. or Lauri Danielle Hollis or the alleged
4 victim in this case, Stephen Means? If that's true,
5 please stand.

6 (No Response)

7 THE COURT: Has any member of the jury panel ever
8 had a close personal or a social relationship with either
9 defendant, Charles L. Anderson Jr., Lauri -- or Lauri
10 Danielle Hollis for the alleged victim, Stephen Means?
11 If that's true, please stand.

12 (No Response)

13 THE COURT: Now has any member of the jury panel
14 ever been represented by any of the attorneys that are
15 involved in this case? Or have they ever appeared on the
16 other side of a legal matter from you? If that's true,
17 please, stand.

18 (No Response)

19 THE COURT: Has any member of the jury panel ever
20 been related by marriage or are you related by blood or
21 have you ever had a close social or a personal
22 relationship with any of the attorneys that are involved
23 in the trial of the case? If that is true, please,
24 stand.

25 (Potential jurors stand in response.)

VOIR DIRE

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

2 POTENTIAL JUROR: Rhonda Mabry, 92.

3 THE COURT: Yes, ma'am?

4 POTENTIAL JUROR: Ryan and I went to high school
5 together and he lives in Boiling Springs where I live.

6 THE COURT: All right. Now, ma'am, would the fact
7 that you had gone to high school with him, would that in
8 any way affect your ability to be fair and impartial if
9 you were selected as a member of this jury panel?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: Thank you, ma'am. You can be seated.
12 Name and number, please, ma'am?

13 POTENTIAL JUROR: Susan Burdine, juror number 21.

14 THE COURT: Yes, ma'am, your relationship?

15 POTENTIAL JUROR: Mr. Gray is a former student of
16 mine ---

17 THE COURT: All right.

18 POTENTIAL JUROR: --- in a program which I taught
19 him for several different years.

20 THE COURT: All right. Well, ma'am, would the fact
21 that he had been a student of yours, if you were selected
22 on the jury panel, would that affect your ability to be
23 fair and impartial to both sides in this case?

24 POTENTIAL JUROR: I don't think so.

25 THE COURT: Thank you -- well, I have to know for

1 sure. Would it?

2 POTENTIAL JUROR: No.

3 THE COURT: Thank you. Anyone else?

4 (No Response)

5 THE COURT: Now, ladies and gentlemen, there's a
6 rather lengthy list of potential witnesses in this case.
7 I'm going to ask that the attorneys involved in this
8 case, they're -- they're asked to identify potential
9 witnesses in this matter.

10 I'm going to ask the State to go first. And some of
11 these lists overlap, but I'm going to ask the State to go
12 first and go over the people that they have identified as
13 possible witnesses for either side in the case.

14 And, as they go through that list, listen carefully;
15 it's rather lengthy. Listen carefully because I'm going
16 to ask you about these names when they finish.

17 I'll ask Mr. Gray for the State to go over the list
18 that he's provided.

19 MR. GRAY: Yes, sir, Your Honor. The custodian of
20 records for Spartanburg County Communications. That's a
21 Mr. Mike Jones.

22 Deputy foster, with Spartanburg Public Safety;
23 officer Robert Cheeks, also Spartanburg Public Safety;
24 Officer Shane Morrow, Mr. Harry Hill, Spartanburg
25 County EMS; Leslie Horton, Spartanburg County EMS; Ms.

VOIR DIRE

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1 Nicole Means, Mr. Perry Crain, Ms. Alice Carol;
2 Ms. Molly Bogan, Ms. Patricia Sobers, Mr. Anthony
3 Kelly; Officer Ed Guthro with Spartanburg Safety;
4 Investigator Jerry Watson, Spartanburg Safety;
5 Investigator Brian Stokes, Spartanburg Safety; Ms.
6 Mildred Mallory, Ms. Toni Moore; Sergeant Mark Hillers
7 with Spartanburg Safety; Chris Layton with Spartanburg
8 safety;

9 Dr. David Wren, Investigator John Burgess with
10 Spartanburg Safety; Investigator Matthew Davis,
11 Spartanburg County Sheriff's office;

12 David Reeves, Spartanburg Public Safety; Mylnor
13 Beach, Spartanburg Public Safety; Courtney Burgess,
14 Spartanburg Public Safety; Ila Simmons, with SLED;

15 Ira Parnell with SLED, Amy Stevens with SLED, Doris
16 Yarborough with SLED, Stephanie Stanley with SLED;

17 Mr. Michael Martin, Mr. Jeffrey Toney, Ms. Mary
18 Ramirez, Ms. Debbie Wallace, Mr. Feishunti Clark, Mr.
19 Kevin Foster, Ms. Elaine Bennett;

20 Mr. Paul Bennett Jr., (coughs) -- excuse me -- Ms.
21 Ytonnia Means, Mr. Anton Means, Ms. Yolanda Means, Mister
22 -- excuse me, Ms. Jasmine Butler;

23 Mr. Leroy Miller, Mr. Jermaine Branson, Investigator
24 Julie James with Spartanburg Public Safety; Officer
25 Lopez, Spartanburg Public safety;

1 Captain Nowak, Spartanburg Public Safety;
2 Investigator Chris Roberts, Spartanburg Public Safety;
3 Officer Laurent Smith, Spartanburg Public Safety; Officer
4 Samantha Hayes, Spartanburg Public Safety;
5 Investigator Jerry Gardner, Spartanburg Public
6 Safety; Investigator James Taft with Spartanburg Public
7 Safety; Officer Jane Powell, also Spartanburg Public
8 Safety Department;
9 J. Eckhardt, Spartanburg Safety Department; Officer
10 D. Boozer, Spartanburg Public Safety Department; Officer
11 J.L. Lawson, Spartanburg City; Investigator R. Porter,
12 Spartanburg Public Safety, Dewayne Corner -- Corn --
13 excuse me -- with the Spartanburg County coroner's
14 office; Teri Carter with the Spartanburg County Coroner's
15 Office;
16 Jane Bryson, she's formally with SLED; Sheree Brown,
17 SLED; Nikki Hughes, SLED; Tracy McKinnon, SLED; Lisa
18 Wannanen, formally with SLED; Jay Steadman, Spartanburg
19 Public Safety; Ms. Esther Gosnell, formally with
20 Spartanburg Public Safety; Investigator Todd Wilson, with
21 the Spartanburg County solicitor's Office, and the
22 custodian of records at the Spartanburg County Detention
23 Center.
24 THE COURT: Thank you, Mr. Gray. Mr. Thompson, any
25 other names you'd like to add to that list?

1 MR. THOMPSON: Potential witnesses for Defendant
2 Charles Anderson include Jamaola Mills, Rashiek Jones,
3 Tenica Mullins, Charlisa Woodruff, Brandy Thompson,
4 Jasmine Palmer, Antoin Shields, Antwan Porter;
5 Kevin Foster, Jermaine Branson, Jasmine Butler;

6
7 Leroy Miller, and Temisha Geter, Derrick Brown,
8 Shamae Anderson, Tara Hughes, William Rice, Lauri Hollis,
9 Quartez Lyles, Charles Jackson, and Teresa Rice.

10 THE COURT: Thank you, sir. Mr. McCarty, anyone
11 you'd like to add to those lists?

12 MR. MCCARTY: Your Honor, I believe all the names
13 have been called. Thank you.

14 THE COURT: Okay. Thank you, sir. All right. As
15 to the individuals who were identified as possible
16 witnesses in this case, has any member this jury panel
17 ever been related by marriage or are you related by blood
18 or have you had a close, social, or a personal
19 relationship with anyone whose names has been called? If
20 that is true, please, stand.

21 (Potential jurors stand in response.)

22 THE COURT: We'll start over here. Name and
23 number, please, sir?

24 POTENTIAL JUROR: Josh Kingsmore, 74.

25 THE COURT: Yes, sir?

1 POTENTIAL JUROR: I work with the two
2 representatives from EMS.

3 THE COURT: All right. So, they -- they work with
4 you?

5 POTENTIAL JUROR: Yes, sir.

6 THE COURT: Now, would the fact that they may
7 appear as a witness in this case, would that affect your
8 ability to be fair and impartial to both the State and to
9 the Defense?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: All right. None of them are your
12 supervisors; is that correct?

13 POTENTIAL JUROR: (Shakes head negatively) No,
14 sir.

15 THE COURT: All right. Thank you. You can be
16 seated. I saw someone stand in the back. And maybe they
17 sat back down. Name and number, please, ma'am?

18 POTENTIAL JUROR: Lawanda McIntyre, number 98.

19 THE COURT: Yes, ma'am?

20 POTENTIAL JUROR: I just know Detective Porter.
21 Our sons play on the same basketball team together.

22 THE COURT: I see. Would that fact affect your
23 ability ---

24 POTENTIAL JUROR: No, sir.

25 THE COURT: --- to be fair and impartial, ma'am?

1 POTENTIAL JUROR: No, sir.

2 THE COURT: Thank you for answering the question.

3 Anyone else?

4 (No Response)

5 BAILIFF: Your Honor, this is the witness who
6 stood.

7 THE COURT: That's okay. Thank you. We don't need
8 to do that. I thought that was a member of the jury
9 panel. I caught -- I caught it out of the corner of my.
10 Thank you.

11 (Brief Pause)

12 THE COURT: Has any member of the jury panel ever
13 been arrested or charged with or convicted of any crime
14 involving violence in any state court such as General
15 Sessions Court, Family Court, Magistrate's Court, and/or
16 a City Court? If that's true, please, stand.

17 (Potential juror stood in response.)

18 THE COURT: Name and number, please, sir?

19 POTENTIAL JUROR: James Kinard, juror 73.

20 THE COURT: Your situation, sir?

21 POTENTIAL JUROR: I had a resisting arrest. I
22 don't know what -- how they charged it. I understand
23 that have different levels of it.

24 THE COURT: Yes, sir.

25 POTENTIAL JUROR: But I did community service on

1 that.

2 THE COURT: I see. Were you charged and convicted
3 of such a crime?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: And what was the nature of the crime?
6 Can you tell me what it was?

7 POTENTIAL JUROR: It was one time ---

8 THE COURT: All right. It was Magistrate's Court,
9 I suppose?

10 POTENTIAL JUROR: It was big, regular court.

11 THE COURT: Okay. All right, sir. Would that
12 affect your ability be fair and impartial in this trial?

13 POTENTIAL JUROR: No, sir.

14 THE COURT: Thank you. You can be seated. Now as
15 to the question I asked earlier, I asked if any of you
16 have, but have you ever had a family member or a close
17 friend who has been arrested for, charged with, or
18 convicted of any crime of violence in any state court
19 such as General Sessions Court, Family Court,
20 Magistrate's court, and/or City Court? If that is true,
21 please, stand.

22 (Potential juror stood in response.)

23 THE COURT: Name and number, please, sir?

24 POTENTIAL JUROR: William Lawrence, 83.

25 THE COURT: Your situation, sir?

VOIR DIRE

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1 POTENTIAL JUROR: I had a brother who was convicted
2 of armed robbery.

3 THE COURT: All right. Would the fact that he was
4 convicted of that affect your ability to be fair and
5 impartial if you are selected on this jury?

6 POTENTIAL JUROR: No, sir.

7 THE COURT: Thank you. You can be seated. Anyone
8 else?

9 (No Response)

10 THE COURT: Is there any member of the jury panel
11 or is there a member of your immediate family who is
12 currently or has in the past been prosecuted by any
13 solicitor's office or attorney's general's office in the
14 State of South Carolina or some other state? If that's
15 true, please, stand.

16 (Potential jurors stood in response.)

17 THE COURT: Name and number, please, sir?

18 POTENTIAL JUROR: William Lawrence.

19 THE COURT: Is that the same situation you were
20 talking about earlier?

21 POTENTIAL JUROR: Yes, sir.

22 THE COURT: And, again, would it have any effect on
23 your ability to be fair and impartial?

24 POTENTIAL JUROR: No.

25 THE COURT: Thank you, sir. Name and number,

1 please, ma'am?

2 POTENTIAL JUROR: Tina Hollifield, Number 58.

3 THE COURT: Yes, ma'am?

4 POTENTIAL JUROR: My brother-in-law has been
5 convicted.

6 THE COURT: All right. And would that affect your
7 ability to be fair and impartial?

8 POTENTIAL JUROR: No, sir.

9 THE COURT: Can you tell me the nature of the crime
10 that he was convicted of?

11 POTENTIAL JUROR: Drug-related.

12 THE COURT: All right. Thank you. But it wasn't
13 a crime of violence; that's what I was asking about?

14 POTENTIAL JUROR: No.

15 THE COURT: Okay. Thank you, ma'am. You can be
16 seated. Anyone else?

17 (No Response)

18 THE COURT: Has any member of the jury panel ever
19 been represented by or knows anyone in the Spartanburg
20 County Solicitor's Office? It's actually the Seventh
21 Circuit solicitor's Office, or do you have a family
22 member or a close personal friend who's currently being
23 represented by the Spartanburg County Public Defender's
24 office? If that's true, please, stand.

25 (No Response)

1 (Potential juror stood in response.)

2 BAILIFF: You have one standing up.

3 THE COURT: We have someone standing up. Yes,
4 ma'am, name and number?

5 POTENTIAL JUROR: I'm not sure if this counts, but
6 I have ---

7 THE COURT: I need your name and number, please,
8 ma'am.

9 POTENTIAL JUROR: Barbara Wandahm, 167.

10 THE COURT: Thank you, ma'am.

11 POTENTIAL JUROR: My daughter, there's a case where
12 we're having someone breaking into her house.

13 THE COURT: Yes, ma'am

14 POTENTIAL JUROR: And it has not been settled yet.

15 THE COURT: So she -- she was the victim of a
16 crime, a break-in crime?

17 POTENTIAL JUROR: That's correct.

18 THE COURT: And you don't know whether it's been
19 ended yet? Or has it been ended yet?

20 POTENTIAL JUROR: It has not been ended yet.

21 THE COURT: All right. Now, ma'am, would the fact
22 that your daughter was involved in that, would that
23 affect your ability to be fair and impartial if you were
24 sitting on this jury?

25 POTENTIAL JUROR: No.

1 THE COURT: All right. Thank you, ma'am. You can
2 be seated.

3 POTENTIAL JUROR: Thank you.

4 THE COURT: Is there any member of this jury panel
5 who is a member of any organization that does not
6 recognize the government of the United States or the
7 government of the State of South Carolina as a legitimate
8 governing body? If that's true, please, stand.

9 (No Response)

10 THE COURT: Has any member of this jury panel
11 received any information from any source such that it
12 would have caused you to either formed or expressed an
13 opinion about any issue or matter that might be involved
14 in the trial of this case? If that's true, please,
15 stand.

16 (No Response)

17 THE COURT: Is there any member of this jury panel
18 who is aware of any bias -- oh, excuse me. Yes, ma'am,
19 name and number?

20 BAILIFF: Someone is standing.

21 POTENTIAL JUROR: Pat Hogan, number 57.

22 THE COURT: Yes, ma'am?

23 POTENTIAL JUROR: My granddaughter has been in a
24 lot of trouble. I wasn't sure if maybe this would
25 pertain to anything or not, but she's been in and out of

1 the courts here in the last year.

2 THE COURT: Yes, ma'am.

3 POTENTIAL JUROR: And it's been a lot of drug-
4 related.

5 THE COURT: Well, my -- my question just then was
6 whether not you had gotten any information such as
7 pretrial publicity ---

8 POTENTIAL JUROR: No, I was ---

9 THE COURT: --- or something of that nature, such
10 that it would've caused you to form an opinion?

11 POTENTIAL JUROR: No, sir. I just thought I might
12 need to tell you because I wasn't sure when I was
13 listening to the other ones if -- if I should tell you.

14 THE COURT: Well I'm interested primarily about
15 crimes of violence, not crimes involving drugs. And so I
16 really haven't asked questions about that, but now that
17 you're standing, do you feel that would affect your
18 ability to be fair and impartial in the case?

19 POTENTIAL JUROR: No, sir.

20 THE COURT: Okay. Thank you, ma'am. You can be
21 seated.

22 Now is there any member of this jury panel who is
23 aware of any bias or prejudice that you might have either
24 for or against the state or either defendant in this
25 matter? If that's true, please, stand.

1 (No Response)

2 THE COURT: Is there any member the jury panel who
3 may have been a member of the grand jury that issued the
4 indictments in this case? The indictments in this case
5 where issued on August 18 of 2011. If that's true,
6 please, stand.

7 (No Response)

8 THE COURT: Now is there any member of the jury
9 panel who is a member of or a contributor to a group
10 which has as its primary concern the promotion of law
11 enforcement or victims' rights?

12 Those groups would include but not be limited to
13 such groups as Mothers Against Drunk Driving, Students
14 Against Drunk Driving, Citizens Against Violent Crime,
15 the South Carolina Sheriffs Association, the South
16 Carolina Troopers Association, or other similarly
17 oriented organizations. If that's true, please, stand.

18 (No Response)

19 THE COURT: Does any member of the jury panel know
20 of any reason whatsoever why he or she should not serve
21 as a juror in this case, with particular emphasis being
22 placed upon your ability to be both fair and impartial to
23 both the State and the Defendants? If that's true,
24 please, stand.

25 (No Response)

1 THE COURT: Does the State have additional
2 questions you would like to propose?

3 MR. GRAY: No, sir, Your Honor.

4 THE COURT: Mr. Thompson, any for Mr. Anderson?

5 MR. THOMPSON: None, Your Honor.

6 THE COURT: And Mr. McCarty, any for Ms. Hollis?

7 MR. MCCARTY: No, Your Honor.

8 THE COURT: All right. Then I will declare that
9 the jury panel as now constituted is qualified to serve
10 as jurors in this case.

11 I'm going to ask the attorneys to approach and Ms.
12 Ashley, if you'll step up here, please.

13 (Whereupon, a bench conference was had with all
14 attorneys and the clerk being present.)

15 THE COURT: All right. Now, ladies and gentlemen,
16 let me explain to you what we're doing at this point in
17 time.

18 The clerk of court is preparing, through the use of
19 a computer program that we have, a list of your names in
20 random form. In other words, it will select your names
21 and place them on a list randomly.

22 Once that list has been prepared, we will begin the
23 jury selection process. We will be calling names, and
24 when your name is called, if your name is called, we're
25 going to ask that you stand up and come forward.

JURY SELECTION

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1 There'll be a bailiff standing right in front of
2 where the clerk is here. I want you to down to that
3 bailiff and turn and face the back of the Courtroom.

4 Now, at that point in time, the attorneys will be in
5 a position to exercise the strikes that they're allowed
6 by law. And in this case the state will get 10 strikes
7 and each defendant will be given 10 strikes.

8 We're going to select two alternates, with the state
9 having one strike in the Defense -- Defendants having two
10 strikes for each alternate.

11 Now, if you are selected to serve on the jury panel,
12 in other words, you're not struck by either side, you'll
13 go immediately and have a seat in the jury box to my
14 left.

15 So, if you have a pocketbook, a book, or anything
16 belonging to you that you brought with you into the
17 courtroom, bring that up when your name is called because
18 you won't be going back to your seat; you'll be going
19 straight over to the jury box to have a seat in the jury
20 box.

21 So, once this list is prepared, we'll be in a
22 position to begin the jury selection process.

23 (Brief pause while the clerk draws a jury list.)

24 **JURY SELECTION**

25 **THE COURT:** All right, Madam Clerk, we can begin

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1 the jury selection process.

2 MADAM CLERK: Yes, sir. Juror number 40, Lynda
3 Followay.

4 (Potential juror stepped forward.)

5 MADAM CLERK: What say the State?

6 MR. GRAY: Please present the juror.

7 MADAM CLERK: What say the Defense in regards to
8 Mr. Anderson?

9 MR. THOMPSON: Please present the juror.

10 MADAM CLERK: As to Ms. Hollis?

11 MR. MCCARTY: Please seat the juror.

12 MADAM CLERK: Juror number 36, Christopher Endres.

13 (Potential juror stepped forward.)

14 MADAM CLERK: What say the State?

15 MR. GRAY: Please present the juror.

16 MADAM CLERK: What say the Defense regarding Mr.
17 Anderson?

18 MR. THOMPSON: Please present the juror.

19 MADAM CLERK: As to Ms. Hollis?

20 MR. MCCARTY: Please seat the juror.

21 MADAM CLERK: Juror 78, Kathleen Kyle.

22 (Potential juror stepped forward.)

23 MADAM CLERK: What say the State?

24 MR. GRAY: Please present the juror.

25 MADAM CLERK: What say the Defense regarding Mr.

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1 Anderson?

2 MR. THOMPSON: Please excuse Ms. Kyle.

3 POTENTIAL JUROR: I'm sorry?

4 MR. THOMPSON: Please excuse Ms. Kyle.

5 MADAM CLERK: Juror 109, Sonya Morris.

6 (Potential juror stepped forward.)

7 MADAM CLERK: What say the State?

8 MR. GRAY: Please present the juror.

9 MADAM CLERK: What say the Defense regarding Mr.

10 Anderson?

11 MR. THOMPSON: Please present the juror.

12 MADAM CLERK: To Ms. Hollis?

13 MR. MCCARTY: Please seat Ms. Morris.

14 MADAM CLERK: Juror 172, Donna White.

15 (Potential juror stepped forward.)

16 MADAM CLERK: What say the State?

17 MR. GRAY: Please present the juror.

18 MADAM CLERK: What say the Defense regarding Mr.

19 Anderson?

20 MR. THOMPSON: Please present the juror.

21 MADAM CLERK: As to Ms. Hollis?

22 MR. MCCARTY: Please excuse the juror.

23 MADAM CLERK: Juror number 134, James Rhodes.

24 (Potential juror stepped forward.)

25 MADAM CLERK: What say the State?

JURY SELECTION

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MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please present the juror.

MADAM CLERK: As to Ms. Hollis?

MR. MCCARTY: Please excuse this juror.

MADAM CLERK: Juror number 127, Gina Quinonez.

POTENTIAL JUROR: Quinonez.

(Potential juror stepped forward.)

MADAM CLERK: What say the State?

MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please present the juror.

MADAM CLERK: Regarding Ms. Hollis?

MR. MCCARTY: Please seat this juror.

MADAM CLERK: Juror number 103, Stanley Medlock.

(Potential juror stepped forward.)

MADAM CLERK: What say the State?

MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please excuse the juror.

MADAM CLERK: Juror number 28, Tony Campbell.

(Potential juror stepped forward.)

JURY SELECTION

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1 MADAM CLERK: What say the State?
2 MR. GRAY: Please present the juror.
3 MADAM CLERK: What say the Defense regarding Mr.
4 Anderson?
5 MR. THOMPSON: Please excuse the juror.
6 MADAM CLERK: Juror number 10, Michael Beasley.
7 (Potential juror stepped forward.)
8 MADAM CLERK: What say the State?
9 MR. GRAY: Please present the juror.
10 MADAM CLERK: What say the Defense regarding Mr.
11 Anderson?
12 MR. THOMPSON: Please present the juror.
13 MADAM CLERK: As to Ms. Hollis?
14 MR. MCCARTY: Please seat Mr. Beasley.
15 MADAM CLERK: Juror number 169, Frank Westbrook.
16 (Potential juror stepped forward.)
17 MADAM CLERK: What say the State?
18 MR. GRAY: Please present the juror.
19 MADAM CLERK: What say the Defense regarding Mr.
20 Anderson?
21 MR. THOMPSON: Please present the juror.
22 MADAM CLERK: Regarding Ms. Hollis?
23 MR. MCCARTY: Please seat the juror.
24 MADAM CLERK: Juror number 21, Susan Burdine.
25 (Potential juror stepped forward.)

JURY SELECTION

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1 MADAM CLERK: What say the State?
2 MR. GRAY: Please present the juror.
3 MADAM CLERK: What say the Defense regarding Mr.
4 Anderson?
5 MR. THOMPSON: Please excuse the juror.
6 MADAM CLERK: Juror number 59, Robert Howat.
7 (Potential juror stepped forward.)
8 MADAM CLERK: What say the State?
9 MR. GRAY: Please present the juror.
10 MADAM CLERK: What say the Defense regarding Mr.
11 Anderson?
12 MR. THOMPSON: Please excuse the juror.
13 MADAM CLERK: Juror number 43, Tony Gregg, Jr.
14 (Potential juror stepped forward.)
15 MADAM CLERK: What say the State?
16 MR. GRAY: Please present the juror.
17 MADAM CLERK: What say the Defense regarding Mr.
18 Anderson?
19 MR. THOMPSON: Please present the juror.
20 MADAM CLERK: Ms. Hollis?
21 MR. MCCARTY: Please excuse this juror.
22 MADAM CLERK: Juror 158, Bobby Tanner.
23 (Potential juror stepped forward.)
24 MADAM CLERK: What say the State?
25 MR. GRAY: Please excuse the juror.

JURY SELECTION

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1 MADAM CLERK: Juror 144, Rebecca Sellars.
2 (Potential juror stepped forward.)
3 MADAM CLERK: What say the State?
4 MR. GRAY: Please present the juror.
5 MADAM CLERK: What say the Defense regarding Mr.
6 Anderson?
7 MR. THOMPSON: Please dismiss the juror.
8 MADAM CLERK: Juror number 53, Donald Hendrix.
9 (Potential juror stepped forward.)
10 MADAM CLERK: What say the State?
11 MR. GRAY: Please visit the juror.
12 MADAM CLERK: What say the Defense regarding Mr.
13 Anderson?
14 MR. THOMPSON: Please excuse the juror.
15 MADAM CLERK: Juror 57, Patricia Hogan.
16 (Potential juror stepped forward.)
17 MADAM CLERK: What say the State?
18 MR. GRAY: Please excuse the juror.
19 MADAM CLERK: Juror 62, Iris Humphries.
20 (Potential juror stepped forward.)
21 MADAM CLERK: What say the State?
22 MR. GRAY: Please present the juror.
23 MADAM CLERK: What say the Defense regarding Mr.
24 Anderson?
25 MR. THOMPSON: Please present the juror.

JURY SELECTION

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1 MADAM CLERK: Ms. Hollis?
2 MR. MCCARTY: Please seat the juror.
3 MADAM CLERK: Juror 38, Minnie Farr.
4 (Potential juror stepped forward.)
5 MADAM CLERK: What say the State?
6 MR. GRAY: Please present the juror.
7 MADAM CLERK: What say the Defense regarding Mr.
8 Anderson?
9 MR. THOMPSON: Please present the juror.
10 MADAM CLERK: Ms. Hollis?
11 MR. MCCARTY: Please present the juror.
12 MADAM CLERK: Juror 167, Barbara Vandaham.
13 (Potential juror stepped forward.)
14 MADAM CLERK: What say the State?
15 MR. GRAY: Please present the juror.
16 MADAM CLERK: What say the Defense regarding Mr.
17 Anderson?
18 MR. THOMPSON: Please excuse the juror.
19 MADAM CLERK: Juror 29, Donald Cooke.
20 (Potential juror stepped forward.)
21 MADAM CLERK: What say the State?
22 MR. GRAY: Please excuse the juror.
23 MADAM CLERK: Juror 98, Lawanda McIntyre.
24 (Potential juror stepped forward.)
25 MADAM CLERK: What say the State?

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MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please seat the juror.

MADAM CLERK: Ms. Hollis?

MR. MCCARTY: Please excuse Ms. McIntyre.

MADAM CLERK: Juror 129, Mary Ray.

(Potential juror stepped forward.)

MADAM CLERK: What say the State?

MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please present the juror.

MADAM CLERK: Ms. Hollis?

MR. MCCARTY: Please seat Ms. Ray.

MADAM CLERK: Juror 95, Deborah McCurry.

(Potential juror stepped forward.)

MADAM CLERK: What say the State?

MR. GRAY: Please present the juror.

MADAM CLERK: What say the Defense regarding Mr.
Anderson?

MR. THOMPSON: Please present the juror.

MADAM CLERK: Ms. Hollis?

MR. MCCARTY: Please present the juror.

MADAM CLERK: Juror 4, Nadine Anderson.

JURY SELECTION

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1 (Potential juror stepped forward.)
2 MADAM CLERK: What say the State?
3 MR. GRAY: Please excuse the juror.
4 MADAM CLERK: Juror 174, Brett Willford.
5 (Potential juror stepped forward.)
6 MR. MCCARTY: Ashley, did you say 174?
7 MADAM CLERK: Yes, sir. What say the State?
8 MR. GRAY: Please present the juror.
9 MADAM CLERK: What say the Defense regarding Mr.
10 Anderson?
11 MR. THOMPSON: Please present the juror.
12 MADAM CLERK: Ms. Hollis?
13 MR. MCCARTY: Please present the juror -- seat the
14 juror. I'm sorry.
15 MADAM CLERK: Juror 175, Teresa Williams.
16 (Potential juror stepped forward.)
17 MADAM CLERK: What say the State?
18 MR. GRAY: Please present the juror.
19 MADAM CLERK: What say the Defense regarding Mr.
20 Anderson?
21 MR. THOMPSON: Please dismiss the juror.
22 MADAM CLERK: Juror 70, Stanley Jones, Jr.
23 (Potential juror stepped forward.)
24 MADAM CLERK: What say the State?
25 MR. GRAY: Please present the juror.

JURY SELECTION

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1 MADAM CLERK: What say the Defense regarding Mr.
2 Anderson?

3 MR. THOMPSON: Please present the juror.

4 MADAM CLERK: Ms. Hollis?

5 MR. MCCARTY: Please present Mr. Jones.

6 THE COURT: All right. We're selecting the first
7 alternate.

8 MADAM CLERK: Yes, sir. Juror number 97, Austin
9 Meelhaney.

10 (Potential juror stepped forward.)

11 MADAM CLERK: What say the State?

12 MR. GRAY: Please present the juror.

13 MADAM CLERK: What say the Defense regarding Mr.
14 Anderson?

15 MR. THOMPSON: Please dismiss the juror.

16 MADAM CLERK: Juror 83, William Lawrence.

17 (Potential juror stepped forward.)

18 MADAM CLERK: What say the State?

19 MR. GRAY: Please present the juror.

20 MADAM CLERK: What say the Defense regarding Mr.
21 Anderson?

22 MR. THOMPSON: Please present the juror.

23 MADAM CLERK: Regarding Ms. Hollis?

24 MR. MCCARTY: Please present the juror.

25 THE COURT: We're now selecting the second

JURY SELECTION

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1 alternate.

2 MADAM CLERK: Juror 119, Hollie Pace.

3 (Potential juror stepped forward.)

4 MADAM CLERK: What say the State?

5 MR. GRAY: Please present the juror.

6 MADAM CLERK: What say the Defense regarding Mr.
7 Anderson?

8 MR. THOMPSON: Please present the juror.

9 MADAM CLERK: Ms. Hollis?

10 MR. MCCARTY: Please seat this juror.

11 MADAM CLERK: Jury selection has been completed.

12 THE COURT: Thank you, Madam Clerk.

13 MADAM CLERK: You're welcome.

14 THE COURT: Any objection to the jury selection
15 process from the State?

16 MR. GRAY: No, sir, Your Honor.

17 THE COURT: Any objection for Mr. Anderson?

18 MR. THOMPSON: None, Your Honor.

19 THE COURT: Any from Ms. Hollis?

20 MR. MCCARTY: None from Ms. Hollis, Your Honor.

21 THE COURT: All right. For those members of the
22 jury panel who were not selected in this case, I'm going
23 to ask that you go back around to the jury assembly room.
24 The bailiffs will be excusing you at that time. Did you
25 say 2:30?

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1 MADAM CLERK: Yes, sir.

2 THE COURT: All right. Judge Cole is going to be
3 selecting a jury in his courtroom at 2:30 this afternoon.
4 So you should be back in the assembly room just before
5 2:30 and he should be in a position to proceed at that
6 time.

7 Thank you very much for your cooperation with me
8 this morning. And you may go back into the assembly
9 room.

10 (Whereupon, the jury panel exited at 12:55 p.m.)

11 THE COURT: All right. Ladies and gentlemen, you
12 have been selected as jurors in this case. And I'm going
13 to go over some things with you before I release you for
14 lunch.

15 I realize it's almost one o'clock in the afternoon.
16 So we're going to do that before we actually start the
17 trial of the case.

18 We've gone through a great deal of trouble to select
19 jurors in this case that have an open mind concerning the
20 matters involved in this trial. I'm going to ask that
21 you keep that open mind until such time as we reach the
22 stage of the trial where I instruct you to begin your
23 deliberations in this case.

24 Now the way I'm going to ask you to do that is I'm
25 going to ask that you do not discuss this case even among

1 yourselves or with anyone else until such time as I ask
2 you to begin those deliberations.

3 I hope you realize even the most innocent
4 conversation that you might have with a fellow juror
5 about the personalities that are involved or the nature
6 of the charges or what you've heard in court so far, that
7 can begin to color your ultimate decision in this case.

8 And I don't want you to begin to think about making
9 a decision in this case until such time as you've heard
10 all the arguments by the lawyers; you've heard all the
11 evidence to be presented during the trial, and I've
12 charged you concerning the law to be applied in this
13 case.

14 So I'm going to ask that you do not discuss it with
15 anyone. It's okay to tell a family member or a friend,
16 "I've been selected as a juror in a trial," and that's as
17 far as it should go. "I can talk to you about it when
18 it's all over." And that's the end of the discussion.

19 Again, I want you to keep that open mind until such
20 time as I've ask you to begin those deliberations. Also,
21 when you come back to this courtroom, you'll be taking a
22 oath concerning your responsibilities in this case.

23 And that oath is not a very long oath; it's fairly
24 simple. And the oath is that you will be swearing to
25 decide the case based upon the law and the evidence.

1 Now the only evidence you're going to hear in this
2 case will be testimony given by witnesses who have been
3 sworn to tell the truth.

4 They'll be testifying from the witness stand here,
5 and whatever evidence comes into the records through the
6 testimony; documents or items or whatever they testify
7 about may come into the record. But that's the only
8 evidence you're going to hear.

9 For that reason, it would be a violation of your
10 oath as a juror to try to gather information outside of
11 this courtroom on your own.

12 We live in an information age and I realize with the
13 touch of a button you might be able to call up the
14 lawyers involved in this case or the parties that are
15 involved in this case or news stories about this case.

16 And it would be highly improper for you to do that,
17 again, because your oath -- and you'll be sworn to -- to
18 decide this case based upon the law and the evidence.

19 And the only place you're going to hear the law and
20 the evidence will be in this courtroom during the trial
21 of the case.

22 So don't try to gather information on your own.
23 Don't try to do any independent research. Again, don't
24 discuss the case with anyone.

25 And, as I talked to you earlier about it, jury

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1 tampering in this state is a felony. I take it
2 seriously. And, if someone tries to -- tries to
3 influence your decision in this case, I want you to
4 report that to me.

5 So should anyone attempt to contact you concerning
6 your service on this jury panel, during any break that
7 you take during the trial, please let me know. I'll see
8 that the appropriate investigations are begun because,
9 again, it's a felony for someone to try to tamper with or
10 influence a jury during the trial of a criminal case.

11 The last thing I'm going to mention to you is this
12 case does have some notoriety. It may be reported in the
13 press.

14 I do not control what they put in the newspapers or
15 what they put on television or the radio. That's
16 certainly not my job. But I will tell you that you
17 should not listen to, watch, or read any media reports
18 concerning this case.

19 If one were to come on in a place where you are
20 during a break, walk away; don't listen to it. I can
21 assure you that those sources of information quite often
22 -- in fact, most times do contain information that would
23 not be admissible into evidence in the trial of a case
24 and therefore should not be considered by a jury in any
25 manner whatsoever in -- in reaching a verdict in this

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1 case.

2 So, again, don't listen to, watch -- to put it in a
3 nutshell, don't listen to, watch, or read media reports.
4 Don't discuss the case with anyone. Don't allow anyone
5 to discuss the case with you. And should anyone try to
6 contact you about your service on the jury panel, report
7 that to me when you return.

8 Now, when you come back, I'll be asking you if
9 you've been able to follow my instruction in this case.
10 I trust that everyone will be able to follow my
11 instructions and we'll be able to proceed with the start
12 of the trial.

13 There's a few pretrial matters that I have to go
14 over with the lawyers.

15 These things will help us move the trial along, make
16 the trial moves quicker if I decide these things before
17 you're actually involved in the case.

18 So I've got some pretrial matters that I'm going to
19 go over with the lawyers. For that reason, I'll need you
20 back in the jury room that's in use for this case -- and
21 the bailiffs will show you where that is -- by three
22 o'clock (3:00) this afternoon.

23 So, at this point in time, you're free to go to
24 lunch, run errands, whatever you need to do, but be back
25 in the jury room at three o'clock (3:00). And we should

1 be in a position to proceed.

2 I hope you have a good lunch and we'll see you at
3 that time. You're free to go.

4 (The jury exited the Courtroom at 12:59 p.m.)

5 THE COURT: Any objections from the State to my
6 instructions to the jury?

7 MR. GRAY: No, sir.

8 THE COURT: Any from the Defense, Mr. Thompson?

9 MR. THOMPSON: No, Your Honor.

10 THE COURT: Mr. McCarty?

11 MR. MCCARTY: No, Your Honor. Thank you.

12 THE COURT: All right. Gentlemen, we'll start back
13 at two o'clock (2:00) with pretrial motions in this
14 courtroom. So, at this time, we're on break.

15 The Defendants remain in custody at this time.
16 Thank you very much.

17 MR. GRAY: Thank you, Your Honor.

18 MR. THOMPSON: Thank you, Your Honor.

19 MR. MCCARTY: Thank you, Your Honor.

20 (Off-the-Record Comments)

21 (Whereupon, a lunch recess was taken from 1:00 p.m.
22 until 2:00 p.m.)

23 (Court reconvened at 2:04 p.m.)

24 (Off-The-Record Comments)

25 THE COURT: All right. We're back on the record

1 in the case of *The State vs. Anderson* and *The State vs.*
2 *Hollis*.

3 It's my understanding that Mr. Anderson's attorney
4 may have some pretrial motions. Mr. Thompson, are there
5 some matters you wish the Court to take up?

6 MR. THOMPSON: May it please the Court, Your Honor.
7 The testimony may pull out my -- my client's nickname.
8 Throughout the record and police reports, he's -- his
9 street name was -- is brought up very often.

10 But, now, the origination of where that came from,
11 who they first originally got that from, I'm not a
12 hundred percent (100%) sure. And I'm sure it could come
13 out in testimony.

14 I just -- in opening statements I don't want his
15 street name being brought out by the State and, you know,
16 referred to his street name before some foundation has
17 been laid whereby they got that name from.

18 THE COURT: All right. Mr. Gray?

19 MR. GRAY: Your Honor, I know what Mr. Thompson ---

20 THE COURT: Well what -- what are we talking about?
21 what's the name were talking about?

22 MR. GRAY: We're talking about Doo Doo.

23 MR. THOMPSON: About Doo Doo, my client's ---

24 THE COURT: Doo Doo?

25 MR. THOMPSON: Doo Doo, my client's street name is

1 Doo Doo.

2 THE COURT: Okay. All right.

3 MR. THOMPSON: And I'm -- I'm not sure where that
4 originates in the -- in the record with the officers.
5 They begin asking people about Doo Doo.

6 THE COURT: What he's saying is, until some --
7 there's some testimony laying a foundation for that, he's
8 asking that it not be used. Any objection to that?

9 MR. GRAY: No, sir, Your Honor. But it will be
10 used rather quickly in the case.

11 THE COURT: Okay. Well, we'll see how it comes up.

12 MR. GRAY: Yes, sir.

13 THE COURT: I'll grant the motion.

14 MR. GRAY: Okay.

15 MR. THOMPSON: The second motion, Your Honor,
16 there's audio used extensively in this case. The city
17 uses a great deal of audio. One time in the audio with
18 my client, the officers are at his home. They discover a
19 -- a weapon at the home.

20 He is at Probation, Pardon, and Parole at that time.
21 And there's some reference made to him being at
22 probation ---

23 THE COURT: well, just for my information, were
24 they in the process of executing a search warrant or were
25 they ---

1 MR. THOMPSON: They -- they were, Your Honor. They
2 were.

3 THE COURT: All right.

4 MR. THOMPSON: And I just don't -- I think that may
5 taint the jury did they find out he's on probation and
6 reporting to probation at the time he's arrested. So, I
7 would ask that that be redacted.

8 THE COURT: Mr. Gray?

9 MR. GRAY: That's not a problem with that. There
10 were two incidences where he's being video recorded. And
11 Mr. Thompson is correct; on one of the videos, it does
12 mention pardon, probation, and parole. On the second
13 one, it does not.

14 THE COURT: Okay. Well, we'll ask that, that be
15 muted when that's mentioned, so, there's no reference to
16 it before the jury.

17 MR. GRAY: Yes, sir.

18 THE COURT: So that motion is granted.

19 MR. THOMPSON: And -- and, Your Honor, at one point
20 during my client's interview, the audio -- I believe one
21 of the officers asked him about his tattoos and whether
22 or not they're gang related. And -- and I believe that's
23 certainly would prejudice the jury as well, Your Honor,
24 if they have some believe that he is associated with
25 gangs.

1 THE COURT: What was his answer?

2 MR. THOMPSON: He said no.

3 THE COURT: Okay. Mr. Gray?

4 MR. GRAY: I don't see how that's prejudicial. He
5 stated that they're not gang tattoos. And it wasn't
6 pursued any further by the officers. And they weren't
7 looking for a gang member in this situation, Your Honor.

8 THE COURT: So, in other words, there -- there --
9 there wasn't any information he said that it was a gang
10 related shooting ---

11 MR. GRAY: No, sir.

12 THE COURT: --- at this time?

13 MR. GRAY: No, sir. They asked the question, he
14 answered.

15 MR. THOMPSON: Well, I think it's relevant ---

16 THE COURT: Well, I'm going to grant your motion.
17 We'll take that out of there.

18 MR. THOMPSON: Okay. And, if I could, Your Honor,
19 just get the State's position on any juvenile record my
20 client has.

21 THE COURT: Well, let's see what Mr. Gray has to
22 say about that.

23 (Brief Pause)

24 MR. GRAY: Yes, sir, Your Honor. Mr. Anderson has
25 a record dating back to 2008. At that time he was

1 convicted of driving without a license essentially;
2 common law strong armed robbery, four counts; failure to
3 stop for a blue light.

4 THE COURT: Was that an adult conviction?

5 MR. THOMPSON: It was, Your Honor. He received a
6 YOA sentence on that.

7 THE COURT: Okay. Well, you're not -- you're not
8 planning on introducing any juvenile record then, are
9 you?

10 MR. GRAY: No, sir, Your Honor. I don't -- I don't
11 see anything ---

12 THE COURT: Okay.

13 MR. THOMPSON: I didn't -- I didn't see any
14 juvenile offenses on there. I just didn't ---

15 THE COURT: You didn't -- you said on the record,
16 that that's the first thing he has on his record. And
17 that's not a juvenile conviction?

18 MR. GRAY: No.

19 THE COURT: Okay.

20 MR. GRAY: No, sir. I'm not showing anything. And
21 I understand what he's talking about. He's been in the
22 DJJ system before, but we're not intending ---

23 THE COURT: You don't intend to use that?

24 MR. GRAY: No, sir.

25 THE COURT: All right.

1 MR. GRAY: No, sir.

2 MR. THOMPSON: Nothing further, Your Honor.

3 THE COURT: Okay. Mr. McCarty, you indicated you
4 may have some matters you'd like me to consider?

5 MR. MCCARTY: I do, Your Honor. May please the
6 Court.

7 THE COURT: Yes, sir.

8 MR. MCCARTY: I believe I've handed those up to you
9 already.

10 THE COURT: Yes, sir. I've got that in front of
11 me.

12 MR. MCCARTY: Okay. And it's in whatever order the
13 Court would like to handle them. Four oh four (404)
14 might be a -- the best argument to start at. It's
15 probably a little more theoretical argument.

16 THE COURT: Yes, sir.

17 MR. MCCARTY: Your Honor, last week I met with Mr.
18 Cude on the 25th, which I believe was Tuesday. I might
19 be mistaken of the date. At which time he provided me a
20 copy of that incident report that dates back to September
21 of 2009.

22 It involved a shooting of a gentleman near Oakview
23 Apartments here in Spartanburg. And a suspect was
24 ultimately identified and I believe pled guilty or was
25 found guilty by the name of Jonathan Gibson (phonetic).

1 Subsequent to my meeting with Mr. Cude, I was
2 informed through e-mail that the State would intend to
3 use evidence of 404(B) in that case as it pertains to
4 this case I guess to show some type of motive, intent, or
5 common scheme or plan. I'm not exactly sure how they
6 plan to introduce it.

7 But, Your Honor, on behalf of Ms. Hollis, we would
8 respectfully object to that on the front end and ask the
9 Court to consider whether or not 404(b) evidence should
10 be admissible as it relates to this 2009 shooting in
11 which Ms. Hollis was not a suspect, not identified as a
12 witness. And, from what I can tell from what was
13 provided to me, not even interviewed at the time. If she
14 was interviewed then I apologize.

15 THE COURT: Well, let's find out. Mr. Cude ---

16 MR. CUDE: Thank you, Your Honor.

17 THE COURT: --- what is this 2009 matter against
18 Mr. Gibson about?

19 MR. CUDE: Your Honor, that was a Spartanburg City
20 case. And, again, Detective Nelson worked on that case
21 here and he can testify.

22 In August of 2009, he investigated the shooting of a
23 man named William Reavis (phonetic). And they ultimately
24 brought charges against Jonathan Gibson.

25 As part of the investigation, in taking notes and

1 testifying, he did talk to Stephen Means, who is the
2 decedent in this case. And Mr. Means did tell him that
3 Jonathan Gibson did shoot William Reavis.

4 And to be candid, Mr. Means was one of several
5 witnesses in that case I understand against Mr. Gibson.

6 One reason we believe there is a link in this case,
7 there is a witness in this incident case, Your Honor, who
8 told law enforcement that Ms. Hollis said, and I quote,
9 said that "They had been looking for this N-word for a
10 while," and she used a racial slur, and then quote, "He
11 snitched and got somebody 30 years to life."

12 Mr. Gibson, the defendant in the prior case, Your
13 Honor, I believe he did plead guilty. I'm not clear if
14 he got 30 for it, but that's -- that is the basis for our
15 404 (b) notice, Your Honor.

16 THE COURT: Yes, Mr. McCarty?

17 MR. MCCARTY: Your Honor, if I might. I guess my
18 -- my contention with that is Ms. Hollis was not, again,
19 as I stated a suspect in the previous offense.

20 They're imputing this knowledge to her based upon
21 the projected testimony where witness's gave a statement
22 so far, a young lady named Molly Bogan, who was on their
23 witness list and who I assume is going to come in and
24 testify as to those facts.

25 Your Honor, she's the one that states that Ms.

1 Hollis said that. And that is somehow how they're trying
2 to use this 404(b) evidence of this prior incident I
3 think against her.

4 Your Honor, I respectfully just ask the Court to
5 consider if I may hand up two cases. And I apologize.
6 You know what -- no, I did bring them.

7 (Documents handed up to the Court.)

8 (Brief Pause)

9 THE COURT: Yes, sir?

10 MR. MCCARTY: Your Honor, I'm referencing the
11 *Parker* (phonetic) case, which is actually a case out of
12 Spartanburg County from 1993. And, in turn, it
13 references the *Stokes* case, an earlier decision from
14 1983.

15 Your Honor, both of these deal with prior
16 incidences. It was the State intention to use the prior
17 incidents in that case of the defendants under 404(b).

18 In the *Parker* case the Supreme Court gave sort of an
19 historical analysis as it goes through there. But they
20 deal with the fact that this prior fight that this
21 defendant was involved in brought in through testimony
22 under 404(b), the trial court allowed it.

23 The Supreme Court at the time said that, that was
24 impermissible; however, due to some other things,
25 forensic evidence, it was held to be harmless error, but

1 their finding, as far as the 404(b) part of it, was that
2 it should not have been admitted into court.

3 (Loud sound heard in courtroom.)

4 MR. CUDE: Sorry, Your Honor. I think that's his
5 laptop.

6 (Off-the-Record Comments)

7 THE COURT: Just one second, Mr. McCarty.

8 (Brief Pause)

9 THE COURT: Okay. Yes, Mr. McCarty?

10 MR. MCCARTY: Your Honor, both of these cases are
11 out of the *Lyle* (phonetic) progeny of cases which come
12 out through there. But, Your Honor, in *Smith* -- and
13 there's a case here referencing the *Smith* case from 1989,
14 they say:

15 "We know the clear and convincing proof of a
16 defendant's prior bad act is required for proof or
17 evidence to be admissible." And I don't know that the
18 State can sustain clear and convincing evidence that
19 there was a prior bad act on Ms. Hollis's behalf only by
20 the admission of or the testimony of Ms. Bogan's
21 potential testimony as to what was said on that date.

22 Your Honor, I just ---

23 THE COURT: Wait just a minute. What are you
24 intending -- are you intending to use this, Mr. Cude?

25 MR. CUDE: Your Honor, we are considering it.

1 That's why I put them on notice, Your Honor.

2 THE COURT: That wasn't my question whether you're
3 considering it. I asked you if you are intending to use
4 it.

5 MR. CUDE: We have been, Your Honor, yes, sir.

6 THE COURT: Okay. And tell me again exactly how
7 you think this is somehow connected to this person here.

8 MR. CUDE: Well, we think Ms. Hollis's comment to
9 -- to the witness, that they had been -- that she was
10 indicating, we believe, Mr. Means, she is referring to
11 Mr. Means. "We've been looking for this N-word for
12 awhile. He's a snitch and got somebody 30 years to
13 life." We feel that explains motive.

14 THE COURT: When was that supposedly or allegedly
15 said?

16 MR. CUDE: Shortly before the shooting, Your Honor;
17 directly before the shooting.

18 THE COURT: Well I'm trying to find out is what was
19 the prior bad act?

20 MR. CUDE: We believe Mr. Gibson's shooting of Mr.
21 Reavis would have been the prior bad act, Your Honor.
22 It's the evidence of a prior bad act we're seeking to
23 introduce to the Court ---

24 THE COURT: Did she have some connection to either
25 of those people?

1 MR. CUDE: I don't know that she has, Your Honor.
2 I don't have any evidence of that, Your Honor. But we
3 think her statement would indicate some knowledge though.

4 THE COURT: Well, now, a statement is not
5 necessarily evidence of a prior bad act.

6 MR. MCCARTY: Your Honor, the statement itself ---

7 THE COURT: You know, if -- if someone states words
8 of malice toward someone else, that's not a prior bad
9 act. That's not a lot evidence in my -- in my estimation
10 unless you can explain to me how it would be.

11 MR. MCCARTY: I believe that -- I believe your
12 reasoning is probably correct, in that what the situation
13 was Ms. Bogan said she heard the claimant say would
14 probably pass for hearsay purposes.

15 But my concern is, bringing in extra witnesses. I
16 think Mr. Cude indicated Investigator Nelson was to
17 testify about a 2009 shooting in which Ms. Hollis was not
18 even a suspect or from what I can tell even someone who
19 was interviewed as a potential witness to that, and
20 therein impute that knowledge to her, and, then, bring
21 that before the jury so the jury can say "well,
22 therefore, she knew about the 2009 shooting because we
23 heard an officer testify about it; if she said this,
24 therefore, she must've been involved and knew about it
25 and, I don't know, seeking revenge or retaliation."

1 THE COURT: Well, Mr. Cude, let me ask you some
2 more about this situation and as to your understanding.

3 MR. CUDE: Yes, Your Honor.

4 THE COURT: You're -- you're -- is there some
5 evidence that would link the alleged statement that she
6 made, that we been looking for this person for some time,
7 to the victim in this case?

8 MR. CUDE: Well, if I understand the Court's
9 question correctly, again, I believe she made this
10 statement shortly before Mr. Means was shot, within I
11 believe minutes. And that's ---

12 THE COURT: Minutes before?

13 MR. CUDE: Yes, sir. And that's ---

14 THE COURT: At the scene?

15 MR. CUDE: Yes, Your Honor.

16 THE COURT: Okay. Why is it necessary to go into
17 what happened before?

18 MR. CUDE: Well, we thought it would give an
19 appropriate background. And we thought it would explain
20 motive better to the jury.

21 THE COURT: Well, I look at that statement more as
22 a statement of malice as opposed to a statement of
23 motive. And I really don't know that we should get into
24 a prior bad act of someone being shot by someone else
25 unless you can show she had some connection to that.

1 I mean, you're going to put in some evidence that
2 would be highly prejudicial talking about prior murderers
3 or prior shootings or whatever they were. And you really
4 haven't so far offered any argument that she was directly
5 involved in that particular act or investigation.

6 He alleges she wasn't even investigated or
7 considered concerning it.

8 Now, I'm not ruling that you don't get the Statement
9 in.

10 MR. CUDE: Yes, sir.

11 THE COURT: Because if someone makes a statement
12 which expresses words of malice towards someone else and
13 later on that person is killed, that sounds like
14 classical malice evidence. It's admissible as long as
15 you got somebody who can contribute the statement
16 directly to her. She's the defendant.

17 MR. CUDE: Thank you, Your Honor.

18 THE COURT: So, I'm going to -- I'm not allowing
19 him to get into the prior murder or try to put in
20 anything about a prior murder or shooting or whatever it
21 was.

22 And -- but I will, if they have evidence that
23 attributes that statement to your client and there's
24 evidence that it was directly toward the victim.

25 MR. MCCARTY: I understand with regard to Ms.

1 Bogan's statement, which is what we're talking about
2 here, Your Honor. I just -- I just didn't want him
3 bringing in an officer to testify as to facts
4 concerning ---

5 THE COURT: Well, I'm not going to try -- I'm not
6 going to try that prior shooting in this case. I don't
7 intend to do that.

8 MR. MCCARTY: Thank you, Your Honor.

9 THE COURT: All right.

10 MR. MCCARTY: Thank you, Your Honor. The second
11 motion I would make on behalf of Ms. Hollis is simply a
12 motion to suppress. I'm requesting to suppress the
13 entire statement that she gave to Investigator Stokes,
14 with the Spartanburg City Police Department, on 11th of
15 April 2011. I'll inform the Court, for these purposes,
16 Your Honor that I'm -- I'm making my argument not on the
17 fact that *Miranda* was properly given or anything like
18 that, but rather that *Miranda* was properly given. In
19 fact, it was even referenced by her during her
20 interview/interrogation.

21 Investigator Stokes, on several different occasions,
22 whenever she told him she was going to quit talking,
23 wanted to stop talking, even at one point even referenced
24 the *Miranda*, pre-interrogation *Miranda* form as to her
25 ability to stop talking, but yet still continued.

1 Your Honor, I think the prejudicial effect of all --
2 or the cumulative effect of all of it would be to
3 prejudicial to her to redact certain parts of that
4 statement that she may have given to Investigator Stokes.
5 Your Honor, I would say that a good portion of it is
6 contained on audio, probably a little more than an hour
7 on audio. And, then, it switches over to video at the
8 City Police Department.

9 And I think it was switched from the audio because
10 there was a malfunction with their computer system
11 through no fault of any one's own. I'm not alleging that
12 at all, just a large part is contained on audio, but the
13 audio is audible. You can hear; it is clear.

14 And I would ask the Court to consider -- and I can
15 point out some specific times if the Court would like to
16 review those as to what was said in and around this point
17 in the conversation.

18 THE COURT: Let me see if I understand. Your --
19 your motion is -- is that she, in fact, invoked her right
20 to remain silent and then he continued the interview?

21 MR. MCCARTY: Certainly it is, Your Honor.

22 THE COURT: So that is your position?

23 MR. MCCARTY: Correct, it is.

24 THE COURT: Okay. I'll hear from the State.

25 MR. GRAY: We'd call Officer Stokes, Your Honor.

1 THE COURT: All right. Please do. Come forward,
2 sir, and be sworn to my left.

3 (The witness stepped forward to be sworn.)

4 (Whereupon,

5 OFFICER DOUGLAS BRIAN STOKES

6 first being duly sworn, testified as follows:)

7 THE COURT: Sir, once you're seated, state your
8 name for me.

9 THE WITNESS: Investigator Douglas Brian Stokes.

10 THE COURT: Mr. Gray, your witness.

11 MR. GRAY: Thank you, sir.

12 THE COURT: Yes, sir.

13 DIRECT EXAMINATION by MR. GRAY: 2:20 P.M.

14 Q. Investigator Stokes, who started this
15 investigation -- or took over this investigation involving Mr.
16 Stephen Means as a victim?

17 A. (No Response)

18 Q. Ms. Hollis was developed as a suspect in this
19 case?

20 A. Yes, she was.

21 Q. When was she developed as a suspect?

22 A. Early on in the investigation we were given
23 nicknames for the defendants. And all of those nicknames were
24 traced down through -- through files that we have.

25 And those names were, in turn, made into photo

1 lineups. And they were presented to the witnesses.

2 Q. Okay. So Ms. Hollis -- was a photo lineup
3 presented to anyone ---

4 A. Yes.

5 Q. --- of her? And was she -- did this person pick
6 out Ms. Hollis from that lineup?

7 A. Yes, Molly Brogan.

8 Q. As being present at the scene?

9 A. That's correct.

10 Q. At the shooting?

11 A. That's correct.

12 Q. All right. Did Ms. Hollis come in voluntarily to
13 talk with you?

14 A. Initially she came in voluntarily before we
15 released any names of suspects. She came in stating she had
16 heard her name on the news and that she was coming to -- to
17 talk with the police officers. But no information had been
18 released about suspects at that time by the police department.

19 Q. Okay. On April 11, 2011, is that the first
20 interview with Ms. Hollis?

21 A. No, she was actually interviewed the day she came
22 in claiming that she had heard her name on the street and in
23 the news that the police wanted to talk to her about the
24 shooting.

25 Q. All right. And what date was that?

1 A. That was on April the 8th at around 4:15 p.m. --

2 Q. And did ---

3 A. I'm sorry, at 2:15 p.m.

4 Q. And did you take any statement from her at that
5 time?

6 A. We did. Investigator Porter and I took a
7 statement from her.

8 Q. Was she detained at -- at that time?

9 A. No. She came to City Hall of her own free will
10 and asked to speak to investigators.

11 Q. And spoke to you?

12 A. Myself and Investigator Porter.

13 Q. How long did she stay there?

14 A. I'm not sure exactly. We obtained a -- at least a
15 two-page statement from her as to what she -- she saw and
16 heard while she was there.

17 Q. And did she sign a pre-interrogation waiver form?

18 A. No, not at that time because she came to City Hall
19 free of -- of her own free will.

20 Q. All right. Let's go to April the 11th, 2011. Did
21 she come of her own free will on that date?

22 A. No. She actually -- we had already released the
23 names of -- of the suspects we were seeking to the news media.
24 And she turned herself in to the -- to the warrant office at
25 the county jail.

1 Q. On the previous incident, the interview on April
2 8th, was any of that recorded visually or ---

3 A. Yes.

4 Q. --- by tape?

5 A. Audio and video.

6 Q. Audio and video on April 8th?

7 A. Yes.

8 Q. Okay. On April 11, was that recorded by audio and
9 video?

10 A. Mostly. Audio in its entirety, but we were having
11 difficulty with our audio/visual system and I was using an
12 audio system as a backup. But the audio/video combination did
13 have a -- a glitch and stopped recording a couple of times
14 during the interview.

15 Q. All right.

16 A. But the audio -- the separate audio recording ran
17 during its entirety.

18 Q. Did you -- did you go over her rights with her?

19 A. Yes, I did.

20 Q. Did she initial it?

21 A. She did.

22 Q. And you signed it and she signed it?

23 A. That's correct.

24 Q. That's the pre-interrogation waiver form?

25 A. That's correct.

1 Q. It says here 8:42. That's in the a.m.?

2 A. A.m.

3 Q. A.m.? How long did this interview last?

4 A. The exact time I don't have, but it -- it lasted
5 for -- for some time.

6 Q. Let me show you what has been marked at State's
7 Exhibit Number 1 and ask if you recognize that.

8 (Exhibit shown to the witness.)

9 A. I do. This is the pre-interrogation waiver I
10 filled out.

11 Q. And that covers both the audio portion and the
12 video portion?

13 A. Yes. And according to this statement, it ended at
14 12:56 p.m. after starting -- it started at 8:45 a.m.

15 Q. Four hours?

16 A. Yes, sir.

17 Q. All right. Thank you.

18 MR. GRAY: For the purposes of this hearing, Your
19 Honor, I would like to introduce this into evidence, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. MCCARTY: No objection.

23 THE COURT: It'll be admitted for purposes of this
24 hearing.

25 (Whereupon, State's Exhibit Number 1 was admitted

1 for purposes of the pre-trial hearing only.)

2 Q. (By Mr. Gray) Now, for those four hours, did she
3 give any incriminating statements against herself?

4 A. Not against herself, no.

5 Q. Against who?

6 A. Against the other co-defendants.

7 Q. And who are the other co-defendants?

8 A. Quartez Lyles, Charles Anderson, and Charles --
9 Charles Jackson.

10 Q. But she never gave incriminating statements
11 against herself?

12 A. No. She was -- all she would state was that she
13 was standing there as an innocent bystander.

14 Q. When this happened?

15 A. When this happened.

16 Q. But she did mention the other three individuals?

17 A. That's correct.

18 Q. And did she ever say anything about wanting to
19 stop talking?

20 A. Yes, she did.

21 Q. And what did you do?

22 A. I continued to ask her questions.

23 Q. Did she ever say she wanted an attorney?

24 A. She did not.

25 Q. Did she ever say she was too exhausted to keep

1 going or anything to that effect?

2 A. No. I think her statement was that she just
3 didn't want to answer any more questions.

4 Q. Did you stop at that time?

5 A. No. I asked her -- I continued to ask her
6 questions and she kept responding.

7 Q. At any time did she ever just stop talking?

8 A. She would say that she didn't want -- she didn't
9 want to answer any more questions, but -- but I continued to
10 talk and she continued to respond.

11 Q. Did she ask for any food or sleep or anything like
12 that?

13 A. No. There was water and a bathroom -- and a
14 restroom break was offered to her a couple of different times
15 during the interview and she refused. She stated she didn't
16 need any.

17 Q. During the entire four hours, she didn't make one
18 incriminating statement against herself?

19 A. No. The only thing she stated was she was there.
20 She -- she did change her position as far as where she was
21 standing at a couple of different times, but she never
22 implicated herself as being involved.

23 Q. Okay. She changed her position how so?

24 A. She first stated she was standing beside Molly
25 Bogan's vehicle during -- when the encounter happened. And,

1 at one point during the interview, she stated she was actually
2 in front of the car.

3 Q. But never participated?

4 A. But never participated, no.

5 MR. GRAY: All right. Thank you. Please answer
6 any questions Mr. McCarty may have.

7 (Noise heard in the courtroom.)

8 THE COURT: Can you turn off the sound system?

9 MR. GRAY: Yes, sir.

10 (Off-The-Record Comments)

11 THE COURT: Thank you. Mr. McCarty, your witness.

12 MR. MCCARTY: Thank you. May it please the Court?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION by MR. MCCARTY:

2:28 P.M.

15 Q. Investigator Stokes, she did in fact tell you that
16 she was present at the time that Stephen Means was shot; am I
17 correct?

18 A. That's correct.

19 Q. She did, in fact, introduce things in this
20 interview with her and you did inquire of her about other
21 aspects of what happened there; am I correct? Who all was
22 there; am I right?

23 A. That is correct.

24 Q. You asked her things like what type of clothing
25 she was wearing; am I correct?

1 A. That's true.

2 Q. You also inquired of her what was said between
3 people she was speaking with at the time; am I correct?

4 A. If you're talking about Molly and Latrica Martin
5 (phonetic), yes, I did.

6 Q. Yes, I am. And I apologize if I wasn't clear.
7 But, yes, that's who I was.

8 And, in fact, when you talk about on pre-
9 interrogation waiver form, which Mr. Gray provided to you,
10 number five says that you have a right to stop talking at any
11 time; am I correct?

12 A. That is correct.

13 Q. And, in fact, isn't it your testimony and that you
14 just stated to Mr. Gray that on several different occasions
15 throughout this four-hour interrogation process, she told you
16 that she wished to stop speaking; am I correct?

17 A. That is correct.

18 Q. And yet you continued to press the issue with her
19 of what all was going on there; am I right?

20 A. That is correct. This form doesn't -- doesn't
21 reflect the current changes to the *Miranda* where, "you have
22 the right to remain silent," is no longer required.

23 Q. Okay. But, at the time, you told her that; am I
24 right?

25 A. That is correct. But this is the only form that

1 we have.

2 Q. Well you read that over with her; would you agree
3 with me?

4 A. I did.

5 Q. And, in fact, that was around thirty-one (31)
6 minutes into your interview when you advised her -- well, I'm
7 going to say thirty-one (31) minutes, but that's when the time
8 the audio starts when you picked her up at the jail, correct?

9 A. I'm not sure about the times. But, yes, I did
10 start the audio when I picked her up at the jail ---

11 Q. And brought her back to the City Police
12 Department?

13 A. --- to record anything that was said during that
14 time before I started the actual interview.

15 Q. Would you agree with me, though, that you read to
16 her that advisement?

17 A. I did.

18 Q. And do you see her initials indicated to the left
19 of that advisement?

20 A. Yes, sir. I asked her to initial beside each to
21 indicate that she understood what each one was.

22 Q. Okay. And isn't it true even throughout the
23 interview that at certain points she even references that
24 *Miranda* advisement when she's speaking?

25 A. She did.

1 Q. Investigator Stokes, she may not have said that
2 she pulled the trigger in this situation, but she does place
3 herself at the scene of where this occurred, correct?

4 A. That's correct.

5 Q. She does provide information -- you do inquire of
6 her with regard to -- she makes statements to you with regard
7 to her clothing ---

8 A. That's correct.

9 Q. --- that she had on that day?

10 A. That's correct.

11 Q. Her hairstyle?

12 A. That's correct.

13 Q. Jewelry that may or may not have been taken from
14 the defendant -- or, I'm sorry, the decedent, Mr. Means; am I
15 correct?

16 A. That's correct.

17 Q. And all of these statements come, at several
18 different points throughout this interview with her, after
19 she's told you that she wishes to stop speaking; am I correct?

20 A. I'm not sure exactly what point all that -- how
21 all of that transpired.

22 Q. But her -- her request to stop speaking occurred
23 more than once; would you agree with me?

24 A. Yes.

25 Q. Would you say it occurred more than five (5)

1 times?

2 A. I'm not sure of the exact number.

3 Q. Would you be surprised if I said twelve (12)?

4 A. Yes.

5 Q. Investigator Stokes, when you were asking her
6 these questions, were you not trying to do determine whether
7 or not Ms. Hollis was a suspect in this crime?

8 A. That's correct.

9 Q. Were you not trying to determine whether or not
10 she was in your eyes culpable of this crime?

11 A. I was trying to determine whether she was involved
12 or whether she knew -- she could tell us who was involved
13 because she was present at the scene.

14 Q. But the nature of your questions to her, since you
15 gave her the *Miranda* warnings, were not as a witness as much
16 as a suspect; am I right?

17 A. I gave her the pre-interrogation waiver because I
18 didn't know what she was prepared to tell me during the
19 interview.

20 Q. But you had identified her through other folks,
21 like Molly Bogan, as someone who may have been involved in the
22 shooting, correct?

23 A. That's -- that's true.

24 Q. Investigator Stokes, when you did that, when you
25 were talking with her, you were trying to gather information

1 from her which would either collaborate other testimony or
2 rather other witnesses' statements or help lead to something
3 else during your investigation which would collaborate part of
4 your investigation; am I correct?

5 A. That's correct.

6 Q. And that would have included things like clothing,
7 her hairstyle, the jewelry of -- of the victim in this case;
8 am I correct?

9 A. That's correct.

10 Q. It would also have included maybe where people
11 went to after the shooting had occurred, correct?

12 A. That's correct.

13 Q. Communications with the defendants after the
14 shooting occurred, correct?

15 A. Yes, sir.

16 Q. All right. But in your eyes, on April the 11th,
17 2011, when you met with Ms. Hollis, she was a suspect?

18 A. On which day?

19 Q. April the 11th; not the eighth (8th), but the 11th?

20 A. That's correct.

21 Q. She was a suspect?

22 A. She was a suspect.

23 Q. And she was, in fact, under arrest for the crime
24 of murder at that point; am I correct?

25 A. That is correct.

1 Q. And also the crime of armed robbery as well,
2 correct?

3 A. That's correct.

4 Q. She was -- and I'm not going to play the video,
5 unless the judge requires, but she was during the course of
6 this interview in handcuffs; am I correct?

7 A. That is correct.

8 Q. Did she have a waist chain; do you recall?

9 A. A waist chain and -- and handcuffs.

10 Q. Shackled at the feet as well?

11 A. That's correct.

12 Q. And this interview occurred not at her home but
13 rather in the investigator -- or in the interview room at the
14 City Police Department, yes?

15 A. That's correct.

16 Q. With yourself and at least one other investigator
17 throughout the process?

18 A. That's correct.

19 MR. MCCARTY: Thank you. Nothing further, Your
20 Honor.

21 THE COURT: Your witness Mister -- Mr. Cude, are
22 you going to do this or Mr. Gray?

23 MR. CUDE: It's Mr. Gray's witness, Your Honor.

24 THE COURT: Mr. Gray?

25 MR. GRAY: Thank you, Your Honor, just briefly.

RE-DIRECT EXAMINATION by MR. GRAY:

2:33 P.M.

1 Q. Did she ever say, "I want a bath -- a bathroom
2 break"?

3 A. No. We actually offered water and/or a bathroom
4 break during the course of that interview. And -- and she
5 declined.
6

7 Q. Anything offered about food in this situation?

8 A. I'm not sure if we offered her food or not at that
9 -- at that time.

10 Q. And she said she wanted to stop talking numerous
11 times?

12 A. Yes.

13 Q. Did she ever invoke her right to an attorney?

14 A. She did not.

15 Q. Never?

16 A. Never.

17 Q. Not one time?

18 A. Not one time.

19 Q. Okay. And, finally, during the tapes she said, "I
20 know my rights"; is that correct?

21 A. That's correct.

22 Q. Knowing her rights, she never stated, "I want a
23 public defender. I want an attorney. I want out of here";
24 anything of that nature?

25 A. No attorney was ever requested.

1 MR. GRAY: Thank you.

2 MR. MCCARTY: Nothing further.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: Does the State wish to offer other
6 testimony?

7 MR. GRAY: No, sir.

8 THE COURT: Mr. McCarty, do you wish to call any
9 witnesses?

10 MR. MCCARTY: No, Your Honor. I think that
11 completes the information.

12 THE COURT: All right. Then, I'll hear from you on
13 your motion, Mr. McCarty.

14 MR. MCCARTY: Your Honor, again, this is going to
15 the fact of the totality of this interview is there are
16 multiple times she requested to stop speaking with him.

17 I concur with Mr. Gray the request for an attorney
18 was never requested, but the course of this interview, as
19 was Investigator Stokes' testimony laid out, is not just
20 simply find out as a witness potentially to this but as a
21 suspect in this crime; as somebody who is already under
22 arrest what had occurred.

23 The information they were trying to gather was to
24 collaborate information to include things like clothing,
25 hairstyle, who was there, who went where, who did what.

1 And all of that was part of this interview,
2 throughout which there are multiple times -- and I think
3 the Court could review and I could, again, point to ---

4 THE COURT: Well I think everybody agrees that
5 there were times that she said she wanted to stop
6 answering questions.

7 MR. MCCARTY: Correct. And, Your Honor, I can ---

8 THE COURT: Is there anything to gain from me
9 listening to that?

10 MR. MCCARTY: There's nothing for you to gain from
11 listening.

12 THE COURT: Okay.

13 MR. MCCARTY: I would just ask to exclude all
14 references made therein because potentially, as I
15 anticipate the State's case, the questions to
16 Investigator Stokes or the other individuals who
17 interviewed Ms. Hollis as part of that April 11th
18 interview, would possibly involve statements she said
19 about maybe what she was wearing, where she went, or what
20 she was doing that aren't necessarily to the fact that
21 did Ms. Hollis admit that she was there and pulled the
22 trigger or did whatever they're accusing her of doing.

23 THE COURT: Mr. Gray?

24 MR. GRAY: Yes, Your Honor. I think in this
25 situation -- in this situation I feel some type of

1 redaction or a curative instruction would work in this
2 situation.

3 But we're not trying to play the entirety of the
4 four-hour interrogation. At certain points she says, "I
5 don't want to talk anymore." But she keeps talking.

6 Some is initiated by the officers and some is
7 initiated by her. Yes, she says some statements about
8 other people and the clothing that she had on.

9 She never invokes her right to an attorney, which is
10 her right. And she says, "I know my rights to stop."

11 She was free to stop talking at any time. And
12 whether or not Mr. Stokes asked her a question -- whether
13 or not Investigator Stokes asked her question, she never
14 felt intimidated.

15 She never showed any of that during the four hours.
16 She never -- never felt that -- excuse me. The video
17 shows she never believed that something could be gained
18 from this or that she would be punished in some way or
19 fashion by not talking to the investigator.

20 It -- it was free and voluntary in this situation.
21 And, if the Court wishes us to redact certain portions,
22 we can do that, Your Honor. But I believe redaction or a
23 curative instruction could occur.

24 The part we have queued up here basically is her
25 talking to Investigator Stokes about the position of each

1 other -- the other individuals involved in this
2 situation.

3 And -- and I understand. ---

4 THE COURT: Now, Mr. Gray ---

5 MR. GRAY: Yes, sir?

6 THE COURT: --- When -- when a person who is being
7 interviewed by police or interrogated or however you want
8 to put it, says, "I don't want to answer any more
9 questions," isn't it up to the State to quit asking
10 questions until that person indicates a desire to waive
11 their right?

12 MR. GRAY: Yes, sir, Your Honor.

13 THE COURT: And your witness said he kept asking
14 questions.

15 MR. GRAY: Yes, sir.

16 THE COURT: I'm going to grant the motion from the
17 time she invoked her right to remain silent.

18 MR. GRAY: Yes, sir.

19 THE COURT: After that point it will be suppressed.

20 MR. MCCARTY: Thank you, Your Honor.

21 THE COURT: That's what you wanted, wasn't it?

22 MR. MCCARTY: It is, Your Honor.

23 THE COURT: Okay. I'll grant that motion.

24 MR. GRAY: Yes, sir.

25 THE COURT: Now, you have another motion, Mr.

1 McCarty?

2 MR. MCCARTY: I do, Your Honor. I'm sorry.

3 THE COURT: All right.

4 MR. MCCARTY: I'm just trying to be thorough here.
5 The last motion I have on my pretrial motion list
6 involves a photo lineup that was given to Molly Bogan,
7 which I believe I have a copy here provided to me in
8 discovery.

9 The photo lineup occurred on April the 9th of 2011.
10 It was given to Molly Bogan I believe by Officer Lawson.
11 And I don't know if Officer Stokes was present or not. I
12 think he was during the interview.

13 But I don't know if they intend to use the April the
14 9th, 2011 photo lineup as part of their case ---

15 THE COURT: Well, maybe this will cut it short: Do
16 you intend to use that, Mr. Cude?

17 MR. CUDE: Your Honor, we may if -- if she has --
18 if there's any issue about her in-court identification,
19 Your Honor.

20 THE COURT: Why don't I reserve a ruling to see if
21 they're going to need that.

22 MR. MCCARTY: Thank you, Your Honor.

23 THE COURT: And we'll be sure -- let's not take it
24 so far that it comes in before I have a chance to rule on
25 it, Mr. Cude.

1 If -- if you're going to -- if you feel like you're
2 going to go there, let me know and then we'll deal with
3 it.

4 MR. CUDE: Yes, sir.

5 THE COURT: Right now you're not sure you're
6 telling me?

7 MR. GRAY: Correct, Your Honor.

8 THE COURT: Okay.

9 MR. MCCARTY: Thank you.

10 THE COURT: All right.

11 MR. CUDE: Your Honor, if I can, I don't know if
12 this -- I came in late to the bench conference. Just we
13 did file a motion asking that evidence of third-party
14 guilt be limited.

15 As the Court is aware, there were two other people
16 charged in this case that are not being tried.

17 To be candid, we do plan to introduce evidence
18 basically saying that those other two parties' DNA was
19 not found on certain items at the crime scene.

20 But I think we can't dispute those others were
21 charged, but we do want a restriction on third-party
22 guilt. I think we are making our case against these two
23 individuals directly, Your Honor.

24 THE COURT: Specifically what are you trying to
25 limit them from doing? What -- what are -- what do you

1 anticipate the Defense putting up?

2 MR. CUDE: Your Honor, I suppose at minimum perhaps
3 an allegation -- and I'm only theorizing, Your Honor. I
4 don't know what they're going to put up -- but perhaps an
5 allegation that one of the other two that is not being
6 tried may have pulled the trigger in this case.

7 THE COURT: All right. Mr. Thompson?

8 MR. THOMPSON: May it please the Court, Your Honor.
9 I think the *Mansfield-Cooper* (phonetic), that line of
10 cases deals with third-party guilt. I think the standard
11 there --

12 THE COURT: Well, the *Adams* case I think is the one
13 that went up to the US Supreme Court of South Carolina is
14 the last one we heard of.

15 MR. THOMPSON: May -- maybe so. But basically I
16 believe we're going to pass the test on that, Your Honor.
17 Basically I think we can provide information that's
18 inconsistent with his guilt.

19 Basically what we'll have here is enough evidence to
20 raise a presumption of innocence. I believe that gets us
21 past the third-party guilt motion.

22 Within the record, several police statements, two
23 victim accounts that young men in white T-shirts and
24 shorts were responsible for the murder.

25 One witness ten (10) feet away indicates that

1 somebody -- a -- a person in dreadlocks was standing
2 there with a gun in their hand as the victim was on the
3 ground. At no time has my client ever had dreadlocks.

4 I think it will come out that he had on a pair of
5 coveralls that day. So he doesn't fit the description of
6 clothing that was identified or described at the scene.
7 His hairstyle doesn't match what was brought up at the
8 scene.

9 And, like I say, Your Honor, these are eyewitness
10 accounts of people that were right there. And the
11 shooting was in broad daylight.

12 So we -- we are well within the -- the -- the
13 prejudicial value of granting that motion is -- is highly
14 against my client.

15 THE COURT: Well, Mr. Cude, are you familiar with
16 that testimony that he says will be elicited or be
17 presented?

18 MR. CUDE: Well, I'm not sure ---

19 THE COURT: Are there eyewitnesses who gave
20 descriptions of the people involved in the shooting ---

21 MR. CUDE: I believe there are conflicting
22 accounts. I don't know that we intend to call those
23 people. They may, however, Your Honor. But I ---

24 THE COURT: Well, they have a right to put on a
25 case. Is there evidence, though, that someone not this

1 defendant may have committed the crime?

2 MR. CUDE: Your Honor, we don't believe so, Your
3 Honor. I mean I think ---

4 THE COURT: Well I mean beyond speculation. They
5 can't put up speculation on that point, but they have to
6 put up evidence that shows he didn't do it and it's got
7 to be inconsistent with his guilt.

8 Well, if the clothing doesn't match from some of the
9 eyewitnesses, that might be inconsistent with his guilt.

10 MR. CUDE: Well, that's --- that's correct, Your
11 Honor. I will agree on the record there are conflicting
12 descriptions of the shooter.

13 MR. THOMPSON: And -- and lastly, Your Honor, of
14 those four -- there's four eyewitnesses ---

15 THE COURT: Uh-huh (affirmative).

16 MR. THOMPSON: --- each were provided my client in a
17 photo lineup and none of them picked him out. Three
18 independent witnesses, I consider independent witnesses,
19 can't say that he was there, the fourth being the young
20 lady we discussed, Ms. ---

21 THE COURT: Bogan?

22 MR. THOMPSON: --- Bogan. She -- she picks out
23 another gentleman and says that that's my client. So I
24 think that this clearly gets us past the third-party
25 guilt motion as far as Mr. Anderson.

1 THE COURT: Mr. McCarty, what do you have to say
2 about all of this?

3 MR. MCCARTY: Your Honor, I think really this
4 probably falls in line more with Mr. Thompson with regard
5 to the defense he has and has developed with his client.

6 THE COURT: Uh-huh (affirmative).

7 MR. MCCARTY: I don't believe that there's an
8 allegation that Ms. Hollis is the shooter by any stretch
9 of Mr. Means, but I think there is some confusion from
10 various different witnesses as to what they provided in
11 the initial investigation as to who was wearing what at
12 the scene.

13 THE COURT: All right. Well, right now I'm not
14 going to make a ruling dealing -- denying them the right
15 to go into that evidence, Mr. Cude.

16 We'll see how it develops at trial. You can renew
17 your motion at trial depending on what's presented, but
18 if there is evidence which would be inconsistent with his
19 guilt, he has the right to put that up.

20 MR. CUDE: Thank you, Your Honor.

21 THE COURT: And I'm not going to limit him at this
22 point in time from what I've heard. Anything else, Mr.
23 Cude?

24 MR. CUDE: No, sir.

25 THE COURT: So your motion will be denied in that

1 regard at this time. We'll see how it plays out.

2 Anything else before we bring the jury in?

3 MR. MCCARTY: Nothing for Ms. Hollis.

4 MR. THOMPSON: None for Mr. Anderson, Your Honor.

5 MR. GRAY: Nothing from the State, Your Honor.

6 THE COURT: And Mr. Cude we're okay?

7 MR. CUDE: Yes, sir.

8 THE COURT: All right. We'll take then just a
9 short break because we've been going at it for a little
10 while. We'll start back at three o'clock (3:00). And
11 we'll be in recess for about fifteen (15) minutes.

12 (Whereupon, a recess was taken.)

13 (Court reconvened at 3:03 P.M.)

14 (Brief Pause)

15 THE COURT: All right. Is the State ready to
16 proceed at this time?

17 MR. GRAY: Yes, sir, Your Honor.

18 THE COURT: Is the Defense ready, Mr. Thompson?

19 MR. THOMPSON: Your Honor, I'm a little bit
20 concerned about the tape that -- how far we get into Ms.
21 Hollis's statement on that tape.

22 I -- don't know if it'll be a problem, but at some
23 point I would like to listen to it to make sure there's
24 not a *Bruton* (phonetic) issue with my -- with my client
25 being implicated because I -- for right now I would ask

1 the Court to treat him as a non-testifying defendant.

2 And any reference to him, you know, needs to come
3 under the *Bruton* analysis whereby it would have to be
4 redacted to take his ---

5 THE COURT: Well I'm not sure I understand exactly
6 what -- since I've not -- I have not listened to the
7 tape, I don't really know what you're referring to here.

8 MR. THOMPSON: At -- at one point, she -- she
9 implicates my client in the -- in the tape.

10 THE COURT: Well the suppression was from the time
11 that she invoked her right to remain silent by saying she
12 didn't want to answer any more questions.

13 MR. THOMPSON: I -- I agree.

14 THE COURT: From that point forward I suppressed
15 it. Now, up until then, she was apparently giving a
16 statement with *Miranda* rights, voluntarily, and that's --
17 that's admissible.

18 And, so, I -- I don't know what her statement is or
19 -- it wasn't a statement by your client, was it?

20 MR. THOMPSON: At one -- no, not -- not anything he
21 said. But she does implicate him as -- as a shooter in
22 the case ---

23 THE COURT: Uh-huh (affirmative).

24 MR. THOMPSON: --- at that time by saying his name
25 or his street name. And I believe -- I would say it's

1 subject to a redaction if he's not going to testify.

2 THE COURT: Mr. Gray?

3 MR. GRAY: I have no problem with Mr. Thompson
4 looking through the tapes again. That's not the CD I
5 have in right now because I took that out.

6 what our strategy is, we'll use it at later and
7 cross that bridge when we come to it. That's the in-car
8 -- in-car video of Lieutenant Foster, who was first on
9 the scene.

10 MR. THOMPSON: And I saw ---

11 MR. GRAY: I wasn't going to play any -- there's no
12 -- no sound even on -- on this DVD.

13 THE COURT: Do you plan on using this in your
14 opening statement?

15 MR. GRAY: No, not in my opening statement.

16 THE COURT: Oh, okay.

17 MR. GRAY: But my first -- first witness, Your
18 Honor.

19 MR. THOMPSON: And I can review the tape this
20 evening and it may be a non-issue.

21 THE COURT: Well, why don't we do that.

22 MR. THOMPSON: And -- and that -- I just wanted to
23 bring it to Your Honor's attention.

24 THE COURT: You can bring it up -- I'll give you
25 the right to bring it up after you review it.

PRELIMINARY INSTRUCTIONS

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1 MR. GRAY: And I understand his concern, Your
2 Honor.

3 THE COURT: Okay. And are you ready, Mr. McCarty?

4 MR. MCCARTY: I am, Your Honor.

5 THE COURT: Okay. Anything further, Mr. Thompson?

6 MR. THOMPSON: No, Your Honor.

7 THE COURT: All right. Now before we begin, I
8 don't know if there's going to be ground rules. I've --
9 I've just been going left to right at the counsel table.

10 I -- I would recognize you first, Mr. Thompson,
11 followed by Mr. McCarty unless there's some objection to
12 my going in that fashion. Mr. Thompson, any objection to
13 that?

14 MR. THOMPSON: Well, I -- I would -- I would object
15 to the jury pool, but I'm a little late. But I have no
16 objection, Your Honor.

17 (Laughter)

18 MR. MCCARTY: No objection, Your Honor.

19 THE COURT: All right. Okay. Let's bring the jury
20 in.

21 (The jury was summoned and entered the courtroom at
22 3:05 p.m.)

23 THE COURT: All right. Ladies and gentlemen, I
24 want to thank you for your patience. Now, if any of you
25 had any difficulty in complying with my instructions that

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1 I gave you before you left the courthouse, I'd ask that
2 you stand.

3 (No Response)

4 THE COURT: It appears that all jurors have been
5 able to follow my instructions up until this point in
6 time.

7 And I explained to you that, upon your return to the
8 courthouse, that you would be taking an oath concerning
9 your responsibility in this case. So, at this point in
10 time, I'm going to ask that the clerk, please, swear the
11 jury panel.

12 MADAM CLERK: Yes, sir.

13 THE COURT: Yes, ma'am.

14 (Whereupon, the jury was impaneled at 3:06 p.m.)

15 THE COURT: Now, if there was any juror who failed
16 or refused to take the oath that was just administered by
17 the clerk, I'd ask that you please stand.

18 (No Response)

19 THE COURT: It appears that all jurors had been
20 sworn for purposes of my -- for our trial today. Just a
21 couple of housekeeping matters.

22 The alternates, ma'am, you and the gentleman seated
23 behind you, you'll always be seated in those locations.
24 As far as the remainder of the jury panel, you're free to
25 sit in any chair you like to sit in as the trial

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1 proceeds. So just fill in the box as you come in. There
2 is no assigned seating. I'll discuss the foreperson
3 later on during my discussions with you.

4 Now, before we began with the trial of the case,
5 there are some things I'd like to go over with you. And
6 I'm going to approach this from the point of view that
7 perhaps most of you, and I'm sure at least some of you,
8 have never been in the position that you're in before;
9 that is, in actually serving on a jury in the trial of a
10 -- of a criminal case.

11 And, so, for those of you who have never been
12 involved in the jury process or the -- the trial of a
13 case before, probably most of what you might know about
14 what goes on in courtrooms you would have learned from
15 such sources as maybe movies that you've seen, television
16 shows that you've watched and perhaps books that you've
17 read, things of that nature.

18 And while those are always interesting sources of
19 information; they always have great story lines and
20 interesting twists and turns in the plots. And it amazes
21 me that on television you can have an event occur, the
22 case tried, and everything ended in the space of an hour
23 and you still have time to stop for commercials about
24 four or five times.

25 So I hope you realize that, while those are

1 interesting forms of information, they don't exactly
2 follow what goes on in a real courtroom because they're
3 intended primarily to entertain you.

4 They're to keep your attention for the story that
5 they're trying to tell, or the -- the point that they're
6 trying to make.

7 And I can assure you what you're involved in today
8 and I'm sure in the coming days will be -- is intended
9 for anything but your entertainment.

10 I hope you realize that what you're engaged in is a
11 fundamental part of our democracy. If you were to look
12 around the world today, at most of the judicial systems
13 that exist on this planet, you would find that most of
14 them do not allow citizens to directly participate in the
15 decision-making process that goes on in the courtrooms in
16 those countries.

17 In fact, most countries do not allow citizens to
18 participate at all in the decision-making process that
19 goes on in the courtroom.

20 Our system is different. Our system is based on a
21 system of trial by jury -- by a jury of your peers. And
22 that goes back to the Magna Carta, which was a document
23 signed in England in the year 1215.

24 So you can see in about three years it's going to be
25 about 800 years old; that is this tradition that we have

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1 of allowing people to have a trial by a jury of their
2 peers.

3 And so what we're engaged in here is a search for
4 the truth. It's an effort to see that justice is done
5 between the parties that are appearing during this trial.

6 On the one hand, you have the State of South
7 Carolina that has filed criminal charges against two of
8 its citizens on the other hand.

9 And I hope you realize that searching for the truth
10 and trying to do justice is sometimes a slow process.
11 Sometimes it's repetitive.

12 But, you know, if I had walked up to you before you
13 walked into this courtroom today and I had asked you,
14 "What would you expect a search for the truth to be
15 like?" I bet you would have told me, "Well, it ought to
16 be deliberate. It ought to be slow. Sometimes it might
17 be even be repetitive to be sure that you get at the
18 truth."

19 So that is what you're engaged in here. It's an
20 effort to see that justice is done in this case.

21 And I will tell you that this courtroom is a place
22 of honor. It's dedicated to the preservation of
23 citizens' rights under the laws of the Constitution both
24 of this State and of the United States of America.

25 Now the attorneys that are going to be involved in

1 this case are here to represent their client's interest.
2 And I'm sure they'll do an excellent job in presenting
3 their client's cases before you during this trial.

4 But I'm going to point out to you that first and
5 foremost these attorneys are also officers of this Court.
6 Because you see, at some point in time, they have
7 appeared before either this Court or some other Court in
8 the State and they've taken an oath that's prescribed by
9 law. It's called the attorneys' oath.

10 And part of this oath is that they will assist you
11 in your search for the truth during this trial. For that
12 reason, you can expect that they will act in a reasonable
13 and a professional and an ethical manner in the
14 presentation of their client's cases before you during
15 this trial.

16 I'm going to remind you too that you've come before
17 this Court too and today you've taken an oath; that is,
18 to decide this case based upon the law and the evidence
19 in this matter.

20 You too are expected now to act in a reasonable, a
21 professional, and an ethical manner in the discharge of
22 your duties as jurors in this case.

23 I've already told you earlier, and I'll tell you
24 again, I want to thank you very much for your willingness
25 to accept the responsibility that you've accepted by

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1 serving on the jury in this case and during this week.

2 Now what I'm going to go over with you now is not
3 intended to be a charge concerning the law that you will
4 apply in the case.

5 You'll find, at the close of the trial, once all of
6 the evidence has been presented and all of the arguments
7 have been made, at that time I will charge you concerning
8 the law that you are to apply to this matter.

9 What I'm going to go over with you now is the duties
10 and responsibilities that we all have in the trial of
11 this matter and give you some idea of what your job is
12 and your responsibility as jurors during this trial.

13 I've already gone over the indictments in this cases
14 with you. And I'm not going to read those to you again
15 at this time.

16 I will tell you that both of these Defendants have
17 been charged -- each charged with two indictments. And
18 the indictments are for the crimes of armed robbery and
19 murder.

20 And I'll go over those charges with you in a great
21 deal of detail once I charge you concerning the law at
22 the close of this case.

23 But I will tell you that to those indictments the
24 Defendants have pled not guilty. And I will tell you
25 that, under the law and the Constitution of this State

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1 and of the United States, that plea places the burden of
2 proof in this case solely upon the State.

3 And that burden of proof is to prove the allegations
4 that are contained in the indictments by proof beyond a
5 reasonable doubt.

6 It will be your job, at the close of the trial, to
7 determine whether or not the State has met its burden of
8 proof in this case. But I'll go over all of those
9 concepts with you in greater detail once I charge you
10 concerning the law at the close of the trial.

11 But I do want to make you aware that it is your
12 responsibility to determine the facts in this case and
13 determine whether or not the State has met its burden of
14 proof during this trial.

15 Your purpose as jurors is to find and determine the
16 facts in this case. And the law and the Constitution,
17 again, of this state, makes you the jury the sole judges
18 of the facts in this case.

19 I'm going to serve as the presiding officer during
20 this trial. It will be my responsibility to see that the
21 proper procedure are followed, to rule on questions of
22 the admissibility of the evidence or perhaps the
23 appropriateness of questions that are being asked of the
24 witnesses.

25 I'm going to caution you now that you should not

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1 take from anything that I say or do, in the discharge of
2 my duties as the presiding officer in this trial, to
3 indicate to you in any manner whatsoever that I have an
4 opinion as to how you should determine the facts in this
5 case.

6 I can assure you the law doesn't allow me an opinion
7 on that issue, and I have no opinion as to how you should
8 determine the facts in this case because, again, you are
9 the sole judges of the facts in this case.

10 You are to determine, from the facts in this case
11 and the testimony that you hear and the evidence that's
12 presented, what you feel to be the facts that have been
13 proven in this matter.

14 And it's your job to decide or determine the
15 inferences that you believe can be properly drawn from
16 the evidence that you hear.

17 It's especially important that you perform your duty
18 as fact finders in this case both diligently and
19 conscientiously because I want you to understand that,
20 under our system of justice, ordinarily there's no means
21 by which an erroneous determination of facts by a jury
22 can ever be corrected.

23 Now the same law that makes you the sole judges of
24 the facts in this case, makes me the sole judge of the
25 law in this case.

1 Once all the evidence has been presented and all the
2 arguments have been made, I will charge you concerning
3 the law that you are to apply to the facts that you find
4 in this matter.

5 Now just as the Court -- I mean as the law does not
6 allow me to disagree with you concerning the facts in
7 this case, the same law doesn't allow you to disagree
8 with me concerning the law to be applied to those facts.

9 The law, as I give it to you at the close of the
10 trial, is the only law that you should use in reaching a
11 decision in this case.

12 If you came into the courtroom today with an opinion
13 or a notion as to what the law is or somehow some idea of
14 what the law ought to be, you should leave those opinions
15 and those notions outside of the jury room before you
16 began your deliberations;

17 Because it's your obligation, under the oath that
18 you've taken today, to find the facts according to -- to
19 the evidence that's presented and then apply the law as I
20 give it to you to those facts.

21 And, again, the law as I give it to you is the only
22 law that you can use in that process.

23 Now I've already touched on this with you before you
24 left, but I want to emphasize this to you again. Until
25 you begin your deliberations, please don't have any

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1 discussions concerning this case or what's going on in
2 this case or what you may have heard that day or whatever
3 time because, again, those discussion could begin to
4 color your final decision in this case.

5 I don't want you to begin the decision-making
6 process at all until you've heard all of the arguments
7 made by counsel, all the evidence has been presented, and
8 you've heard my charge concerning the law.

9 Because only then will you have all of the tools
10 that you need to begin to make decisions about the issues
11 that will be before you when you begin your
12 deliberations.

13 So don't discuss it among yourselves or discuss it
14 with other people; don't try to gather any information on
15 your own.

16 Again, you should keep an open mind until such time
17 as you have heard all of the evidence in this case and I
18 have charged you concerning the law to be applied.

19 Now, at the close of the trial, it is going to be
20 your solemn responsibility to determine the guilt or the
21 innocence of the Defendants in this case. And your
22 verdict must be based solely upon the evidence presented
23 during this trial and the law as I instructed it to you.

24 For that reason, as this trial goes forward, try not
25 to let your thoughts wander. Try to stay focused on

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1 what's going on in the courtroom. Pay attention to
2 what's being said.

3 Be in a position, at the close of the trial, to be
4 able to discuss the evidence and the testimony that
5 you've heard with your fellow jurors in the jury room
6 during your deliberations.

7 So, again, try to stay focused. We'll take breaks
8 from time to time to try to keep you -- keep you sharp
9 and paying attention.

10 So try not to let your thoughts wander. But pay
11 attention to what goes on from the witness stand and what
12 goes on during the trial because you have the right to
13 consider anything that's in the record of this case
14 that's properly been admitted into the record of this
15 case in reaching a verdict in this matter.

16 Now I'm going to caution you. I told you I was
17 going to be the presiding officer of this trial, and from
18 time to time there may be an issue that will come up in
19 which I believe there's going to be a discussion about
20 some matter that may be not admissible under the rules of
21 evidence that govern how evidence is put into the record
22 of a trial.

23 So, if I believe that my discussions with the
24 lawyers about whatever issue that is -- and I don't even
25 know what it's going to be yet, but there usually is one

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1 or two times when those discussions go in that direction
2 -- if it's my belief the discussion may go in that
3 direction; in other words, a discussion about some
4 inadmissible matter, I'm going to ask you to leave the
5 courtroom while I have those discussions with the
6 lawyers.

7 Once I've completed those discussions and made a
8 decision, you'll be brought back into the courtroom.
9 I'll announce my decision and we'll proceed with the
10 trial.

11 Now don't take from the fact that I've asked you to
12 step outside of the courtroom while we have those
13 discussions to somehow indicate that I've got an opinion
14 as to how you determine the facts.

15 I hope you realize it's just me doing my job because
16 my job is to see that you decide this case based solely
17 upon evidence that's been properly admitted into the
18 record under the rules that have been in effect for many,
19 many years that govern the admission of evidence during a
20 trial.

21 So, again, don't take from any -- any inference or
22 anything concerning my opinion on the facts if I should
23 ask you to leave the courtroom during those discussions.

24 Now I told you, you're the sole judges of the facts.
25 And in determining what the true facts are in any case,

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1 you must decide first of all the credibility or the
2 believability of the testimony you're listening to.

3 It's always the job of the jury, the finders of
4 fact, to determine credibility or believability of the
5 testimony you hear.

6 I tell juries to use their own good common sense in
7 making that decision. Every single day of your life you
8 make decisions as to what you choose to believe and what
9 you choose not to believe.

10 These days will be no different than other days in
11 your lives. It will be your job to determine the
12 credibility or believability of the testimony that you're
13 going to hear.

14 Now in doing that you have the right, as the sole
15 judges of the facts, to believe all of what a witness
16 might testify to. You have the right to believe part of
17 what a witness might testify to. You have the right to
18 believe none of what a witness may testify to. Because
19 you are the sole judges of credibility or believability.

20 You have the right to consider such factors as
21 whether or not a witness may have a stake in the outcome
22 of the case or whether or not a witness may have a bias
23 or prejudice one way or the other.

24 You also can consider whether or not a witness
25 actually had the ability to see or hear whatever they're

1 testifying to, about the facts that they're talking
2 about. And you have the ability to observe the witnesses
3 as they testify.

4 I tell juries all the time that I've never been in a
5 courtroom where the witness stand wasn't right in front
6 of the jury box. And that's so the jury can observe the
7 witnesses as they testify, the way they speak, how they
8 deliver their testimony.

9 Again, you have the right to consider anything
10 that's in the record of the case in reaching decisions in
11 this matter, and that includes the decision as to
12 credibility or believability of the testimony that you
13 hear.

14 So, again, pay close attention to what's being said,
15 how it's being said, what goes on in the courtroom.
16 Because, again, at the close of the trial, it will be
17 your responsibility to be able to discuss those issues
18 with your fellow jurors during deliberations.

19 Now you may be thinking right now, "well, the judge
20 hasn't appointed a foreperson of the jury." And you're
21 right; I haven't.

22 I do not appoint a foreperson of the jury until I
23 charge you concerning the law in the case. And one of
24 the reasons I do that is to emphasize this point to you;
25 and this point is that, at the close of the trial, when

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1 you begin your deliberations, I'll be telling you that
2 you cannot reach a verdict in this case unless it is
3 unanimous.

4 That Means every juror who is involved in the
5 deliberations must agree upon the verdict before it
6 becomes the verdict of the jury.

7 Therefore, none of you has a greater say in the
8 outcome of the case than any other juror. All of you
9 must agree on a verdict before it becomes the verdict of
10 the jury. That includes the foreperson.

11 The foreperson is no more important than anyone
12 else. So I want you to all feel like you might be the
13 foreperson. You may all have to discuss those
14 discussions as we go into deliberations.

15 Be in a position to do that; listen carefully to
16 what goes on in the courtroom because, again, the verdict
17 must be unanimous. And each and everyone of you will
18 have to agree upon the verdict before it becomes the
19 verdict of the jury.

20 Now I want to be sure that I haven't violated
21 anyone's rights from what I may have said to you thus
22 far. So is there any objection to my opening comments
23 from the State?

24 MR. GRAY: No, sir, Your Honor.

25 THE COURT: Any from the Defense, Mr. Thompson?

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1 MR. THOMPSON: None, Your Honor.

2 THE COURT: And Mr. McCarty?

3 MR. MCCARTY: No. Thank you.

4 THE COURT: All right. Now, ladies and gentlemen,
5 let me explain the procedure we're going to go through so
6 that you'll understand how we're going to do this.

7 I told you the State has the burden of proof, so,
8 when we have the opening statements made by counsel, in
9 those statements, the State will go first, followed by
10 the Defense.

11 And, in the presentation of evidence because the
12 State has the burden of proof, the State will go first in
13 presenting its evidence followed by any evidence the
14 Defense chooses to put up.

15 Once all of the evidence has been presented, we'll
16 allow the attorneys to make closing statements. And,
17 after those closing statements have been completed, I
18 will charge you concerning the law to be applied.

19 One thing I do want to mention to you, the only
20 evidence you're going to hear is testimony of witnesses
21 who have been sworn to tell the truth on the witness
22 stand, and what comes into the record through that
23 testimony.

24 Statements made by lawyers, at the beginning of the
25 trial and at the close of the trial, do not constitute

1 evidence in the case and can't be considered by a jury
2 directly in reaching a verdict in this matter.

3 At the beginning of the trial, the Statements will
4 tell you what the case is about and perhaps what they
5 expect of prove.

6 And, at the close of the trial, they'll sum up the
7 evidence that you've heard from their client's
8 perspective and give you their client's position
9 concerning the evidence that's been put in.

10 But, again, the only evidence in the case is the
11 testimony of the witnesses who testify from the witness
12 stand and whatever evidence comes into the record through
13 that testimony.

14 So, at this point in time, I'll allow the State to
15 begin with its opening statement. Mr. Gray?

16 MR. GRAY: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 MR. GRAY: If it pleases the Court?

19 THE COURT: Yes, sir.

20 (Mr. Gray's opening statement began at 3:25 P.M.)

21 MR. GRAY: Good afternoon, Ladies and gentlemen.

22 (Responses of "good afternoon" heard.)

23 MR. GRAY: My name is Abel Gray. I'm an assistant
24 solicitor here in Spartanburg County.

25 I'm a prosecutor. My job is to lay out this case so

1 that you understand what happened to Mr. and Mrs. Means'
2 son on April 7th, 2011.

3 The State has charged two people with the murder of
4 Stephen Means. And I want to tell you now, our evidence
5 is not that this was some kind of shootout or gangland
6 shooting or anything like that.

7 It wasn't. There was one shooter and one person who
8 took from Mr. Means.

9 What the State has to prove to show you is that Mr.
10 Means, through no fault of his own, was shot and killed;
11 that he died as a result of malice aforethought, which is
12 a fancy way of saying somebody had an evil intention for
13 Mr. Means.

14 Evil intention towards Mr. Means, if that evil
15 intention was something else, but they used a gun or a
16 knife or whatever, and the result was death, it's still
17 murder.

18 Now there's also armed robbery, where somebody uses
19 a knife or a gun or a representation of a weapon, to take
20 something from you by means of violence or force or
21 intimidation. In this case, force; violence.

22 Please don't get hung up on what was actually taken
23 from Mr. Means. But some items were taken and we'll prove
24 that through witnesses.

25 Other things in this case involved some really great

1 police work by the Spartanburg Public Safety Department.
2 This is not a mistake in this situation. They didn't
3 shoot and rob the wrong guy.

4 This was intentional. And unfortunately for Mr.
5 Means, he was in the wrong place at the wrong time. But
6 they saw an opportunity and they took it.

7 So, as much as you'll hear about Mr. Means or about
8 the police or anything else, please remember to focus.
9 There's a dead man here. And they did it.

10 Whether one of them did it or two of them did it,
11 the hand of one is the hand of all. Don't get tripped up
12 on semantics. They both participated, they're both
13 guilty of both charges. Thank you.

14 (Mr. Gray's opening statement ended at 3:29 p.m.)

15 THE COURT: Mr. Thompson?

16 MR. THOMPSON: May it please the Court, Your
17 Honor?

18 THE COURT: Yes, sir.

19 MR. THOMPSON: Ladies and gentlemen, I too would
20 like to thank you for your service this week. A lot of
21 times I think the jury pool believes it's a burden to be
22 called out here to do this.

23 It takes you away from your job, it takes away from
24 your family, and I know it seems like a burden on you.
25 So I -- I will express, on behalf of Mr. Anderson, my

1 thanks for you being here serving.

2 I -- I anticipate this may be going three (3) days,
3 maybe even more. And, as the judge pointed out, this
4 can't be lengthy and it can drag out some.

5 I'm just begging you to use your patience, use your
6 open-mindedness, and use your life experiences and weigh
7 all the facts.

8 My client is charged by the State of South Carolina
9 -- the State of South Carolina pays for all of this stuff
10 here, okay (indicating)? They -- they have vast
11 resources.

12 They have these fine police officers to use to
13 prosecute my client. My client has me and he has
14 himself, okay?

15 But because of that, or I would say because of that,
16 the burden of proof is on the State. They must prove,
17 beyond a reasonable doubt, that my client is guilty of
18 shooting Mr. Means.

19 And, as sad as it is for Mr. Means -- and -- and
20 anytime a young person dies, it's horrible -- my client
21 is not responsible.

22 The burden of proof lies with the State. We can
23 sit over there and do nothing. If the State doesn't
24 prove, beyond a reasonable doubt, that he's guilty,
25 you're going to come back with a not guilty.

1 I anticipate a lot of evidence coming in, a lot of
2 testimony. Some of it is going to say A, B, C. Some of
3 it is going to be X, Y, Z. You've got to sort that out.

4 My client, as of today, early on in this case, he's
5 linked to the murder weapon. I'm asking you not to make
6 a snap decision.

7 As the Judge said, justice is a lengthy process.
8 Listen to everything, weigh every piece of evidence.

9 My job is to get you past that link to the evidence
10 to the murder weapon. And use your open-mindedness, use
11 your life experiences, and weigh this evidence; judge the
12 credibility of the other witnesses and I can get you past
13 that.

14 I ask you to take this very, very seriously. This
15 the most serious crime you can be charged with in my
16 opinion. He's a young man with his whole life ahead of
17 him.

18 And another young man has lost his life. Nobody's
19 going to win in this situation unless you take that
20 evidence that's presented right there (indicating) and
21 weigh every piece of it.

22 And, once you weigh every piece of it, I'll get you
23 past that link to the murder weapon. And you'll find my
24 client not guilty. Again, thank you.

25 (Mr. Thompson's opening statement ended at 3:32

1 p.m.)

2 THE COURT: Mr. McCarty?

3 MR. MCCARTY: May it please the Court, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MCCARTY: Ladies and gentlemen, I'll keep my
6 comments brief. You've heard two attorneys; the last
7 thing you want to hear is a third attorney talk. But
8 I've got to say it on behalf of Ms. Hollis.

9 Ms. Hollis sits there at that table today innocent.
10 And I don't say that jokingly and I don't say that
11 because I'm the one who said it. As the judge told you,
12 the Constitution of America, of this state tells you, you
13 are innocent until proven guilty.

14 And how is that proof done? Only when it's proven
15 beyond a reasonable doubt. Their burden, right there
16 (indicating), is to prove to you that Ms. Hollis is
17 guilty of the crime of murder; that she is guilty of the
18 crime of armed robbery beyond a reasonable doubt.

19 Now, when Mr. Gray was up here, he referred to
20 "they," "somebody." It's more than that. It's more than
21 just a carte blanche statement of the hand of one is the
22 hand of all.

23 The Judge will tell you later in the trial where
24 that law applies, how -- how you apply that law will be
25 your choice.

1 And you do that by listening to the testimony of the
2 witnesses; who's coming forward to say what. Are they
3 telling the truth today? Do you believe them?

4 Do you believe all of what they say, some of what
5 they say, none of what they say? Have they had an
6 opportunity to tell their story before to a police
7 officer or someone else? Is it different today?

8 There'll be physical evidence in this case. There
9 will be testimony from witnesses. But none of that
10 testimony will point to Lauri Hollis as having pulled the
11 trigger and the person who shot Stephen Means.

12 None of that evidence will point to Lauri Hollis
13 having participated in, taking part in, or doing anything
14 in regard to an armed robbery.

15 And I think at the close of the trial, after the
16 State has put forth all its evidence and all of its
17 witnesses, you will find that they cannot meet that high
18 burden of proof of beyond a reasonable doubt.

19 And she will take with her from this courtroom her
20 innocence which she has here today. Thank you.

21 (Closing statements ended at 3:34 p.m.)

22 THE COURT: The State may call its first
23 witness,, .MR. GRAY: The State calls W. M. Foster with
24 Spartanburg Public Safety Department.

25 THE COURT: Come forward to my left, sir, and be

1 sworn, please.

2 (The witness complied with the request.)

3 (Whereupon,

4 Lieutenant W. M. Foster

5 first being duly sworn, testified as follows:)

6 THE COURT: Once you're seated, sir, state your
7 name for me.

8 THE WITNESS: My name is Lieutenant William Foster
9 with the Spartanburg Public Safety Department.

10 THE COURT: Mr. Gray, your witness.

11 MR. GRAY: Thank you, Your Honor.

12 DIRECT EXAMINATION by MR. GRAY: 3:35 P.M.

13 Q. How long have you worked there, sir?

14 A. I've been employed with the Spartanburg Public
15 Safety Department for nineteen (19) years.

16 Q. What are your primary duties and responsibilities?

17 A. I am currently a lieutenant in the office of
18 professional standards and inspections. I was assigned that
19 position in April. Prior to that I was a supervisor in the
20 uniformed patrol division.

21 Q. And what did you do before that?

22 A. As a patrol supervisor, I supervised the officers
23 working in -- in daily operations on uniformed patrol.

24 Q. Okay. Did you ever have an occasion to
25 investigate murders?

1 A. Yes. I have been involved in several murder
2 investigations as the initial responding officer on patrol, as
3 a supervisor maintaining the crime scene and participating in
4 investigations.

5 Q. I take you back to April 7, of 2011. Did you get
6 a call over your car radio about a shooting?

7 A. Yes, sir. On 7th of April I was the -- one of the
8 on-duty supervisors. I was -- received a call from the
9 communication center.

10 I was dispatched to a shooting incident reported
11 at Oakview Apartments. I responded to the scene.

12 I was the first officer to arrive on the scene. I
13 arrived at the apartments and found the victim.

14 Q. Okay. What did you do once you got to the scene?

15 A. Upon my arrival on the scene, I was approached by
16 a white female who was trying to tell me something about the
17 victim.

18 And I had seen the victim as I pulled into the
19 parking lot. I saw the victim laying on the ground and a
20 crowd of eight (8) to ten (10) people standing around him.

21 I immediately moved to the victim to render aid.
22 That's my first responsibility is to render aid to the victim.
23 I -- I moved to the victim side, directed the people to step
24 back away from him, and started checking the victim.

25 He was laying face down on the ground. I checked

1 for a pulse on his neck. I didn't feel anything and I was
2 watching to see if he was -- I could feel any breathe or see
3 any breathe.

4 I looked on his back. I didn't -- I did not at
5 that time see a wound, so, I rolled him over.

6 When I rolled him over, again, I looked at his
7 shirt and saw a -- a -- what appeared to be a bullet wound
8 over the left side of his chest, the left-center of his chest
9 where his heart would be, that was bleeding. The shirt had
10 blood on it.

11 I then started to -- at that time, Officer Morrow,
12 who had arrived almost immediately behind me, approached. He
13 said that he had a -- a breathing device, a manual breathing
14 device, in his car. I sent him back to go get that.

15 I started CPR. Officer Morrow came back and he
16 started making breathes for -- for the victim while I gave
17 CPR.

18 Q. All right. Do you -- do you have a camera in your
19 vehicle?

20 A. I do have a camera in my vehicle.

21 Q. And how does that operate?

22 A. The cameras in the vehicles -- our marked units
23 have cameras and it activates automatically. As soon as I
24 turn my blue lights and siren on, the camera activates.

25 So it records from -- actually it backs up 30

1 seconds from the time I turn on the -- the -- the blue lights,
2 and it records until I -- I -- I stop it.

3 (Brief Pause)

4 A. So, on that day, as I always do, when I begin my
5 tour of duty, I was driving Unit 742, the supervisor's car.
6 Every morning I go down, when I start my shift every day --
7 well every day depending on what I have to drive that day, I
8 -- I check the car.

9 And I check the car. I check the car out and make
10 sure that everything's working. And I check the camera to
11 make sure it's working.

12 And that day the camera was working and did record
13 my arrival on scene in the parking lot area of the -- of the
14 apartments while I was -- while I was on scene.

15 Q. Did it record you working on the victim?

16 A. It did not. The angle I was parked at, it -- it's
17 -- it was -- the video showed the victim on the ground as I
18 came in, into the parking lot, but the angle that I was parked
19 in the parking lot, did not show me working on the victim.

20 It did show us when EMS came. It shows us working
21 on the victim as we're moving him to the ambulance to take him
22 to the hospital.

23 Q. Did EMS assist you?

24 A. Yes. I started CPR on the victim, with Officer
25 Morrow's assistance. And, then, EMS -- we called for EMS.

1 EMS arrived on scene.

2 And, when EMS arrived on scene, they took charge
3 of the victim and I assisted them. And then we -- when we put
4 the on the stretcher and then took him to the ambulance.

5 Q. Have you seen a copy of your video?

6 A. Yes, I have.

7 Q. And you -- you have a copy here; is that correct?

8 A. Yes, we do.

9 Q. And you've seen a copy?

10 A. I have seen that copy, yes.

11 MR. GRAY: One moment, Your Honor.

12 (Brief Pause)

13 MR. GRAY: Your Honor, I'd like to move State's
14 Exhibit Number 5 into evidence.

15 MR. MCCARTY: Without any objection from Ms.
16 Hollis.

17 MR. THOMPSON: None from Mr. Anderson.

18 THE COURT: Without objection, it will be admitted.
19 You wish to publish it to the jury?

20 MR. GRAY: Yes, sir, Your Honor.

21 (Whereupon, State's Exhibit Number 5 was admitted
22 into evidence without objection.)

23 THE COURT: All right. By publishing it to the
24 jury, ladies and gentlemen, we mean we'll show it to you.
25 You'll have an opportunity to see it.

1 You may proceed, Mr. Gray. Do you want to lower the
2 lights?

3 MR. GRAY: Yes, sir, Your Honor.

4 THE COURT: Mr. Seay, if you'll turn the lights
5 down for me. Thank you.

6 (Whereupon, State's Exhibit Number 5 began playing
7 beginning at 3:41 P.M.)

8 (Sobbing heard in the courtroom.)

9 THE COURT: Stop it, Mr. Gray.

10 MR. GRAY: Yes, sir.

11 THE COURT: Stop it. Ladies and gentlemen of the
12 jury, I'm going to ask you to step back to the jury room.
13 Don't begin any discussions till I ask you to do so.
14 Thank you.

15 (The jury exited the Courtroom at 3:53 P.M.)

16 THE COURT: Everyone remained seated, please.
17 Ma'am, sit down.

18 (Brief Pause)

19 THE COURT: Do you want to get the lights up, Mr.
20 Seay?

21 (Bailiff complied with the Court's request.)

22 THE COURT: I want to caution those in the
23 courtroom that emotional outbursts are not going to be
24 tolerated during this trial.

25 This is not going to be a case that's tried upon

1 emotion, passions; it's going to be tried according to
2 the law and the evidence as it should be.

3 Any further outburst by someone in the gallery will
4 be treated by this Court as contempt of court and will be
5 punished as such. If you have a problem in controlling
6 your emotions, I'm going to ask you to step outside the
7 courtroom.

8 There's going to be very sensitive things testified
9 to about. These trials are always emotional and I
10 appreciate that fact.

11 But, if you cannot control your emotions and stay in
12 the courtroom, I'm going to ask that you leave the
13 courtroom during the times in which those difficulties
14 might arise.

15 We've had some difficulty just now and I would hope
16 that wouldn't happen again in the future. So I'm going
17 to take a short break and give everyone a chance to
18 gather themselves.

19 But, if you come back into the courtroom, be
20 prepared to control your emotions. If you're unable to
21 do that, remain outside of the courtroom during these
22 matters. We'll be in recess for about ten (10) to
23 fifteen (15) minutes.

24 I'm going to ask the witness not to discuss his
25 testimony with anyone during the break. Court is in

1 recess for about ten (10) to fifteen (15) minutes.

2 (Off-the-Record Comments)

3 (whereupon, a brief recess was taken from 3:53 p.m.
4 until 4:06 p.m.)

5 THE COURT: All right. Is the State ready to
6 proceed?

7 MR. GRAY: Yes, sir, Your Honor. Thank you.

8 THE COURT: Is the Defense ready?

9 MR. THOMPSON: Yes, Your Honor.

10 MR. MCCARTY: Yes, sir.

11 THE COURT: All right. Bring the jury in.

12 (The jury entered the courtroom at 4:06 p.m.)

13 THE COURT: All right. The record will reflect the
14 jury has returned to the courtroom. You may proceed, Mr.
15 Gray.

16 MR. GRAY: Thank you, Your Honor.

17 DIRECT EXAMINATION by MR. GRAY CONTINUED: 4:06 P.M.

18 Q. Lieutenant Foster, Oakview Apartments, is that
19 within the city limits of Spartanburg?

20 A. Yes. Oakview Apartments is in the city limits of
21 Spartanburg.

22 Q. And that's where the incident occurred?

23 A. Yes.

24 Q. And that's in the County of Spartanburg?

25 A. Yes, it is.

1 MR. GRAY: Thank you, sir. Please answer any
2 questions Defense Counsel might have.

3 THE COURT: Mr. Thompson, you witness.

4 MR. THOMPSON: None from Defendant Anderson, Your
5 Honor.

6 THE COURT: Mr. McCarty?

7 MR. MCCARTY: Just briefly, Your Honor.

8 THE COURT: Yes, sir.

9 CROSS EXAMINATION by MR. MCCARTY: 4:08 P.M.

10 Q. Lieutenant Foster, your job is just to secure the
11 crime scene; am I correct?

12 A. Yes. As the first responding officer, it's to
13 render aid to the victim and then, once EMS arrives, then, I
14 took over as the on-scene commander and secured the crime
15 scene.

16 Q. You didn't participate in any interviewing of any
17 witnesses there, did you?

18 A. No, sir, I did not.

19 Q. And, as we saw from that video, there were a lot
20 of people floating around; am I correct?

21 A. There were initially, yes. There were few moving.
22 We -- as the officers came on scene, we got more officers on
23 scene, we started securing potential witnesses.

24 We had the initial tape as you saw going up around
25 a small area. And, then, we expanded that to a larger area to

1 secure more of the crime scene for the investigation.

2 Q. But you yourself never participated in any of
3 those interviews, am I correct?

4 A. I did not participate in any interviews, no, sir.

5 MR. MCCARTY: Thank you. Nothing further, Your
6 Honor.

7 THE COURT: Does the State wish to ask any
8 additional questions?

9 REDIRECT EXAMINATION by MR. GRAY: 4:09 P.M.

10 Q. Did you identify the victim?

11 A. At that time, I did not identify the victim.

12 Q. Did you later?

13 A. We later identified the victim as Stephen Means.

14 MR. GRAY: Thank you, sir. Nothing further, Your
15 Honor.

16 THE COURT: Mr. Thompson, anything to follow-up on
17 those questions?

18 MR. THOMPSON: No, Your Honor.

19 THE COURT: Mr. McCarty?

20 MR. MCCARTY: No, sir.

21 THE COURT: You may step down, sir. Thank you very
22 much.

23 (The witness complied with the request.)

24 THE COURT: The State may call its next witness.

25 MR. GRAY: Officer Robert Cheeks.

1 THE COURT: Come forward, sir, and be sworn to my
2 left, please.

3 (The witness stepped forward to be sworn.)

4 (Whereupon,

5 OFFICER ROBERT CHEEKS

6 first being duly sworn, testified as follows:)

7 THE COURT: Sir, once you are seated, I'd ask that
8 you state your name, please.

9 THE WITNESS: Robert Cheeks.

10 THE COURT: Thank you. Mr. Gray, your witness.

11 MR. GRAY: Thank you, Your Honor.

12 DIRECT EXAMINATION by MR. GRAY:

4:10 P.M.

13 Q. Where do you work, sir?

14 A. For the Spartanburg Public Safety Department.

15 Q. How long have you worked there?

16 A. Approximately two (2) years.

17 Q. I take you back to April 7th of 2011. Were you
18 working that day?

19 A. Yes, sir, I was.

20 Q. And what were your duties and responsibilities at
21 that time?

22 A. At that time, I was assigned to the patrol
23 division.

24 Q. Did you get a call about a shooting?

25 A. Yes, sir, I did.

1 Q. And where did you go?

2 A. I responded to [REDACTED] Howard Street, which is Oakview
3 Apartments, in the city limits of Spartanburg.

4 Q. Once you arrived at Oakview Apartments, what did
5 you observe?

6 A. Initially, as I arrived on scene, I observed what
7 was then Lieutenant Foster rendering aid to the victim. I
8 later observed a black female standing off to my left, who I
9 later identified as Nicole Means, the sister, screaming about
10 the victim, who was laying on the ground.

11 Q. You found Stephen Means' sister?

12 A. Yes, sir.

13 Q. All right. At that time, did you have any
14 suspects at all?

15 A. No, sir, not at that moment.

16 Q. Well, what -- what -- what were your duties there?

17 A. Initially, as I arrived on scene, I was directed
18 to gather information. As I spoke with Ms. Means, she stated
19 that -- that she had seen several individuals ---

20 MR. MCCARTY: Objection, Your Honor, hearsay.

21 THE COURT: I sustain the objection. You can't
22 tell me what Ms. Means said. You may proceed, Mr. Gray.

23 MR. GRAY: Thank you.

24 Q. (By Mr. Gray) Did you help cordon off the scene?

25 A. Not at that time.

1 Q. Did you talk to witnesses?

2 A. I did.

3 Q. How many potential witnesses did you talk to?

4 A. Two (2).

5 Q. Two (2)? One of them being Mr. Means' sister?

6 A. Yes, sir.

7 Q. Who was the other one?

8 A. The other was a female who was just in the area of
9 the incident.

10 Q. Do you know her name?

11 A. I do not.

12 Q. And that's what your job was at the time?

13 A. Yes, sir.

14 Q. You weren't a detective or anything?

15 A. No, sir.

16 MR. GRAY: All right. Thank you. No further
17 questions.

18 THE COURT: Mr. Thompson, any questions for the
19 witness?

20 MR. THOMPSON: May it please the Court, Your
21 Honor?

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION by MR. THOMPSON: 4:12 P.M.

24 Q. Were you the first on the scene, Mr. cheeks?

25 A. No, sir, I was not.

1 Q. And you say you spoke with Ms. Means, the victim's
2 sister, correct?

3 A. Yes, sir.

4 Q. Okay. Where did -- did she indicate to you what -
5 - any direction to -- to follow these -- where -- where the
6 perpetrators may be?

7 A. Can you restate the question?

8 Q. Did she -- did she give you a -- a general area
9 where -- what happened?

10 A. No, sir. Initially, when I arrived, she was --
11 she was highly upset.

12 Q. Okay. And she did she give you any description of
13 any suspects?

14 MR. MCCARTY: Objection.

15 THE COURT: Sustained.

16 Q. (By Mr. Thompson) Did you -- as it comes to your
17 investigation, did you determine the number of suspects, how
18 many there were?

19 A. From Ms. Means I was given a ---

20 MR. MCCARTY: Objection.

21 Q. Again, now ---

22 THE COURT: I'm going to caution the witness that
23 -- and the attorney -- you cannot ask for what Ms. Means
24 may have told him. So I'm going to sustain the
25 objection. That would be hearsay. Ms. Means ---

1 A. No, sir.

2 Q. (By Mr. Thompson) Okay. And, now, when we looked
3 at that video, were you in the courtroom when we observed the
4 video?

5 A. Yes, sir, I was.

6 Q. Okay. And, when the officer pulled in, the -- the
7 shooting occurred here on the right; is that correct?

8 A. Yes, sir.

9 Q. And do you remember if she lived on the right or
10 the left?

11 A. She stated on the right.

12 Q. On the right? Okay. And did she identified
13 herself as -- she identified herself as a sister, correct?

14 A. Yes, sir.

15 Q. Okay. And, then... Did you speak with her one
16 time or twice?

17 A. I believe more than once.

18 Q. Okay. And did you discover anything new the
19 second time you spoke to her?

20 A. I did.

21 Q. And what was that without telling me what she
22 said?

23 (Brief Pause)

24 A. Tell you what?

25 Q. Without telling me what she said, did she uncover

1 any -- any evidence for you to pursue?

2 A. She did, about two other people who possibly
3 witnessed the crime.

4 Q. And how long after the shooting would you say you
5 arrived there?

6 A. Within seconds or minutes.

7 Q. How many?

8 A. I couldn't be exact, within minutes.

9 Q. Were you there before the tape was put up or
10 after?

11 A. I couldn't say.

12 Q. You don't recall; was the tape up? Was the yellow
13 tape up when you got there?

14 A. I can't recall.

15 (Brief Pause)

16 Q. Was the victim being administered any assistance
17 when you arrived?

18 A. He was.

19 Q. Okay. By a bystander or by a police officer?

20 A. By Sergeant Foster [sic].

21 Q. Okay. By Sergeant Foster? Okay. And would you
22 -- how many people were in the general area?

23 A. As officers or civilians?

24 Q. Well both.

25 A. I couldn't say.

1 Q. How many civilians?

2 A. At least five (5) or ten (10).

3 MR. THOMPSON: I have no further questions.

4 THE COURT: Mr. McCarty?

5 CROSS EXAMINATION by MR. MCCARTY:

4:12 P.M.

6 Q. Officer Cheeks, you just stated there were
7 possibly five (5) or ten (10) people there who are non-
8 officers; am I correct?

9 A. Yes, sir.

10 Q. And, according to your report, you spoke with two
11 people?

12 A. Yes, sir.

13 Q. The sister of the victim?

14 A. Yes, sir.

15 Q. And who was the other person?

16 A. I did not know the other person.

17 Q. Okay. Did you write that person's name down?

18 A. No, sir.

19 Q. Was a male or a female?

20 A. It was a female.

21 Q. White or black?

22 A. Black.

23 Q. Short or tall?

24 A. I can't recall.

25 Q. So you don't recall any of that information?

1 A. No, sir.

2 Q. When you went out there to respond to this call,
3 you get a dispatch which tells you what types of call it is;
4 am I right?

5 A. Yes, sir.

6 Q. Do you recall what the nature the dispatch was?

7 A. It was a shooting.

8 Q. A shooting? Okay. So we're not responding to a
9 bad check?

10 A. No, sir.

11 Q. And you responded and you see a guy on the ground
12 who has apparently been shot?

13 A. Yes, sir.

14 Q. And you talked to two people?

15 A. Yes, sir.

16 Q. And one person at the scene of a shooting and you
17 don't bother to get their name; am I correct?

18 A. Yes, sir.

19 MR. MCCARTY: Nothing further, Your Honor.

20 THE COURT: Anything further from the State?

21 MR. GRAY: No, sir.

22 THE COURT: You may step down. Thank you very
23 much.

24 (Witness complied with the Court's request.)

25 THE COURT: The State may call its next witness.

1 MR. GRAY: Officer Shane Morrow.

2 THE COURT: Come forward, sir, and be sworn.

3 (The witness stepped forward to be sworn.)

4 (Whereupon,

5 OFFICER SHANE MORROW

6 first being duly sworn, testified as follows:)

7 THE COURT: Have a seat, please, sir. And, once
8 you're seated, state your name, please.

9 THE WITNESS: Shane Morrow.

10 THE COURT: Mr. Gray, your witness.

11 MR. GRAY: Thank you, Your Honor.

12 DIRECT EXAMINATION by MR. GRAY:

4:14 P.M.

13 Q. Officer Morrow, on April 7th, 2011, did you respond
14 to the shooting of Stephen Means?

15 A. Yes, sir.

16 Q. Where was that located?

17 A. It was located at [REDACTED] Howard St, which is Oakview
18 Apartments, in front of [REDACTED] right after it.

19 Q. When you got there, what did you observe?

20 A. Lieutenant Foster was already out of the vehicle.
21 He was rendering first aid to the subject, doing chest
22 compressions. I ran back to my car and got a -- a manual
23 respirator to assist Lieutenant Foster.

24 Q. A respirator? A bag?

25 A. It's a bag. It's a plastic device to put over

1 your mouth and you're manually putting air into an individual.

2 Q. Kind of like you'd see on doctor shows and things
3 like ---

4 A. Yes, sir.

5 Q. Who was doing the compressions?

6 A. Lieutenant Foster.

7 Q. What else did you do?

8 A. I observed a -- a black male on a moped. He was
9 on a sidewalk, and a large group of people standing around,
10 milling around the area.

11 I backed up everybody. I had to tell them a
12 couple of times "This is a crime scene. You need to back
13 away," as we were rendering aid to the individual.

14 Q. So people were crowded around him?

15 A. People were crowded around the area right here.
16 It was out of view of the camera, but there's people around
17 us. We had to tell them to back up a couple of times.

18 Q. Where was Mr. Means located?

19 A. In front of  He laying face down when I
20 arrived. That's when Lieutenant Foster rolled him over on his
21 back.

22 Q. Okay. Did you identify the victim?

23 A. After the ambulances got there, I finally
24 identified who it was. He was identified as Stephen Lawran
25 Means (phonetic).

1 Q. And did you talk to anybody at the scene?

2 A. I did. I talked to a couple of people. I talked
3 to a Porter, Antwan Porter. He was -- he was standing on a
4 moped when I arrived. And I spoke to another individual named
5 Michael Martin.

6 Q. Did you develop any suspects?

7 A. We didn't develop anything at that time.

8 Q. Why not?

9 A. They were just saying they didn't see anything.
10 Or they just arrived as it was taking place or there shortly
11 after.

12 Q. How long did it take you to get to the incident
13 scene?

14 A. Approximately 1835, which is 6:35 p.m., I received
15 the call. And I got there at 6:39, four to five minutes
16 according to what the dispatch times were.

17 Q. Four (4) minutes?

18 A. Four (4) minutes by my notes.

19 MR. GRAY: Thank you. No further questions.

20 THE COURT: Mr. Thompson?

21 MR. THOMPSON: May it please the Court, Your Honor?

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION by MR. THOMPSON:

4:17 P.M.

24 Q. You gave your card to Mr. Michael Martin; is that
25 correct?

1 A. That's affirmative, sir, yes, sir.

2 Q. Okay. And do you recall what time that -- you had
3 the shooting called into you at 6:35; is that correct?

4 A. Six, thirty-five (6:35) is correct.

5 Q. And did you speak to anybody else other than Mr.
6 Martin?

7 A. The Antwan Porter subject.

8 Q. Okay. And ---

9 A. And the -- the sister.

10 Q. So you spoke to three people then?

11 A. Correct.

12 Q. And, then, did you -- do you recall what time the
13 shooting took place?

14 A. I received the call at six --

15 Q. At six thirty (6:30)?

16 A. Yeah, at 6:35, and I'm assuming it was minutes
17 before that.

18 Q. And you -- you said you gave a card to one of
19 them. Who was that?

20 (Brief Pause)

21 A. Mr. Porter.

22 Q. Mr. Porter?

23 A. Antwan Porter.

24 Q. Okay. And I'm going to back to that video we
25 watched. Was -- was he on the side?

1 A. He was on the side out of camera view. I think he
2 was the one sitting on the -- the blue moped. That was one
3 that stuck out in my head when I pulled up.

4 Q. That was moving up -- is that Ayden Street
5 (phonetic)?

6 A. It was Ayden Street that we came off of, that we
7 pulled off when we seen Lieutenant Foster. Then when you
8 turned a left, it was Ayden. That's Ayden Street on the -- in
9 the housing development there, or housing complex.

10 Q. Okay. And then -- so he was on Ayden or right
11 near Howard ---

12 A. Right there, yes, sir.

13 Q. Okay. And Mr. Martin -- where was Mr. Martin?

14 A. He was just one that was on the scene that was
15 standing around that I grabbed and spoke to.

16 Q. And do you recall where he was at? Was he on
17 Ayden Street or down in the complex?

18 A. They were all either near [REDACTED] or right at the
19 corner there on Ayden, right there where the parking lot comes
20 in at.

21 Q. Okay.

22 (Brief Pause)

23 MR. THOMPSON: No further questions.

24 THE COURT: Mr. McCarty?

25 MR. MCCARTY: No questions for Officer Morrow.

1 THE COURT: Anything further from the State?
2 MR. GRAY: No, sir, Your Honor.
3 THE COURT: You may step down. Thank you very much.
4 (Witness complied with the Court's request.)
5 THE COURT: The State may call its next witness.
6 MR. GRAY: Mr. Hill?
7 (The witness stepped forward to be sworn.)
8 THE COURT: Come forward, sir, to my left and be
9 sworn, please.
10 (Witness complied with the Court's request.)
11 (Whereupon,
12 MR. HARRY HILL
13 first being duly sworn, testified as follows:)
14 THE COURT: Have a seat, please, sir. Once seated,
15 state your name.
16 THE WITNESS: Harry Hill, II.
17 THE COURT: Mr. Gray, your witness.
18 MR. GRAY: Thank you, sir.

19 DIRECT EXAMINATION by MR. GRAY: 4:23 P.M.

20 Q. where do you work, sir?
21 A. I work at Spartanburg EMS.
22 Q. And how long have you worked there?
23 A. Since 2006.
24 Q. What are your primary duties and responsibilities?
25 A. I am a paramedic assigned to a -- an ambulance

1 that works primarily in the city. However, I do respond all
2 over the county.

3 Q. What does a paramedic do?

4 A. Let's see, I respond to 911 calls when people call
5 for emergencies. We render aid for various types of medical
6 responses; diabetic complications, low blood sugar, cardiac
7 arrest events, trauma calls, motor vehicle accidents.

8 Q. Shootings?

9 A. Shootings.

10 Q. On April 7th 2011, did you respond to a shooting?

11 A. Yes, sir, I did.

12 Q. Was that at Oakview Apartments?

13 A. Yes, sir, it was.

14 Q. When you arrived on the scene, what did you
15 observe, sir?

16 A. When my truck arrived on scene, I did witness two
17 officers performing CPR on the patient. When we arrived, we
18 took over patient care, assessed the patient, continued CPR
19 that they had initiated.

20 Q. When you say "assess the patient," what do you
21 mean?

22 A. As we approached the -- the patient, I saw the
23 patient laying on his back. The patient did not have a pulse.
24 We did check for that. He did not have a regular pulse and he
25 did not have a carotid pulse.

1 The patient was not breathing on their own. So we
2 had them continue doing CPR compressions to -- to help
3 circulate blood that he does have, simulating the heartbeat;

4 Also breathing for him since he was not breathing
5 on his own, using a bag/valve mask that they discussed
6 earlier, breathing for the patient.

7 Upon assessing him, I noticed that he did have a
8 wound to the lower part of his left arm and also had a wound
9 on the left side of his chest.

10 Part of our assessment, especially on gunshots, we
11 do check the backside of the patient to see if there was any
12 type of exit wound when dealing with a possible gunshot.

13 We rolled the patient over and assessed the back,
14 raise his shirt up, we do not see any type of exit wound on
15 the back.

16 Also, when we laid the patient back over, we laid
17 him on a spine board, secured the patient to the board with
18 straps that we have, moved him to the stretcher, and then took
19 the patient to the ambulance and continued patient care in the
20 ambulance on the way to the hospital.

21 Q. All right. I know this seems sort of indelicate,
22 but why? why did you do this? You said there was no pulse.
23 He wasn't breathing.

24 A. That's what our job is to do. It's not my job to
25 say whether somebody is alive or not alive. I'm not a doctor.

1 I'm not a coroner.

2 My responsibility is to render patient care and do
3 everything that I possibly can for that patient, regardless of
4 their situation or the condition that they're in at that time.

5 Q. Did you do anything to measure any electrical
6 activity?

7 A. We did. We placed the -- we placed the patient on
8 a heart monitor. The patient does show electrical activity on
9 the monitor.

10 That did showed the -- the blips as some people
11 may say across the monitor. However, that was just showing
12 electrical activity.

13 There was no pulse with that. That is a
14 condition that we call PEA, which is Pulseless Electrical
15 Activity. It means that the heart, there is electrical
16 activity going on in the heart; however, there's no mechanical
17 activity going on with the heart at that time.

18 MR. GRAY: Thank you, sir. No further questions,
19 Your Honor.

20 THE COURT: Mr. Thompson?

21 MR. THOMPSON: Thank you, Your Honor. May it
22 please the Court, Your Honor?

23 THE COURT: Yes, sir.

24 CROSS EXAMINATION by MR. THOMPSON:

4:28 P.M.

25 Q. You stated you -- did you say you observed no exit

1 wound in the back?

2 A. That's correct.

3 Q. No wound at all on the back?

4 A. No, sir.

5 MR. THOMPSON: No further questions.

6 THE COURT: Mr. McCarty?

7 CROSS EXAMINATION by MR. MCCARTY:

4:29 P.M.

8 Q. Mr. Hill, as a paramedic, this wasn't your first
9 incident like this, was it, that you've ever responded to?

10 A. No, sir, it was not.

11 Q. If -- if you were to respond to anything
12 traumatic, as a paramedic, do you try to ask questions of the
13 person who you are treating as to what happened or what had
14 occurred?

15 A. To the patient themselves?

16 Q. To the patient I guess is the way to describe it,
17 yes.

18 A. If they're able to speak to me, yes, sir, I will.

19 Q. Was Mr. Means able to speak to you when you were
20 treating him?

21 A. No, he was not, sir.

22 MR. MCCARTY: Thank you. Nothing further, Your
23 Honor.

24 THE COURT: Any further questions from the State?

25 MR. GRAY: Just -- just one, Your Honor.

1 THE COURT: Yes sir.

2 REDIRECT EXAMINATION by MR. GRAY: 4:30 P.M.

3 Q. Is it possible that you missed the wound or -- in
4 his back?

5 A. On my -- on my assessment, when I rolled him over
6 and -- and raised up his shirt to look at the back, I did not
7 see any type of exit wound on the patient.

8 Q. No exit wound?

9 A. No, sir.

10 MR. GRAY: Thank you.

11 THE COURT: Anything further, Mr. Thompson?

12 MR. THOMPSON: Briefly.

13 RECROSS EXAMINATION by MR. THOMPSON: 4:30 P.M.

14 Q. I think I asked you anywhere on the back, right?

15 A. Pardon me?

16 Q. You said no wound on the back; is that your
17 testimony?

18 A. I did not -- I did not see one.

19 MR. THOMPSON: Thank you. No further questions.

20 THE COURT: All right. Sir, you may step down.

21 Thank you very much.

22 (Witness complied with the Court's request.)

23 MR. GRAY: May we approach, Your Honor?

24 THE COURT: You certainly may.

25 (Whereupon, a bench conference was had with all

1 attorneys present.)

2 THE COURT: All right. Ladies and gentlemen of the
3 jury, we've reached a point, a stopping point, for the
4 afternoon.

5 I'm going to caution you and give you the same
6 cautions I gave you when you left the courthouse earlier.
7 Those are that you shouldn't discussed the case with
8 anyone, shouldn't allow anyone to discuss it with you,
9 should not attempt to gather any information on your own.

10 Should anyone attempt to contact you concerning your
11 service on the jury, please report that upon your return.
12 And, again, don't listen to, watch, or read any media
13 reports concerning this case.

14 We will resume the case in the morning. I'll ask
15 you to be in the jury room at 9:30. And we should be in
16 a position to get started shortly thereafter.

17 The bailiffs will show you out. And I trust you'll
18 have a good evening. Thank you very much.

19 (The jury exited the courtroom for the evening at
20 4:32 p.m.)

21 THE COURT: All right. I'll ask the attorneys to
22 approach again for just a moment please.

23 MR. GRAY: Yes, sir.

24 (Whereupon, a bench conference was had with all
25 attorneys present.)

1 THE COURT: All right. Court is going to be in
2 recess until 9:30. Thank you very much. And everyone
3 remain seated until the Defendants have left the
4 Courtroom. Thank you very much.

5 (Brief pause while the Defendants are taken out of
6 the Courtroom.)

7 THE COURT: All right. Court is adjourned. Thank
8 you very much.

9 (Whereupon, court was adjourned for the evening at
10 4:34 p.m.)

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9:30 A.M.

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(Off-the-Record Comments)

THE COURT: If you would like to approach, please?

MR. GRAY: Yes, sir.

(Whereupon, a bench conference was had with all attorneys present.)

THE COURT: I understand the State has a motion to make?

MR. GRAY: We would like to make a motion to sequester witnesses at this point, Your Honor.

THE COURT: Any objection, Mr. Thompson?

MR. THOMPSON: None from Defendant Anderson, Your Honor.

MR. MCCARTY: Your Honor, the only -- the only request I might make is that Ms. Toni Moore, who is listed on the State's witness list, is the mother of Ms. Hollis. And I know that she is a potential witness for the State.

I don't know if they do intend to call her are not, but being a family member, I would ask respectfully that she be allowed to remain.

THE COURT: Any objection that she remain in the courtroom?

MR. GRAY: Yes, sir, Your Honor. On the basis that we don't want her to hear testimony -- the testimony of

1 other witnesses either.

2 THE COURT: Okay. All right.

3 MR. MCCARTY: And I understand. I know she's not
4 the victim's family as guaranteed under the Victims' Bill
5 of Rights.

6 THE COURT: That's -- that's correct. All right.
7 I'm going to grant the State's motion to sequester
8 witnesses at this time. So anyone who is a -- and I
9 assume -- who -- who would you designate your chief
10 investigator ---

11 MR. GRAY: Yes, sir.

12 THE COURT: --- who will stay in the courtroom?
13 who is that going to be?

14 MR. GRAY: Mr. Stokes, Your Honor.

15 THE COURT: All right. He can remain in the
16 courtroom. Family members of the -- of the victim are
17 allowed to stay since they are covered by the Victims'
18 Bill of Rights.

19 Otherwise, if you are a potential witness in this
20 case, I'm going to ask that you leave the courtroom.

21 I will also instruct you that you should not discuss
22 your testimony with each other either before, during, or
23 after your testimony in this case.

24 So, anyone who is a potential witness in the case,
25 at this point in time should leave the courtroom. You

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1 can remain outside in some location where you can be
2 retrieved. Thank you very much.

3 (Whereupon, the witnesses in the case exited the
4 courtroom with the exception of the victim's family
5 members.)

6 THE COURT: Members of the victim's family can
7 stay. They are covered by the Victims' Bill of Rights.

8 (Brief Pause)

9 THE COURT: All right. I am informed at this time
10 that we are still one juror short. I'd hoped to get
11 started at 9:30.

12 The clerk is trying to determine the whereabouts of
13 that juror at this point in time. And so we're going to
14 wait until we at least determine the whereabouts of the
15 juror.

16 Mr. Thompson, was there something you wanted to
17 address before we ---

18 MR. THOMPSON: Your Honor, at the appropriate time,
19 I'd -- I'd like to move for a mistrial based upon that
20 video that was shown yesterday and the victim's family
21 response. I ---

22 THE COURT: You can go ahead make the motion if
23 you'd like.

24 MR. THOMPSON: I -- I want to make the motion for
25 mistrial. The video was -- and, I mean, it was my kid's

1 15th birthday yesterday. So it was hard for me to watch
2 that.

3 And I think that tape, along with the -- the
4 outburst from the victim's mother or sister; I'm not sure who
5 it was. I didn't look. I -- I think we've tainted
6 the jury there.

7 I think the -- I don't know that my client can go
8 through and have a fair trial or Ms. Hollis with -- with
9 the -- with that, with that scene going on.

10 I think that -- it was upsetting toward me and I
11 know it upset the jurors. And I'm just -- I don't know
12 if we have a chance here for a fair trial with too much
13 sympathy extended towards the victim's family due to that
14 tape.

15 And -- and the tape I thought was close. I'd seen
16 the tape, knew what was coming, but then, I think the
17 outburst coupled with it tainted -- tainted the jury pool.

18 THE COURT: Mr. McCarty?

19 MR. MCCARTY: Your Honor, I concur with Mr.
20 Thompson's request in that matter. I think that some of
21 the scenes in the video, while not totally graphic, do
22 represent -- they don't go to proving an element of
23 malice or anything else that's required to prove murder
24 or armed robbery in that respect, Your Honor.

25 MR. GRAY: Your Honor ---

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1 THE COURT: Yes, sir, I'll hear from the State.

2 MR. GRAY: Yes, sir, Your Honor. I believe the
3 tape, in and of itself, was no problem. It was admitted
4 without objection. There was no sound on the tape in
5 this situation.

6 Now, out of an abundance of caution in this matter,
7 Your Honor, the reaction is the reaction, Your Honor. We
8 can't control that.

9 But there was no verbal outburst, no -- nothing.
10 The family didn't say anything against these Defendants
11 during that outburst.

12 It was just an emotional outburst; crying, tears,
13 nothing directed at the jury or specifically directed at
14 the Defendants, Your Honor.

15 I don't think there is any prejudice here.
16 Furthermore, it's -- the evidence will prove --
17 unfortunately the evidence is that the individual was
18 dying and/or dead.

19 THE COURT: All right. In my viewing of the video,
20 it was admitted without objection. The -- and it did not
21 show any close-ups of the victim.

22 It showed a police vehicle driving up and someone
23 lying on the ground.

24 And just for a brief period of time, given the
25 overall length of the video, I think the video was -- it

1 did have probative value that would outweigh its
2 prejudicial value had an objection been made since it did
3 show the scene, the number of people on the scene when
4 the police arrived.

5 It also gave the jury a view of the street, the
6 closeness of the buildings, things of that nature, which
7 may be helpful to the jury later on if additional proof
8 is offered concerning what happened at the scene.

9 And the video did not show the effort to revive the
10 victim other than him being taken to the ambulance. And
11 that was, again, for a brief period of time.

12 There was an emotional response in the courtroom.
13 And South Carolina has a law that allows family members
14 -- requires that they be present in hearings if they
15 choose to do so.

16 When that emotional outburst reached a point that I
17 felt that it could have some effect in the case, I
18 stopped the trial, removed the jury from that situation,
19 cautioned the people involved not to be involved in that
20 sort of activity.

21 There was nothing directed toward either of the
22 Defendants that I saw. And no words were spoken other
23 than there was some sobbing that took place.

24 I don't find that, that -- that was sufficient to
25 warrant a mistrial in the case. However, if the Defense

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1 requests, I'll be more than happy and do intend, during
2 my charge of the law, to instruct the jury that their
3 verdict should not be based on emotion or passions of any
4 kind; that it should be based upon the law and the
5 evidence in this case.

6 So I will give a -- a -- a corrective instruction
7 during my charge on the law. If the Defense would
8 request one, I would consider doing a corrective
9 instruction at this time. Does the Defense wish for me
10 to instruct the jury at this time on that point?

11 MR. THOMPSON: To reiterate that point, my main
12 concern is believe there some chess compressions going on
13 in the tape and, then, the victim's proximity -- the
14 family's proximity with the State here. That is my main
15 concern. But I ---

16 THE COURT: I understand your concern, but my
17 finding would be that, that wouldn't be sufficient to
18 justify a mistrial.

19 MR. THOMPSON: Right, Your Honor. And I understand
20 the Court's ruling.

21 THE COURT: Quite often in trials witnesses cry.
22 That happens. There are emotional responses to what goes
23 on in courtrooms.

24 As long as it's not directed toward an individual,
25 and as long as words aren't spoken, somebody tries to get

1 something into the record that shouldn't be in the
2 record, that would not occur.

3 And, of course, I felt like we took the appropriate
4 response to diffuse the situation at the time. So,
5 again, if you wish for me to make a instruction to the
6 jury that their verdict ultimately must be based strictly
7 upon the law and the evidence and not upon any passion or
8 sympathy, I'll be more than happy to make that -- give
9 that instruction at this time.

10 MR. THOMPSON: Well, I think it would be
11 satisfactory at the time of the jury charge.

12 THE COURT: All right. Anything, Mr. McCarty?

13 MR. MCCARTY: No, Your Honor.

14 THE COURT: All right. Motion denied. Yes, come
15 on up, Mr. Ruth. Let me hear from you and see where we
16 are.

17 (Off-the-Record Discussion)

18 THE COURT: I've been informed by the bailiff that
19 they have not been able to locate the missing juror. My
20 intention is to have the clerk's office testify
21 concerning their efforts.

22 It we need to have one of the alternates seated, and
23 that would be done by ballot, a drawing from the hat.
24 But let me get that on the record first and make a
25 finding that we're not able to locate that juror.

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1 (Brief Pause while clerk is summoned.)

2 THE COURT: Come on in.

3 (Off-the-Record Discussion regarding the missing
4 juror.)

5 THE COURT: I'm informed that the juror had some
6 difficulty with her car. She's on her way and we will
7 take a short break until she arrives. She'll be here in
8 a few minutes.

9 MR. GRAY: Yes, sir.

10 THE COURT: Court is in recess.

11 (Whereupon, a recess was taken until the juror
12 arrived.)

13 (Court reconvened at 10:21 a.m. once the juror had
14 arrived.)

15 THE COURT: All right. Is the State ready to
16 proceed?

17 MR. GRAY: Yes, Your Honor.

18 THE COURT: Is the Defense ready to proceed, Mr.
19 Thompson?

20 MR. THOMPSON: Yes, Your Honor.

21 THE COURT: And Mr. McCarty, are you ready to
22 proceed?

23 MR. MCCARTY: We are, Your Honor.

24 THE COURT: All right. Bring the jury in.

25 (The jury was summoned and entered the Courtroom at

10:23 a.m.)

THE COURT: All right. The record will reflect the jury has returned to the courtroom. At this point in time, I will inquire if anyone had any difficulty in complying with my instructions yesterday evening.

If anyone did have any difficulty in complying with those instructions, please, stand.

(Potential juror stood in response.)

THE COURT: Yes, ma'am, your name?

JUROR: Mary Ray.

THE COURT: Yes, ma'am?

JUROR: I had a flat tire this morning and I did call in. So I just now got here.

THE COURT: Oh, I understand that, but I'm more concerned with your having talked with anyone ---

JUROR: Oh, no, sir.

THE COURT: --- or read any -- any newspaper articles or seen any media reports. So, if anyone had any trouble complying in that regard, I would ask that you please stand.

(No Response)

THE COURT: All right. At this time the State will proceed with the presentation of its evidence. You may call your next witness, Mr. Gray.

MR. GRAY: Thank you, Your Honor. The State calls

1 Nicole Means.

2 THE COURT: Come forward, please ma'am.

3
4 (The witness stepped forward to be sworn.)

5 (Whereupon,

6 NICOLE MEANS

7 first being duly sworn, testified as follows:)

8 THE COURT: Have a seat, please, ma'am. And, once
9 you're seated, state your name for me.

10 THE WITNESS: Nicole Means.

11 THE COURT: Thank you. Mr. Gray, your witness.

12 MR. GRAY: Thank you.

13 DIRECT EXAMINATION by MR. GRAY:

10:24 A.M.

14 Q. Ms. Means, are you the sister of the decedent in
15 this case?

16 A. Yes, sir.

17 Q. Do you remember the events of April the 7th, 2011?

18 A. Yes, sir.

19 Q. Okay. And will you, please just say "yes" or "no"
20 and not shake your head.

21 A. Okay. Yes, sir.

22 Q. Thank you. How did that day start out for you?

23 A. When I got off from work at -- at the time I was
24 working at Zaxby's and I got off at 4:00. And I came home I
25 guess maybe about 6:20, 6:23, something like that is when I

1 spotted him walking through an opening across the street.

2 Q. Spotted who?

3 A. Stephen.

4 Q. All right.

5 A. And I noticed the red hat he was wearing. So I
6 peeked my head out of the door and I just kind of like
7 hollered like "hey," and he turned and looked and he threw his
8 hands up at me and came on across.

9 Q. All right. And you and Stephen talked? Did he
10 come to the house?

11 A. Uh-huh (affirmative). We stood outside on my
12 walkway right there. Something about he'd got a new phone and
13 we was talking about he's going to get ne one Friday.

14 And that was about it. We was just talking about a
15 phone.

16 Q. You stated that you were at your apartment. Is --
17 is your apartment on the same side where he was -- where he
18 fell?

19 A. Yes, sir.

20 Q. Now is it -- where is it in relation to where he
21 fell?

22 A. About five (5) apartments down.

23 Q. Okay. So you couldn't see what happened?

24 A. Huh-uh (negative), no, sir.

25 Q. After he left you -- you say it was a brief

1 conversation?

2 A. Uh-huh (affirmative), yes, sir.

3 Q. What did he have on beside his red hat?

4 A. He had on the striped shirt, a polo shirt, and
5 some khaki shorts and I think black tennis shoes.

6 Q. Any jewelry?

7 A. He had on a necklace. He had gold teeth.

8 Q. Okay. And just tell about the gold teeth.

9 A. He had top and bottom, just gold; didn't have
10 anything really on them.

11 Q. Anything special -- anything special about his
12 necklace?

13 A. A cartoon character I think.

14 Q. What -- what was the character's name?

15 A. Family Guy, the baby, Stewie.

16 Q. All right. You separated?

17 A. Uh-huh (affirmative).

18 Q. How long after that did some-- something happen?

19 A. Well, the old screen doors, they open and they
20 kind of click back closed. And my door didn't even close and
21 I heard it go off.

22 Q. Heard what?

23 A. It sounded like a firecracker.

24 Q. All right. What did you do when you heard
25 firecracker?

1 A. I instantly turned around to go outside. And I
2 was like, "Who's shooting firecrackers in the middle of the
3 day?"

4 Q. Did you just say that or ---

5 A. It was -- a friend of mine come out across the
6 street from me and we were both saying it to each other. And
7 I looked up the street and he was laying face down on the
8 ground.

9 Q. On the ground, not in the street?

10 A. No.

11 Q. And you said it was five (5) apartment doors ---

12 A. Uh-huh (affirmative).

13 Q. --- from you?

14 A. Uh-huh (affirmative).

15 Q. And what did you do next?

16 A. I immediately just ran up the street to where he
17 was at.

18 Q. What did you see when you got to him?

19 A. When I got there, he was laying face down and he
20 had a half of a marijuana joint in his hand. And that was it.
21 His hat was gone. The jewelry was gone, just him.

22 Q. What about his teeth?

23 A. As far as the teeth, he just had the bottom part
24 in and they were kind of hanging out.

25 Q. The top part of the gold teeth?

- 1 A. The bottom -- the bottom.
- 2 Q. Oh, the bottom part was hanging out?
- 3 A. Uh-huh (affirmative).
- 4 Q. What about the top?
- 5 A. The top was gone.
- 6 Q. Gone?
- 7 A. Uh-huh (affirmative).
- 8 Q. What about his hat?
- 9 A. The hat was gone.
- 10 Q. Now did you turn him over or anything?
- 11 A. I sat on his back because by that time a lot of
- 12 people had started coming from around the corner. So I just
- 13 sat on his back and I remember somebody coming across there
- 14 told me to get up. And I just got up.
- 15 Q. Did you call 911?
- 16 A. My boyfriend did.
- 17 Q. You sat on his back why?
- 18 A. That was the only way I could so I could protect
- 19 him was like just get down and hover over him.
- 20 Q. And you did that until somebody ---
- 21 A. Until somebody came near where I was at.
- 22 Q. Was it an officer or an EMS worker?
- 23 A. No. It was a -- a lady, a black lady.
- 24 Q. And that's what you remember about that day?
- 25 A. Yeah.

1 Q. You remember if he was breathing at all?

2 A. No, he wasn't.

3 Q. And he was still face down at that time?

4 A. Yes, sir.

5 Q. Did you see any blood?

6 A. Yeah, out of his mouth and on his back.

7 Q. All right. But you didn't -- did you see who did
8 this to him?

9 A. No, sir.

10 Q. So you couldn't identify any ---

11 A. No. It was just a group of people. It was
12 normally like that every day. I mean just a group of people
13 stood at the top of the road. And that's all I remember was
14 the group.

15 Q. Just hanging out?

16 A. Uh-huh (affirmative).

17 Q. Did you see Lauri Hollis that day?

18 A. When I pulled in that day from coming from work,
19 she was standing outside at the car.

20 Q. That was before anything happened?

21 A. That was before anything happened.

22 Q. Just a normal ---

23 A. Just a normal day.

24 Q. But she was in the area?

25 A. Yes, sir.

1 Q. Do you recognize her?

2 A. I do.

3 Q. Would you point her out please?

4 A. She's right there (Indicating).

5 Q. In the grey sweater and white shirt?

6 A. Yes, sir.

7 MR. GRAY: Let the record reflect the witness
8 identified Ms. Hollis.

9 THE COURT: The record will so reflect. You may
10 proceed.

11 Q. (By Mr. Gray) Now do you call her Lauri Hollis?

12 A. No, where we stayed at, everybody calls her Danny
13 (phonetic).

14 Q. Danny?

15 A. (Witness nods affirmatively.)

16 Q. How long have you known her?

17 A. Not long.

18 Q. Not long? But you didn't see anything wrong with
19 her ---

20 A. No.

21 Q. You just saw her that day?

22 A. Yes, sir.

23 MR. GRAY: That's all have for you, ma'am. Please
24 answer any questions the Defense may have.

25 THE WITNESS: Yes, sir.

1 THE COURT: Mr. Thompson?

2 MR. THOMPSON: May it please the Court, Your Honor?

3 THE COURT: You may proceed.

4 CROSS EXAMINATION by MR. THOMPSON: 10:29 A.M.

5 Q. Ms. Means, you indicated that your boyfriend was
6 there. Who is your boyfriend?

7 A. Kevin Foster (phonetic).

8 Q. Was he outside at the time of the shooting?

9 A. No, sir.

10 Q. He was inside?

11 A. Uh-huh (affirmative).

12 Q. Okay. And -- now you indicated that you know
13 Danielle, correct?

14 A. Yes.

15 Q. Okay. Do you recall when you spoke with Officer
16 Cheeks and Officer Hammock (phonetic) when they came on the
17 scene?

18 A. I think so.

19 Q. Do you recall telling Officer Cheeks -- he said
20 -- he indicated you were very upset or you were upset, right?

21 A. Yes, sir.

22 Q. And I'm terribly sorry for your loss, ma'am. I
23 understand that that's very heartbreaking. Do you remember
24 calling him -- telling him that, "...a group of unknown young
25 black males wearing white T-shirts had chased your brother"?

1 A. No.

2 Q. You don't recall saying that?

3 A. Huh-uh (negative).

4 Q. Okay. But are you denying saying that?

5 A. I might've, but I don't really remember it.

6 Q. Okay. But you -- but you do recall speaking with
7 Officer Cheeks?

8 A. Yes, sir.

9 Q. Okay. And later on you spoke to Officer Hammock;
10 do you recall that?

11 A. No.

12 MR. THOMPSON: Beg the Court's indulgence.

13 (Brief Pause)

14 Q. You don't recall speaking with Officer Hammock
15 at ---

16 A. (Witness shakes head negatively.)

17 Q. --- the same time? Now what time did you say
18 this occurred? You said about 6:15?

19 A. No, about 6:23, 6:24, something like that.

20 Q. And how can you be so sure ---

21 A. I have a digital clock that sits right at my door.

22 Q. Okay. And you remember looking at that? You
23 said the door didn't click close yet, right?

24 A. No.

25 Q. And is that clock inside or outside?

1 A. Inside.

2 Q. All right. You -- I'm sorry, you spoke with
3 Officer Owens. Do you remember that? Do you remember
4 speaking with Officer Owens?

5 A. No, sir.

6 Q. Okay. You don't remember telling him that several
7 young males wearing white T-shirts were chasing your brother
8 and running from the scene?

9 A. They were running from the scene. They didn't
10 chase my brother. They were running as I come out the door.
11 There was a lot of them going around the corner.

12 Q. Okay. Like --like they were running away?

13 A. Away from the scene, yes.

14 Q. Okay. So they were trying to escape from the
15 scene?

16 A. Yes, sir.

17 Q. And you're pretty sure they had on white
18 T-shirts?

19 A. The ones that I seen going around the end -- the
20 last ones that I saw had on the white T-shirts.

21 Q. Okay. And they -- if we -- if you remember that
22 video, they would've been running toward the police car?

23 A. Yes, sir.

24 Q. Correct?

25 A. Around the -- uh-huh (affirmative).

1 Q. And then would've taken a right?

2 A. Yes, sir -- no, a left.

3 Q. Okay. Then a left back towards Howard Street?

4 A. Uh-huh (affirmative).

5 Q. Okay. And do you recall how many of them there
6 were?

7 A. Maybe three (3) ---

8 Q. Okay.

9 A. --- when I come out.

10 Q. Do you recall anything else about how they
11 looked?

12 A. No.

13 Q. Did they have long hair, short hair, dreads?

14 A. No hair.

15 Q. Short?

16 A. They had some shorts.

17 Q. They had shorts?

18 A. Uh-huh (affirmative).

19 Q. And, then, ball caps, anything like that?

20 A. I don't recall a hat.

21 Q. Okay. And when you saw those guys in the white T-
22 shirts running away, did you -- did they -- did you feel they
23 were fleeing the scene because they had done something to your
24 brother?

25 A. No. It was just so many people out there they

1 maybe were just running because they were scared.

2 Q. Okay. So they -- they turned up toward Howard
3 Street?

4 A. No, the other way.

5 Q. Down Ayden?

6 A. The left.

7 Q. Down Ayden toward the back of Oakview?

8 A. Uh-huh (affirmative).

9 Q. Okay. So did anybody run across toward Howard
10 Street?

11 A. Not that I saw.

12 Q. Not that you saw? And then you said the first
13 lady that came to you was a black lady?

14 A. Uh-huh (affirmative).

15 Q. And you don't recall who that was?

16 A. My friend's mother I think.

17 Q. Okay.

18 (Brief Pause)

19 Q. And you don't recall telling Officer Cheeks that
20 those boys chased your brother?

21 A. No.

22 Q. Because his statement was very clear; you
23 understand that, right?

24 A. Yes, sir.

25 Q. And you told him and he put in his statement that

1 they chased him to -- in front of Apartment 209. Is that
2 where the shooting occurred?

3 A. Uh-huh (affirmative).

4 Q. Okay. But you don't recall telling him that those
5 guys chased him ---

6 A. No.

7 Q. --- those kids in the white T-shirts? Okay. Do
8 you recall their height, weight, anything like that?

9 A. Small build, tall. They wasn't really short.

10 Q. Just average?

11 A. Yeah, average build.

12 Q. And some kind of -- but your testimony is you
13 don't remember saying that they chased Stephen?

14 A. No. I seen them leaving; I didn't see them chase
15 him.

16 (Brief Pause)

17 Q. And, then, later on you -- you did tell another
18 officer you did see the other guys running?

19 A. Uh-huh (affirmative).

20 Q. Do you recall saying that?

21 A. Yes, sir.

22 Q. Running away from...

23 A. Uh-huh (affirmative).

24 Q. Now I think at one time you told me they turned
25 toward Howard Street?

1 A. No, they ---

2 Q. You told me they turned back down ---

3 A. No, a left is -- is through the apartments.

4 Q. Okay. So, if they're going left, they're going
5 back up ---

6 A. Uh-huh (affirmative).

7 Q. Okay. I was going left and thinking... You could
8 not positively identify anybody that was involved with the
9 crime because you...

10 A. No, sir.

11 Q. Okay. And you've heard a ton of stuff about it on
12 the street, haven't you?

13 A. Yes, sir.

14 Q. And you can't verify any of that, can you?

15 A. No, sir.

16 MR. THOMPSON: I have no further questions. Thank
17 you, Ms. Means.

18 THE WITNESS: You're welcome.

19 THE COURT: Mr. McCarty, your witness.

20 MR. MCCARTY: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION by MR. MCCARTY: 10:40 A.M.

23 Q. Ms. Means, you lived over at Oakview Apartments at
24 that time, correct, ma'am?

25 A. Yes, sir.

1 Q. And you said you saw Ms. Hollis there that day?

2 A. Yes, sir.

3 Q. Do you know if Ms. Hollis also lived in Oakview
4 Apartments?

5 A. I think so in the back.

6 Q. On the back? Do you know if she had any other
7 relatives that lived there as well?

8 A. No, sir.

9 Q. So you don't know if she had a sister or anyone
10 else like that, that lived there, do you?

11 A. No, sir.

12 Q. Okay. How long had you lived there at this time?

13 A. Going on a year and a half.

14 Q. A year and a half? Okay. Had you ever seen Ms.
15 Hollis out and around in the Oakview area before then?

16 A. Yes, sir.

17 Q. Would you describe Oakview as some place folks
18 hang out outside a lot?

19 A. Yes, sir.

20 Q. So it would not be uncommon to see crowds of folks
21 standing around talking ---

22 A. No, sir.

23 Q. It's a social community in that respect; am I
24 correct?

25 A. Yes, sir.

1 Q. Ms. Means, I believe that you told Mr. Gray that
2 you were -- had gone back inside of your apartment?

3 A. Yes, sir.

4 Q. And the door had just barely latched?

5 A. Yes, sir.

6 Q. And you heard what you thought was a firecracker?

7 A. Yes, sir.

8 Q. So you were not outside?

9 A. No, sir.

10 Q. And I don't believe you told Mr. Gray that you had
11 heard anything, that you explained he had yelled or
12 shouted ---

13 A. No, sir.

14 Q. --- am I correct?

15 A. No, sir.

16 MR. MCCARTY: Thank you, Ms. Means.

17 THE COURT: Anything further, Mr. Gray?

18 MR. GRAY: Briefly, Your Honor.

19 THE COURT: Yes, sir.

20 REDIRECT EXAMINATION by MR. GRAY:

10:49 A.M.

21 Q. As regards to Ms. Hollis, what type of clothing or
22 hair style or whatever?

23 A. The only thing I can remember about that day is
24 she had dreads.

25 Q. She had dreads?

1 A. Uh-huh (affirmative).

2 Q. Long, short?

3 A. I want to say she got it cut in a Mohawk, like the
4 sides were cut off.

5 Q. But she had dreadlocks that day?

6 A. Uh-huh (affirmative).

7 MR. GRAY: All right. Thank you, ma'am. Nothing
8 further, Your Honor.

9 THE COURT: Any follow-up on that, Mr. Thompson?

10 MR. THOMPSON: Briefly.

11 RECROSS EXAMINATION by MR. THOMPSON: 10:40 A.M.

12 Q. Ms. Means ---

13 A. Yes, sir?

14 Q. --- do you -- do you remember what Ms. Hollis had
15 on; shorts or pants; do you recall?

16 A. No, sir.

17 Q. Okay. But you verify that had on -- had
18 dreadlocks?

19 A. Yes, sir.

20 Q. And, then, how long; ear, shoulder?

21 A. They wasn't -- they wasn't real long, but they
22 wasn't short either.

23 MR. THOMPSON: Okay. No further questions. Thank
24 you, Ms. Means.

25 THE COURT: Mr. McCarty, any other questions?

1 MR. MCCARTY: No, Your Honor.

2 THE COURT: Ma'am, you may step down. Thank you
3 very much.

4 (Witness complied with the Court's request.)

5 THE COURT: The State may call its next witness.

6 MR. GRAY: Thank you, Your Honor. The State calls
7 Molly Bogan to the stand.

8 THE COURT: All right.

9 (Brief pause while the witness was summoned.)

10 THE COURT: Ma'am, come forward to my left and be
11 sworn.

12 (Witness complied with the Court's request.)

13 THE COURT: Right over here (indicating).

14 (Whereupon,

15 MOLLY BOGAN

16 first being duly sworn, testified as follows:)

17 THE COURT: Have a seat, please. And, once you're
18 seated, I'd ask that you state your name, please, ma'am.

19 THE WITNESS: Molly Bogan.

20 THE COURT: Mr. Gray, it's your witness.

21 MR. GRAY: Thank you, Your Honor.

22 DIRECT EXAMINATION by MR. GRAY:

10:43 A.M.

23 Q. Ms. Bogan, how old are you?

24 A. Seventeen (17).

25 Q. Did you used to hang out at Oakview Apartments?

1 A. Yes, sir.

2 MR. MCCARTY: I'm sorry, Your Honor, I can't -- I
3 can't hear Ms. Bogan.

4 THE COURT: She said -- her answer to that question
5 was yes, sir. And I will ask the witness to move a
6 little closer to the microphone perhaps and speak up for
7 me.

8 (Witness complied with the Court's request.)

9 THE COURT: Thank you. Be sure that you speak loud
10 enough for these folks at my table to -- to the right can
11 hear you. All right, Mr. Gray.

12 MR. GRAY: Thank you, Your Honor.

13 THE COURT: Yes, sir.

14 Q. (By Mr. Gray) When did you start hanging out at
15 Oakview Apartments?

16 A. I was fifteen (15).

17 Q. Did you have your own car at that time?

18 A. Yes, sir.

19 Q. What kind of car did you have?

20 A. A black Mercedes SUV.

21 Q. And why would you go over to Oakview Apartments?

22 A. My friend lived over there.

23 Q. Who is that?

24 A. Latrica Martin (phonetic).

25 Q. But you didn't live anywhere near Oakview

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A. No, sir.

Q. On April 3rd [sic] of 2011, were you there at
Oakview Apartments?

A. Yes, sir.

Q. How long -- what -- what time did you go to
Oakview Apartments if you remember?

A. I'm not sure. Maybe around four (4:00) or five
(5:00).

Q. And what did you do that day?

A. I just went over there to see her.

Q. To see Latrica Martin?

A. Yes, sir.

Q. Do you remember what apartment she lived in?

A. No, sir.

Q. Are you facing some apartments? Did you back up
your car in or park it forward?

A. It was pulled in forward.

Q. Do you know what set of apartments, the numbers?

A. It was like the first set to the left when you
pulled in.

Q. Okay. So, if you pulled into the left I guess,
the first set would be on the right side?

A. When -- when you pulled in, you turned into the
left, it was right in the front right there.

1 Q. Right in the front there?

2 A. Yes.

3 Q. Okay. You were hanging out with Latrica Martin.
4 Was anyone else there with you?

5 A. When I first got there and went in her house, her
6 friend was there, some girl that was staying there.

7 Q. Do you remember her name?

8 A. It was Tyra, Tara, something like that.

9 Q. What happened in the apartment?

10 A. We were just talking. I made a sandwich to eat.
11 And that was it. I was playing with the other -- the other
12 girl's baby. She had a newborn.

13 Q. After you did all of that, I guess you went back
14 to your car?

15 A. Yes, sir.

16 Q. Did you leave it that time?

17 A. Yes, sir.

18 Q. Where did you go?

19 A. Well, Latrica wanted to go to the Little Cricket
20 down the road. And some guy needed a ride, Mr. Gays, who
21 wanted to get dropped off. And we took him.

22 Q. Did you return back to the apartments?

23 A. Yes, sir.

24 Q. About what time was that?

25 A. I'm not sure.

1 Q. All right. Once you got back, was -- was Latrica
2 Martin the only person near your vehicle or in your vehicle?

3 A. There was people standing outside beside the car
4 that was parked beside me.

5 Q. Who was that?

6 A. The four people that ---

7 Q. Do you know any of their names?

8 A. I knew two of them's names.

9 Q. Who is that?

10 A. Dee, Danielle, and J.P..

11 Q. Okay. And, Danielle, did she ever come over to
12 your car?

13 A. Yeah, she come to my side, the driver's side, and
14 was talking to me.

15 Q. She was talking to you about what?

16 A. She had asked why I didn't get her anything but
17 eat because we had a McDonald's bag. And then she started
18 talking about some dude and was talking about how -- I didn't
19 really catch on to it; she was just like something about they
20 were about to get somebody because somebody had snitched on
21 somebody.

22 And I was like, "What are you talking about?"

23 And, then, like she just walked away from the car.

24 Q. All right. Do you recognize Danielle here in the
25 courtroom today?

1 A. Yes, sir.

2 Q. Could you point to her, please?

3 A. (The witness pointed to Ms. Hollis.)

4 Q. And is that the lady in the gray sweater and white
5 shirt?

6 A. Yes, sir.

7 MR. GRAY: Please let the record reflect the
8 witness has identified Ms. Lauri Danielle Hollis.

9 THE COURT: The record shall so reflect. You may
10 proceed, Mr. Gray.

11 MR. GRAY: Thank you, sir.

12 Q. (By Mr. Gray) After she walked away from you, did
13 you hear anything or see anything?

14 A. I saw a guy walking from another apartment down
15 towards the fence. And like she was smacking at her face.
16 And, then, the guys over here were kind of -- they were
17 ganging up in front of my car. They were coming together with
18 her.

19 And she was acting like a bug was flying around or
20 something. I'm not sure. Then, I looked down at -- because I
21 had a touchscreen navigation system and I looked down at it.

22 And, then, I looked back up and saw those guys.
23 They were getting closer together. And I didn't really know
24 what was going on.

25 I look back down at my radio. And, then, I heard

1 a gunshot. And I looked up and he was falling to the ground
2 and everybody was just kind of moving, like running away.

3 Q. Was Ms. Hollis anywhere near the -- the gentleman
4 that was shot?

5 A. Yes, sir.

6 Q. How close to him was she?

7 A. Well, when I looked up, they were just all like in
8 a circle. And then they just scattered, like a circle around
9 him.

10 I -- I didn't see him until they moved. And he
11 was falling down to the ground.

12 Q. At least four (4) people?

13 A. Yes, sir.

14 Q. And one of them was Ms. Hollis?

15 A. Yes, sir.

16 Q. And do you recall what she said before this
17 gentleman was shot?

18 A. She was talking about getting somebody, said that
19 they been looking for somebody because he snitched and -- on
20 somebody. I'm not really sure.

21 Q. Was she talking or was she yelling?

22 A. No, she was just telling me and Latrica.

23 Q. All right. Did she say anything that this
24 gentleman might be the snitch or whatever?

25 A. No. I mean, but I guess that's who she was

MS. MOLLY BOGAN - DIRECT by MR. GRAY
talking about obviously.

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Q. All right. And, after she said that -- well, what was she wearing that day if you remember?

A. I don't remember.

Q. Okay. But it wasn't unusual for you to be hanging out with her or Latrica Martin, right?

A. I mean, I got La -- Latrica probably -- every day I went and seen her and her and her little girl and sometimes Dee would show up and just, you know, speak and then leave.

Q. Did you see a gun in Ms. Hollis's hand?

A. No, sir.

Q. Did you ever see a gun in her hand?

A. No, sir.

Q. Did you see a gun in anybody's hand?

A. Yeah.

Q. Do you know that individual?

A. No.

Q. Could you describe him?

A. I mean, he's right there, but I didn't know him then and I still don't know him.

Q. The guy with the gun you say ---

A. Yeah.

Q. --- is in the Courtroom?

A. Yes, sir.

Q. Would you point him out please?

1 A. (Witness points to Mr. Anderson.)

2 Q. Is that the gentleman with the red shirt?

3 A. Yes, sir.

4 MR. GRAY: Let the record reflect that the witness
5 is pointing out Mr. Charles Anderson.

6 THE COURT: The record will so reflect. You may
7 proceed, Mr. Gray.

8 Q. (By Mr. Gray) Did anyone else have a gun in their
9 hand?

10 A. No, sir.

11 Q. Just Mr. Anderson?

12 A. Yes, sir.

13 Q. And you didn't know him at that time?

14 A. No, sir.

15 Q. You know anything about him?

16 A. No. I've never seen him.

17 Q. And you're confident, after you heard the gunshot,
18 this gentleman fell to the ground and Mr. Anderson had a gun?

19 A. Yes, sir.

20 Q. Could you see anything else from these four
21 individual -- the four individuals?

22 A. No, sir.

23 Q. And they all ran?

24 A. Yes, sir.

25 Q. Did they all run in the same direction?

1 A. I -- I didn't really -- it was just everybody was
2 just everywhere. And I was just still like shaken up by what
3 I was seeing. Like I was really upset.

4 Q. How fast was it?

5 A. It just happened really fast like -- I don't know.

6 Q. Were -- were they hitting this gentleman at all?

7 A. Not from what I seen. I didn't really see that.
8 I just saw a circle of people around him and then, when they
9 moved, I just saw him falling to the ground.

10 Q. And they just scattered?

11 A. Yeah, and that's pretty much it.

12 Q. What kind of hairstyle did the gentleman in the
13 red shirt have at -- at that time?

14 A. (No Response)

15 Q. I mean, did he have dreadlocks ---

16 A. No, just a low-cut, pretty much like he has now.

17 Q. What about Ms. Hollis?

18 A. She had dreads I think -- yeah, they were dreads.
19 But they weren't long or anything.

20 Q. Okay. Were they shaped in any particular way or
21 anything?

22 A. Not that I remember.

23 Q. But she had dreadlocks that day?

24 A. Yes, sir.

25 MR. GRAY: Thank you, ma'am. Please answer any

questions the Defense may have.

THE COURT: Mr. Thompson, your witness.

MR. THOMPSON: May it please the Court, Your Honor.

THE COURT: Yes, sir.

CROSS EXAMINATION by MR. THOMPSON:

10:51 A.M.

Q. Ms. Bogan, you mentioned four (4) people earlier. What -- what do you mean by four people? There's four people charged with this murder, right?

A. I guess.

Q. Right? I mean, you -- you -- do you know?

A. I mean, I don't know who's charged with what.

Q. Okay. But it would stand to reason this man is charged with something sitting beside me, wouldn't it?

(Brief Pause)

A. What?

Q. It -- it -- it would stand to reason he's charged with something because he's here in the courtroom today, right?

A. Yeah.

Q. Okay. So he's easy to pick out today, isn't he?

A. Yes, sir.

Q. Do you recall, when Investigator Stokes showed you pictures of people, and you picked out somebody you said was my client but it wound up being Kendrick Connors (phonetic).

(Brief Pause)

1 Q. Do you remember that?

2 A. No.

3 Q. You don't remember picking out the wrong guy?

4 A. No, sir.

5 Q. Okay. Will you verify to the jury that you could
6 not pick my client out immediately following this, the days
7 following this incident?

8 A. I don't remember.

9 Q. Do you remember taking photo lineups and looking
10 at photos of -- of people?

11 THE COURT: I'll allow you to approach the witness,
12 Mr. Thompson.

13 MR. THOMPSON: I'm sorry, Your Honor.

14 THE COURT: Uh-huh (affirmative).

15 Q. Do you remember that? Do you remember the officer
16 showing you pictures ---

17 A. Yeah, I remember a little bit of it.

18 Q. --- and you signed on the back; do you remember
19 that?

20 A. (Nods affirmatively.)

21 Q. Okay. And do you remember that you picked
22 somebody out saying it was my client, but it was somebody
23 else; do you remember that?

24 A. I don't remember picking -- I mean, I remember
25 picking out people, but I don't know if I picked out the wrong

1 person or not or whether I said anything wrong.

2 Q. All right. But I'm not saying you said anything
3 wrong, I'm just saying you couldn't pick my client out of a
4 photo line up.

5 A. Okay.

6 Q. Right?

7 Q. I mean, that would be accurate, right?

8 A. (No Response)

9 Q. "Yes" or "no," ma'am?

10 A. I'm not sure.

11 Q. You're not sure? Okay. Do you remember if you
12 were presented photo lineups with Ms. Hollis's picture?

13 A. Yes, sir.

14 Q. And do you recall writing this note here that you
15 were a hundred percent (100%) sure that was Ms. Hollis?

16 A. Yes, sir.

17 Q. Okay. And do you remember identifying someone
18 known as Little Man?

19 A. I guess, yeah. I guess. I'm not sure. I don't
20 remember.

21 Q. All right. The only ones you knew were J.P. and -
22 -or PeeDee (phonetic), right, and Ms. Hollis?

23 A. (Nods affirmatively.)

24 Q. And how did you know J.P.?

25 A. Because I had seen him around.

1 Q. Okay. He -- he and Ms. Martin were a bit of an
2 item, are they not?

3 A. I'm not sure.

4 Q. Okay. And you say you went over to see Ms. Martin
5 daily?

6 A. (Nods affirmatively.)

7 Q. Every day?

8 A. Everyday, every other day.

9 Q. Okay. Are you were still in school?

10 A. Yes, sir.

11 Q. And would you go to school everyday or just go
12 over there or what?

13 A. I went to school.

14 Q. And you would go afterwards?

15 A. Yes, sir.

16 Q. I want to show you this.

17 MR. THOMPSON: May I approach, Your Honor?

18 THE COURT: You may.

19 MR. THOMPSON: Thank you.

20 Q. (By Mr. Thompson) Right here -- and I don't know
21 what -- it looks like an Officer Reddest maybe or Reeves
22 showed you a lineup with -- with my client in it, right?

23 A. (No response)

24 Q. Do you remember that?

25 A. (Nods affirmatively.)

1 Q. Is that your signature?

2 A. Uh-huh (affirmative).

3 Q. At 8:06 p.m. on April 11, 2011?

4 A. (Nods affirmatively.)

5 Q. Is that your handwriting?

6 A. (Nods affirmatively.)

7 Q. That's your signature?

8 A. (Nods affirmatively.)

9 Q. And, then, on this other page you indicated that
10 -- what's that word right there? What does that word say
11 (indicating)?

12 A. "Cannot."

13 Q. "Cannot" "I cannot make an identification." Is
14 that your signature in here again?

15 A. Uh-huh (affirmative).

16 Q. Okay. So three days after -- or four days after
17 this shooting, you can't identify my client, correct?

18 A. (No Response)

19 Q. Correct?

20 A. I guess.

21 Q. Okay. And -- but today you can? Is that what
22 you're saying? So nineteen (19) months go by and your memory
23 gets better over that period of time?

24 A. Because I see him face-to-face right now.

25 Q. Okay. But you saw his photo lineup, right?

1 A. Yeah.

2 Q. You saw that. And, in fact, then, at another time
3 you picked out the wrong guy, didn't you?

4 (Brief Pause)

5 A. (No Response)

6 Q. You indicated that you saw a gun in somebody's
7 hand, correct? And you never had seen that person before,
8 correct?

9 A. (Nods affirmatively.)

10 Q. All right. How close was that person to you?

11 A. I'm not sure, like it was beside me, a car beside
12 me.

13 Q. Okay. So there's -- you're -- you're sitting in
14 the driver seat, correct, looking over here at [REDACTED], [REDACTED] those
15 apartments? Latrica is beside you, right?

16 A. Yes, sir

17 Q. Okay. And, then, there's another car beside you
18 over there, right?

19 A. There was a car beside Latrica on the passenger
20 side.

21 Q. Okay. So was it backed in or forward?

22 A. Pulled in.

23 Q. Okay. And that was the passenger side beside
24 Latrica? It was on the passenger side, right?

25 A. Yes.

1 Q. So you look through Latrica through the -- all the
2 way through the car into the other car? You said he was in
3 the other car?

4 A. No, he was standing outside of it on the driver's
5 side of that car.

6 Q. Okay. And then you indicated you saw a gun,
7 correct?

8 A. (Nods affirmatively.)

9 Q. All right. Now how much time went by from the
10 time you -- you indicated Ms. Hollis said something about a
11 snitch? And ---

12 A. I'm not sure. I don't remember.

13 Q. You don't remember? I mean, was it 20 seconds,
14 two (2) minutes, five (5) minutes?

15 A. I don't remember.

16 Q. You don't remember?

17 A. No.

18 Q. Okay.

19 (Brief Pause)

20 Q. And, then -- all right. You -- you -- you
21 identified Pee (phonetic) I think his name is, Charles
22 Jackson, right?

23 A. (Nods affirmatively.)

24 Q. And you're aware he's charged with the same crime?

25 A. I don't know what he's charged with.

1 Q. Okay. How often did you -- would you see Pee when
2 you went to visit with Latrica?

3 A. I'm not sure, maybe a couple of times.

4 Q. Okay. Who -- whose baby did you say you visited
5 with?

6 A. Latrica had a child and the woman that was at her
7 house had a child.

8 Q. Okay. And how old is Latrica's child or how old
9 was the child in April of 2011?

10 A. Two (2) or three (3).

11 Q. Okay. Did she ever indicate who the baby's father
12 was?

13 A. No.

14 Q. She didn't? Did she never did say that Pee was
15 the child's baby -- I mean the dad?

16 A. (Shakes head negatively.)

17 Q. Okay. She never did say he wasn't?

18 A. (Shakes head negatively.)

19 Q. Okay. And, at the time of this shooting, you and
20 Latrica went -- she drove your car, so, you all were pretty
21 good friends, right?

22 A. (Nods affirmatively.)

23 Q. All right. And then do you recall that she was
24 expecting a child at that time?

25 A. Yeah, she had said she was pregnant.

1 Q. Okay. Did she indicate whose child it was?

2 A. (Shakes head negatively.)

3 Q. Okay. Now you indicated I think that the shooting
4 took place and right, when it took place, you saw people
5 scattering, right?

6 A. (Nods affirmatively.)

7 Q. And that's pretty common over there, isn't it?
8 In Oakview, people -- if something goes on, they take off,
9 don't they?

10 A. (No response)

11 Q. Is that your experience? You used to go over
12 there everyday, right?

13 A. I never seen anything happen like that.

14 Q. Okay. So, when Mr. Means was shot, and he went
15 down, what did you do?

16 A. I got out of my car.

17 Q. Okay. And what did you do then?

18 A. I went kind of near where he was. I was -- I
19 didn't know what to do.

20 Q. All right. And, then, what did you do from there?
21 Did you try to help him or...

22 A. My friend got my phone and called the police or
23 was attempting to call the police. I'm not sure like -- I
24 wasn't -- I mean, I don't really remember.

25 Q. Okay. So did you go in an apartment, stay

A. I went in her apartment because I was freaking out.

Q. Okay. And how long do you -- did you stay in there?

A. Just for a couple of seconds. I was just trying to get myself together. And then I went back outside.

Q. Okay. And how long do you think it took, from the time you heard the pop, till the police arrived?

A. Not long.

Q. A minute, two (2), five (5)?

A. I'm not sure.

Q. All right. Now were you present yesterday when they showed the video?

A. (Shakes head negatively.)

Q. You weren't? Okay. You can say for certain you saw Danielle Hollis, correct?

A. (Nods affirmatively.)

Q. But you don't -- but you can't tell me how much time went by from the time she was swatting her hand and -- and you saw a gun and all of that? Can you -- can you put all that together for me? Just ---

A. I don't remember.

Q. You don't remember? Okay.

(Brief Pause)

1 Q. Do you remember what Latrica had on that day?

2 A. No, sir.

3 Q. All right. When Ms. Hollis was discussing the --
4 the snitch -- I'll just say the snitch discussion -- when she
5 was engaging in that, did -- did Ms. Martin talk with her
6 about that? Did they discuss anything or...?

7 A. I don't remember.

8 Q. You don't remember?

9 A. No.

10 Q. So you remember she said that, but you don't
11 remember if there was any correspondence between Ms. Martin
12 and Ms. Hollis?

13 A. (Shakes head negatively.)

14 Q. What about yourself and Ms. Hollis? Did you
15 all ---

16 A. I just asked her what she was talking about
17 because I had no clue what she was talking about or what she
18 was trying to say.

19 Q. Okay. And then you said you look down at your
20 phone?

21 A. No, I looked down at my radio and my navigation
22 system.

23 Q. Okay. And were you -- were you laid back in the
24 seat or sitting up or how?

25 A. I was sitting up, but I was looking down.

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Q. Okay. Do you remember discussing this and giving a statement to the police?

A. (No Response)

Q. Do you remember that? You interviewed with it looks like Officer Watson? Do you recall that?

A. (Nods affirmatively.)

Q. And do you recall indicating that Little Man was one of the ones that gathered around the victim?

A. Yes.

Q. You do?

A. (Nods affirmatively.)

Q. Okay. And, then, did you know Little Man before then?

A. No, sir.

Q. Then how did you know that he was one of the ones that gathered around?

A. What do you mean how do I know that?

Q. All right. I'm going to quote this that you told -- this is what the officer said you told him, okay? "Molly notice that J.P., Little Man, and my client had all moved around the guy."

So you -- you had -- you told him Little Man was there, right?

A. Yes, because that's what I heard someone say his

1 name was.

2 Q. Okay. So really you don't know Little Man?

3 A. No, I don't know him. I've never seen him.

4 Q. And you didn't know Charles Anderson?

5 A. (Shakes head negatively.)

6 Q. But you did know Danielle and you did know J.P.,
7 right? Is that accurate?

8 A. You said I didn't know J.P. and I didn't know
9 Danielle?

10 Q. You did know -- you did know them prior.

11 A. Oh, I did know them, yes.

12 Q. Okay. And how often would Ms. Hollis be in
13 oakview when you went to visit with Ms. Martin?

14 A. I'm not sure, maybe a couple of times.

15 Q. Okay. And but your testimony today is you were
16 looking at your radio; you didn't see who shot the gun,
17 correct?

18 A. No.

19 Q. And you basically are going off of Little Man and
20 my client based upon what somebody else told you their name
21 was; is that right?

22 A. I guess so.

23 Q. Okay. And you agree with me that you could not
24 pick my client out the first time you were asked to in the
25 photo lineup, right?

1 A. (No response)

2 Q. You agree with me that later that you picked out a
3 guy named Kendrick Connors and said it was my client,
4 remember? A. I don't remember that, but...

5 Q. But if I -- if I provide an officer to provide
6 that testimony, you would agree that that's correct, right?

7 A. I guess.

8 MR. THOMPSON: No further questions.

9 THE COURT: Mr. McCarty?

10 MR. MCCARTY: May it please the Court?

11 THE COURT: Yes, sir.

12 CROSS EXAMINATION by MR. MCCARTY: 11:11 A.M.

13 Q. Molly, you told Mr. Gray that you went over there
14 because of your friendship with Latrica Martin; is that
15 correct?

16 A. Yes, sir.

17 Q. You actually went over there for a bit more than a
18 friendship with Latrica Martin; am I right?

19 A. No, sir.

20 Q. Were you not dating a gentleman by the name of
21 Antoine Shields at that time?

22 A. No, sir.

23 Q. He's related to Latrica Martin?

24 A. No, sir, not that I know of.

25 Q. So you were not dating Antoine Shields?

1 A. No, sir.

2 Q. Molly, let me ask you about this: You were -- do
3 you recall talking to Investigator Russell Porter the night of
4 the shooting, Russell Porter with the city police department,
5 a detective?

6 A. Yes, sir.

7 Q. You met with him on April the 7th, 2011. Do you
8 recall that?

9 A. Yes, sir.

10 Q. And do you recall approximately the time that you
11 met with him?

12 A. No, sir.

13 Q. If I told you he wrote down 7:25 p.m., about an
14 hour after the shooting, would that seem right to you?

15 A. I don't remember.

16 Q. You don't remember speaking to him at all?

17 A. I remember speaking with him, but I'm not sure
18 what time.

19 Q. Okay. But you wouldn't disagree with that time,
20 would you?

21 A. (Shakes head negatively.)

22 Q. "Yes" or "no"?

23 A. I don't know.

24 Q. Okay. You don't know? But you do recall it was
25 the night of the shooting; am I right?

1 A. (Nods affirmatively.)

2 Q. And you spoke with Russell Porter, who -- gave him
3 information about what you had seen that night, what had
4 occurred; am I correct?

5 A. Yes, sir.

6 Q. Will you tell the jury what you told him that
7 night?

8 A. I don't remember.

9 Q. Okay. Do you recall telling Investigator Porter
10 that you actually -- you saw nothing?

11 (Brief Pause)

12 A. I don't remember.

13 Q. You don't?

14 A. (Shakes head negatively.)

15 (Defendant's Exhibit Number 1 marked for
16 identification.)

17 MR. MCCARTY: If I may approach the witness, Your
18 Honor?

19 THE COURT: (Nods affirmatively.)

20 Q. (By Mr. McCarty) Molly, I'm going to show you
21 what I have just for identification purposes only marked as
22 Defendant's Exhibit Number 1. Do you see that there?

23 (Exhibit shown to the witness.)

24 Q. Do you recognize this statement?

25 A. Yes, sir.

1 Q. Okay. Do you see your signature here at the
2 bottom of Page 1?

3 A. Yes, sir.

4 Q. And that is your signature?

5 A. Yes, sir.

6 Q. And it is dated April the 7th, 2011, the day of the
7 shooting; am I right?

8 A. Yes, sir.

9 Q. And it's dated -- or the time is 7:25 p.m.; do you
10 agree with me there?

11 A. (Nods affirmatively.)

12 Q. And over here on the second page, is that your
13 signature at the bottom?

14 A. Yes, sir.

15 Q. And right here, this handwritten, this is not --
16 this is in a different handwriting.

17 A. (Nods affirmatively.)

18 Q. Investigator Porter wrote this statement, but you
19 wrote right here? This is your handwriting; am I correct?

20 A. (Nods affirmatively.)

21 Q. Will you read what that says right there please?

22 A. "I read the above statement and I agree with the
23 statement."

24 Q. And you agree it's correct? Now, on the first
25 page of the statement here -- and I'm going to read it to you.

1 And I'll come around here, so, you'll see a little bit better.

2 But isn't it true that you told investigator
3 Porter that, "I went into the apartment. I did not see anyone
4 standing in front of her apartment or see anyone arguing.

5 "I was on the downstairs couch holding a baby.
6 Latrica was upstairs and I think the other girl named Tara and
7 Tiera was in the kitchen.

8 "I heard something that sounded like a gunshot. I
9 did not think that it was a gun.

10 "I went to the door and opened it to look outside.
11 That is when I saw the guy on the grass bent over." Do you
12 remember giving that statement to Investigator Porter?

13 A. Yes, sir.

14 Q. So an hour after the shooting you're telling a
15 detective with the city police department, investigating a
16 potential homicide, that you were inside the apartment; am I
17 right?

18 A. Yes, sir.

19 Q. That you saw nothing? But here in court today
20 your testimony is you were actually outside in your car?

21 A. (No response)

22 Q. Am I right? And that you were talking to Ms.
23 Hollis; am I right?

24 A. Yes, sir.

25 Q. You didn't see Ms. Hollis with a gun; am I

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A. Yes, sir.

Q. She never showed you a gun, never talked about a gun; am I right?

A. Yes, sir.

Q. Ms. Bogan, did she tell you that -- when you said that she was talking to you about what Mr. Thompson has referred to as the snitch conversation, she was just talking to you is what you're saying; am I correct?

A. (Nods affirmatively.)

Q. Did you ever see her conversing with any of these other groups of people of guys or whoever was out there?

A. When I pulled up she was talking to them.

Q. Okay. But, when she came over and talked to you, did you see her interact with them at all when she talked to you?

(Brief Pause)

A. She was talking to me until she walked off.

Q. Until she walked off? You said she was smacking at her face. You said it seemed like there was a bug in her face; am I right?

A. Yes, sir.

Q. Okay. And, after the shooting, you said everyone ran off; am I right? They all scattered?

A. (Nods affirmatively.)

1 Q. You -- you told Mr. Gray, when he asked you about
2 whether or not you recalled what Ms. Hollis was wearing that
3 day and you said you didn't recall. Do you recall at all what
4 she was wearing?

5 A. (Shakes head negatively.)

6 Q. Do you remember a meeting with Investigator Watson
7 and Stokes a few days later, on the 11th, at your home?

8 A. Yes, sir.

9 Q. Do you recall them telling -- asking you that same
10 question about what Ms. Hollis was wearing that night? Do you
11 recall that?

12 A. No, sir.

13 Q. Do you recall telling them that she was wearing a
14 black shirt or a dark blue shirt?

15 A. No, sir.

16 Q. You don't recall that?

17 A. (Nods head negatively.)

18 (Brief Pause)

19 Q. Ms. Bogan, you said -- according to Mr. Gray that
20 you were looking down at the time of the shooting; am I
21 correct?

22 A. Yes, sir.

23 Q. And, when you looked back up, everybody was
24 scattering away; am I correct?

25 A. Yes, sir.

1 Q. So you didn't witness the shooting?

2 A. No, sir.

3 Q. You didn't witness what may have occurred in the
4 moments before the shooting and the moments right after the
5 shooting; am I correct?

6 A. (Nods affirmatively.)

7 Q. "Yes" or "no," please?

8 A. Yeah.

9 Q. So you did not witness those moments both
10 before and after?

11 A. I just saw them walking towards him. And then I
12 saw ---

13 Q. And you looked away and the next thing you know
14 he's laying on the ground; am I correct?

15 A. Yes, sir.

16 MR. MCCARTY: All right. Thank you. Your Honor ---
17 may, Your Honor, if I could have just a moment, please?

18 THE COURT: Yes, sir.

19 (Off-the-Record Discussion)

20 MR. MCCARTY: Your Honor, that's all the questions
21 I have. Thank you.

22 THE COURT: Redirect, Mr. Gray?

23 MR. GRAY: Yes, sir, Your Honor.

24 THE COURT: All right, sir.

25 REDIRECT EXAMINATION by MR. GRAY:

11:15 A.M.

1 Q. Ms. Bogan, when you gave these statements to
2 officers, what was your emotional state at the time?

3 A. I was scared.

4 Q. You were scared? Scared of what?

5 A. Just I was shaken up about everything that had
6 happened and I was just scared what happened to him maybe
7 could happen to me.

8 MR. GRAY: Thank you.

9 THE COURT: Any other questions, Mr. Gray?

10 MR. GRAY: No, sir.

11 THE COURT: All right. Mr. Thompson, do you wish
12 to ask any follow-up questions as to those?

13 MR. THOMPSON: Briefly, Your Honor.

14 RECROSS EXAMINATION by MR. THOMPSON: 11:16 A.M.

15 Q. Ms. Bogan, you indicated you -- you didn't
16 remember what Ms. Hollis was wearing? I think you told Mr.
17 McCarty that. Is that true, you don't recall today what she
18 was wearing?

19 A. No, sir.

20 Q. And you don't recall what -- do you recall what
21 anybody was wearing that day?

22 A. I don't remember.

23 Q. You don't recall telling Officer Stokes about Pee
24 wearing a white T-shirt and hat? You were very detailed about
25 that; you don't recall that?

1 A. I don't remember it.

2 Q. Okay.

3 (Brief Pause)

4 Q. And you deny dating anybody over there at Oak --
5 at Oakview?

6 A. Yes, sir.

7 Q. So the only connection you have over there was Ms.
8 Martin?

9 A. Yes, sir.

10 Q. And how did you meet Ms. Martin?

11 A. I don't remember.

12 (Brief Pause)

13 Q. And you knew Ms. Hollis through Ms. Martin,
14 right?

15 A. Yes, sir.

16 MR. THOMPSON: No further questions.

17 THE COURT: Mr. McCarty, anything further?

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: Ma'am, you may step down. Thank you
20 very much.

21 (Witness complied with the Court's request.)

22 THE COURT: The State may call its next witness.

23 MR. GRAY: Thank you, Your Honor. The State calls
24 Ms. Alice Carroll.

25 (Brief pause while the witness is summoned.)

1 THE COURT: Come forward, ma'am, over here to my
2 left to be sworn, please.

3 (Witness complied with the Court's request.)

4 THE COURT: Right over here (indicating), come on
5 around.

6 (Whereupon,

7 ALICE CARROLL

8 first being duly sworn, testified as follows:

9 THE COURT: Ma'am, if you would, have a seat. Once
10 you're seated, state your name, please.

11 THE WITNESS: My name is Alice Faye Carroll
12 (phonetic).

13 THE COURT: Thank you. Mr. Gray, your witness.

14 MR. GRAY: Thank you.

15 DIRECT EXAMINATION by MR. GRAY:

11:15 A.M.

16 Q. Good morning, Ms. Carroll.

17 A. Morning.

18 Q. I want to ask you about some events on April 7th,
19 2011.

20 A. Uh-huh (affirmative).

21 Q. I need you to say "yes" or "no," please.

22 A. Yes, sir.

23 Q. All right. On that afternoon around six (6:00),
24 where were you?

25 A. I was sitting -- I was sitting at my apartment in

a car with Perry Crain and Ramiro Ramirez and Michael Moss.

And ---

Q. Where were you?

A. I was at -- I was at Oakview Apartments

Q. All right.

A. Uh-huh (affirmative).

Q. Do you remember about what time of day it was?

A. I can't remember what day -- what time it was.

Q. Were you in the driver's seat, the passenger seat?

A. Passenger seat.

Q. Front or back?

A. Front.

Q. Did you see something that day?

A. Yes, sir.

Q. What did you see?

A. I seen the -- the guy who -- who got killed. I seen him come out of -- out of his sister's apartment and ask somebody for a light or something.

And the next thing I know, it sounded like a firecracker pop. And he tried to walk away from them and the next thing I know he was over on the-- on the other side dead.

Q. You saw him fall to the ground?

A. Yes, yes, sir.

Q. Do you know his name?

A. The man -- the only thing I know is Means.

- 1 Q. Means?
- 2 A. I just know his name is Means.
- 3 Q. The guy who got shot?
- 4 A. Yes.
- 5 Q. Did you see anybody near Mr. Means when he got
- 6 shot?
- 7 A. Ramiro Ramirez ---
- 8 Q. Uh-huh (affirmative).
- 9 A. --- was trying to revive him.
- 10 Q. All right.
- 11 A. I saw that.
- 12 Q. Did you see anybody around him before he got shot?
- 13 A. No.
- 14 Q. Did you see who shot Mr. Means?
- 15 A. There was a heavysset -- I don't know if it was a
- 16 lady or a man. I don't know.
- 17 Q. All right.
- 18 A. They -- they came walking down the sidewalk when
- 19 he was coming up the sidewalk. And I don't know if they had a
- 20 gun or not. I don't know.
- 21 But it sounded just like a firecracker. And when
- 22 -- when -- when nobody -- when they started walking up to him
- 23 -- when they walked up to him they popped -- they popped him.
- 24 Q. So you saw -- how many people did you ---
- 25 A. Two.

1 Q. --- did you see? You saw two people?

2 A. Yes.

3 Q. All right. Do you recognize any of those people
4 in the courtroom today?

5 (Brief pause while witness looks around
6 courtroom.)

7 A. Will you -- I don't know where to look at. Can
8 you tell me where to look?

9 Q. I can't tell you where to look, ma'am.

10 A. They had dreadlocks.

11 Q. Who, the heavyset person? Or the other ---

12 A. The heavyset person.

13 Q. The heavyset person?

14 A. Yeah.

15 MR. THOMPSON: Your Honor, I'm going to object.
16 He's leading the witness. She said they had dreadlocks.
17 And he's trying -- and he's leading her past that.

18 THE COURT: Well I'm going to ask you not to lead
19 the witness. But I'm not making a finding that he did.
20 Please don't lead the witness, Mr. Gray.

21 MR. GRAY: Yes, sir, Your Honor.

22 THE COURT: Ma'am, I think the question was: Can
23 you identify any those people in the courtroom today that
24 you saw that day?

25 (Witness looks around courtroom.)

1 THE COURT: Take your time.

2 (Witness looks around courtroom.)

3 THE WITNESS: Yes, sir.

4 THE COURT: Answer Mr. Gray's question then.

5 THE WITNESS: Yes, sir.

6 Q. (By Mr. Gray) Can you point them out please?

7 A. (Witness looks around courtroom.)

8 MR. MCCARTY: Your Honor, I'm going to object to
9 the in-court identification. I believe that Ms. Carroll
10 is looking for supplementation from the prosecutor on
11 this case.

12 I'm not saying Mr. Gray's giving it to her; in fact,
13 he's doing a good job trying not to, but I don't believe
14 she can make the identification. It's not forthcoming.
15 She seems to be ---

16 THE COURT: Well she answer was, yes, she did see
17 them and he asked her to point them out. She hasn't
18 responded to that yet and that's not leading her in any
19 way. I'm going to allow this to continue.

20 Q. (By Mr. Gray) And, if you can't see them, I
21 understand.

22 A. I can't.

23 Q. You can't see them? Do you wear glasses?

24 A. Yes, sir, but I didn't bring them with me today.

25 Q. Did you have glasses on that day?

1 A. Yes.

2 MR. GRAY: All right. No further questions, Your
3 Honor.

4 THE WITNESS: Can I go now?

5 THE COURT: No, ma'am. You wait right there. Mr.
6 Thompson, do you wish to ask any questions of this
7 witness?

8 MR. THOMPSON: No, Your Honor.

9 THE COURT: Mr. McCarty, any questions?

10 MR. MCCARTY: No, Your Honor.

11 THE COURT: Ma'am, you're free to go at this time.
12 Thank you very much for coming today.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 (Witness complied with the Court's request.)

16 THE COURT: The State may call its next witness.

17 MR. GRAY: Thank you, Your Honor. The State calls
18 Mr. Perry Crain.

19 (Brief Pause while the witness is summoned.)

20 THE COURT: Sir, come forward. If you would, step
21 to my left over here (indicating). Come around. Come on
22 up and come forward. Come on up.

23 (Witness complied with the Court's request.)

24 (Off-the-Record Comments)

25 (Whereupon,

PERRY CRAIN

first being duly sworn, testified as follows:

THE COURT: Have a seat, please.

(Witness complied with the Court's request.)

THE COURT: Sir, once you're seated, state your name for me.

THE WITNESS: Perry Laboe Crain (phonetic).

THE COURT: Thank you. Mr. Gray, your witness.

MR. GRAY: Thank you, sir.

THE COURT: Yes, sir.

DIRECT EXAMINATION by MR. GRAY:

11:22 A.M.

Q. Do you remember the events of April 7th, 2011, Mr. Crain?

A. I'm sorry, my hearing's bad. I ---

Q. I'm sorry.

A. I've got sugar diabetes and I -- and my hearing is going bad.

THE COURT: I'll let you move a little closer, Mr. Gray.

MR. GRAY: Thank you, Your Honor.

THE COURT: Thank you.

Q. Do -- you remember an event at Oakview Apartments in April of 2011?

A. Yes, I remember it.

Q. Tell the Court about that incident. What did you

1 see?

2 A. Well, a man, he pulled -- he shot a man and turned
3 around and walked up the street and turned back to the left
4 and went down the road.

5 Q. You saw a man shoot another man?

6 A. Yeah.

7 Q. Do you see that man in the Courtroom today?

8 A. (No Response)

9 Q. You can look around the room.

10 A. I'm sorry, I couldn't recognize him now.

11 Q. You couldn't?

12 A. No.

13 Q. Why is that, sir?

14 A. I don't remember his face.

15 Q. You don't remember his face?

16 A. All I saw -- remember is he shot a man and the man
17 fell dead.

18 MR. GRAY: Thank you, Mr. Crain. No further
19 questions.

20 THE COURT: Mr. Thompson?

21 MR. THOMPSON: Briefly.

22 CROSS EXAMINATION by MR. THOMPSON:

11:24 A.M.

23 Q. Mr. Crain, I appreciate you being here today. Mr.
24 Crain, are you from the Arcadia?

25 A. Huh?

1 Q. Are you from Arcadia?

2 A. Yes.

3 Q. I'm a -- I'm a Fairforest boy, so, it's nice to
4 meet you. Do you recall giving a statement to the city police
5 shortly after the incident occurred?

6 A. Yeah.

7 Q. Okay. And do you recall saying that -- you
8 identified a black gun in a guy's hand, right?

9 A. (No Response)

10 Q. Do you remember that?

11 A. I don't -- I wouldn't recognize him now.

12 Q. Okay. Do you remember telling them that ---

13 MR. THOMPSON: May I approach the witness Your
14 Honor?

15 THE COURT: You may.

16 Q. This is that night. They had written this
17 statement for you and you just said -- you indicated that you,
18 "...saw a black man standing there with a gun in his hands.
19 He had a black pullover shirt and some -- and some white
20 numbers or letters on the shirt."

21 A. Yeah.

22 Q. Okay. Do you remember that?

23 A. I remember it, yeah.

24 Q. All right. And then you said, "I remember he had
25 twists in his head about three (3) or four (4) inches on his

1 head or in his hair. And his hair was black." Do you

2 remember that?

3 A. Right. It was a colored man.

4 Q. Okay. And his hair was long, dreads coming out of
5 his head? Is that what you were describing there?

6 A. Yes.

7 Q. Okay. So that hairstyle is what you were
8 describing in this statement? Do you remember that?

9 A. Yeah.

10 Q. And that -- and that was the guy with the black
11 gun?

12 A. (Nods affirmatively.)

13 Q. Okay. No further questions -- if you would answer
14 orally? I'm sorry. Don't shake your head. Just say "yes" or
15 "no."

16 A. Can I go?

17 Q. No, no. I'm just -- can you answer "yes" or "no."

18 A. Yeah.

19 Q. You say that's the guy you saw with the gun in his
20 hand?

21 A. I can't hear you.

22 Q. Is that the guy you saw with the gun in his hand
23 that had the -- the braids coming off of his hair?

24 A. That's the one that I saw, yes.

25 Q. Okay. Is that the one you saw?

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A. He walked off.

Q. That's the one who shot the guy?

A. Right.

MR. THOMPSON: Okay. No further questions. Oh, I got one more question. Sorry.

THE COURT: Okay. Go ahead.

Q. (By Mr. Thompson) You indicated in your statement that you were sitting in a car; is that right?

A. Right.

Q. At ten (10) feet away?

A. I wouldn't say that close.

Q. Was about where we are right now?

A. Right.

Q. And that's how close you were?

A. We wasn't no farther than that, no.

MR. THOMPSON: Okay. Okay. Thank you, sir.

THE COURT: Now, Mr. McCarty, your witness.

MR. MCCARTY: No questions, Mr. Crain. Thank you.

THE WITNESS: Thank you.

THE COURT: Any redirect?

MR. GRAY: No, sir, Your Honor.

THE COURT: Mr. Crain, you may step down. You're free to go.

THE WITNESS: Thank you.

THE COURT: Thank you, sir.

(Witness complied with the Court's request.)

THE COURT: All right, ladies and gentlemen of the jury, at this point in time we're going to take about a five (5) to 10-minute break. As always, when you leave the courtroom, I'm going to caution you not to discuss anything about this case during the break.

The bailiffs will make you comfortable. If there is a smoker in your group, we can arrange for you to step outside to have a cigarette, but a bailiff must accompany you when you do that.

At this point in time, you may step back to the jury room. Thank you very much.

(The jury exited the Courtroom at 11:26 a.m.)

THE COURT: I would ask everyone to remain seated while the Defendants exit the courtroom.

(The Defendants were taken out of the Courtroom while everyone remain seated.)

THE COURT: All right. Court is in recess.

(Whereupon, a recess was taken from 11:26 a.m. until 11:42 a.m.)

THE COURT: Is the State ready to proceed?

MR. GRAY: Yes, sir, Your Honor.

THE COURT: Is the Defense ready?

MR. MCCARTY: Yes, Your Honor.

MR. THOMPSON: Yes, Your Honor.

1 THE COURT: Bring the jury in.

2 (The bailiff stepped out to summon the jury back
3 into the Courtroom.)

4 (The jury entered the courtroom at 11:43 a.m.)

5 THE COURT: The record will reflect that the jury
6 has returned to the courtroom. And, at this time, the
7 State may call its next witness.

8 MR. GRAY: Thank you, Your Honor. The State calls
9 Mr. Anthony Kelly.

10 THE COURT: Come forward, please, sir. Come to my
11 left and be sworn, please.

12 (The witness complied with the Court's request.)

13 (Whereupon,

14 ANTHONY KELLY

15 first being duly sworn, testified as follows:)

16 THE COURT: Have a seat, sir. And, once you're
17 seated, sir, please state your name.

18 THE WITNESS: Anthony Kelly.

19 THE COURT: Thank you. Mr. Gray, your witness.

20 MR. GRAY: Thank you, sir.

21 DIRECT EXAMINATION by MR. GRAY:

11:43 A.M.

22 Q. Mr. Kelly, do you know Stephen Means?

23 A. Yes, I do.

24 Q. How long have you known him, sir?

25 A. All my life. That's my cousin.

1 Q. He's your cousin?

2 A. Yeah.

3 Q. Were you and Mr. Means close?

4 A. Yes.

5 Q. I need for you to speak ---

6 A. Yes.

7 Q. --- up a little bit and pull -- pull it a little
8 closer.

9 THE COURT: Mr. McCarty, can you hear him?

10 MR. MCCARTY: I -- I call. He's speaking a little
11 bit louder than Ms. Bogan was.

12 THE COURT: All right. Thank you. I just want to
13 be sure everyone could hear. You can proceed, Mr. Gray.

14 MR. GRAY: Thank you.

15 Q. (By Mr. Gray) April 7th, 2011, what -- what
16 happened to Mr. Means?

17 A. Well I was out with my family eating and I
18 received a phone call saying that he was murdered; that he had
19 been shot at the time.

20 Q. Did you go to the hospital to see him?

21 A. Yes, I left right from the restaurant. Me and my
22 family didn't even get to eat because we left out and went
23 straight to Spartanburg Regional.

24 Q. Do you know what day of the week that was if you
25 remember?

1 A. That was the 7th of April, twenty -- 2011.

2 Q. Mr. Kelly, how -- how close were you to Stephen?

3 A. Oh, we were very close. I didn't really state
4 here all my life. I moved here when I was a teenager and we
5 grew up together basically.

6 Q. So you -- you knew some of his quirks, some of his
7 habits?

8 A. Yes.

9 Q. Some of the jewelry or other things he would
10 wear?

11 A. Yes, sir.

12 Q. All right. Was some of the jewelry real and some
13 of it fake?

14 A. I'm -- I'm recalling what I know of it, it was
15 real.

16 Q. All right. What -- what kind of necklace did he
17 have?

18 A. It was like -- it was like a regular necklace. It
19 was gold. And he had a special charm on it that he had bought
20 specially made for him. It was Stewie from The Family Guy TV
21 show. And it had different colored rubies in it, and, you
22 know...

23 Q. Did he wear that all the time?

24 A. Every day, every day.

25 Q. All right. How do I say this? Did he have any

1 dental work?

2 A. Yes. He had some top gold teeth and some bottom
3 gold teeth.

4 Q. Top gold teeth and bottom gold teeth?

5 A. Uh-huh (affirmative).

6 Q. All right. Did they just push on or pull off?

7 A. Yes, push on/pull off.

8 Q. All right. After -- several days after this -- do
9 you know Ms. Lauri Hollis?

10 A. Yes, sir.

11 Q. Have you seen her before?

12 A. Yes, sir. We were -- well basically when I first
13 moved her, we moved to Oakview Apartments. And she used to
14 play with my cousins and my little boy. And, you know, played
15 basketball for awhile or whatever. She seemed like she was a
16 decent person.

17 Q. Okay. Did you see her on a regular basis?

18 A. Yes, sir.

19 Q. All right. Before your cousin was murdered, what
20 kind of hairstyle did she have?

21 A. Oh, she had like -- they was dreads -- dreadlocks
22 and they wasn't real long, but they was long enough. But, you
23 know, they were dreadlocks.

24 Q. All right. And -- and describe her body type
25 basically.

1 A. Heavyset, short, brown skin.

2 Q. All right. Do you see Ms. Hollis in the courtroom
3 today?

4 A. Yes.

5 Q. Could you, please, point her out?

6 A. She's sitting over there (indicating).

7 Q. Is she wearing a gray shirt?

8 A. Yes.

9 Q. Thank you.

10 MR. GRAY: Your Honor, let the record reflect that
11 Mr. Kelly pointed out the Defendant Lauri D. Hollis.

12 THE COURT: The record will reflect that. You may
13 proceed.

14 MR. GRAY: Thank you.

15 Q. (By Mr. Gray) What did you do to deal with your
16 grief over Mister -- over Stephen?

17 A. I -- I just tried to maintain the most I can every
18 day, just I look at his picture every day. We had some
19 pictures made of him hanging on my door. And, you know, it's
20 real hard. It's real hard.

21 Q. What about the first couple of days after the
22 shooting?

23 A. It was -- it was real emotional for just about my
24 whole family.

25 Q. Did you drink?

1 A. Yes.

2 Q. Did you drink alone?

3 A. Yes.

4 Q. Did you go out ---

5 A. Yeah.

6 Q. --- partying or anything like that?

7 A. Yes, just about on the weekends.

8 Q. On the weekends?

9 A. Yes. I work every day, five days a week, so...

10 Q. Okay. On the weekend after this happened, did you
11 go out and have a little party or something?

12 A. Yes, we went out.

13 Q. Okay. Was -- was -- was that the weekend ---

14 A. Yes.

15 Q. --- after the shooting?

16 A. Uh-huh (affirmative).

17 Q. I'm guessing you went to a party at somebody's
18 house?

19 A. Yes.

20 Q. How many people were there?

21 A. It was a whole lot of people. I'd estimate maybe
22 30, 40 people were out there.

23 Q. All right. Everybody having a good time?

24 A. Uh-huh (affirmative).

25 Q. Everybody's drinking?

1 A. Uh-huh (affirmative).

2 Q. You included?

3 A. Yes, sir.

4 Q. All right. Did you see anyone there that -- that
5 you took notice of?

6 A. Yes, I did.

7 Q. Who is that?

8 A. Ms. Hollis.

9 Q. Ms. Hollis was there at that party on the
10 weekend?

11 A. Uh-huh (affirmative).

12 Q. How did you recognize Ms. Hollis?

13 A. Well, like I said, I've been knowing her -- well,
14 I don't actually know her, know her. But we know of each
15 other and I've been seeing her just about since I moved to
16 Spartanburg.

17 Q. Anything different about Ms. Hollis?

18 A. Yes, there was.

19 Q. What was different?

20 A. She didn't have dreads.

21 Q. She didn't have dreads?

22 A. Just a low-cut haircut.

23 Q. All of her hair had been shaved off?

24 A. Yes, sir.

25 Q. Did you see anything else unusual about Ms.

A. Yes. As I -- I observed her I noticed she had a necklace on that evening.

Q. What kind of necklace?

A. It was the same necklace that my cousin had on his neck. The only way I recognized, really knowed that it was, it was one of Stewie.

And -- and like I said, it was basically one-of-a-kind. He had that -- he bought that and there wasn't no more in that store. And that's the only person I knew with that Stewie charm on his necklace.

Q. You say you went to the hospital afterwards?

A. Yeah.

Q. Did -- did you see that necklace anywhere around Mr. Means?

A. Any -- anywhere around him? Well I didn't actually see Mr. Means. After I got to the hospital, they wouldn't let nobody else in because he was pronounced dead already.

Q. I -- I understand. At the party you saw Mr. Means' necklace?

A. Yes, I did.

Q. Because of Stewie?

A. Yes, just because of Stewie. I couldn't really tell what the necklace actually looked like but that -- that

1 charm stands out.

2 Q. And you're sure it was Ms. Hollis ---

3 A. Yes, it was.

4 Q. --- that was wearing it around her neck?

5 A. Yes, sir.

6 MR. GRAY: Thank you. No further questions.

7 THE COURT: Mr. Thompson, your witness.

8 MR. THOMPSON: No cross examination, Your Honor.

9 THE COURT: Mr. McCarty?

10 MR. MCCARTY: Yes, sir.

11 CROSS EXAMINATION by MR. MCCARTY:

11:49 A.M.

12 Q. Mr. Kelly ---

13 A. Yes.

14 Q. --- looking through my notebook here, along with
15 all the interviews and everything else that Mr. Gray and Mr.
16 Cude have provided me, the hours of interviews, notes,
17 everything else ---

18 A. Yes.

19 Q. --- I didn't see your name on anything done by the
20 police department. Why did you wait 544 days to come in here
21 and tell what you just told here regarding Ms. Hollis?

22 A. Well, I didn't talk to -- well I wasn't around
23 when it actually happened. So the police, I guess why they
24 didn't get in contact with me or whatever.

25 They didn't know that actually what I know what I

1 know. But I did talk to the solicitor, Mister ---

2 Q. Mr. Gray?

3 A. Mr. Gray, yes. And he asked me did I know
4 anything. And I did tell him what I'd seen a couple days, a
5 few days after.

6 Q. How did Mr. Gray know to contact you about it?

7 A. Well I've been coming up ever since this started.

8 Q. Okay. You've lived in Spartanburg since you were
9 a teenager I think you said; am I correct?

10 A. Yes.

11 Q. Do you know where the city police department was
12 located?

13 A. Yes, I do.

14 Q. Okay. Do you know where it was located last year
15 in April?

16 A. Yes, I did.

17 Q. And you had this information last year in April;
18 am I right?

19 A. Yes, I did.

20 Q. Mr. Kelly, this shooting occurred -- it occurred
21 on Thursday night; am I correct?

22 A. Uh-huh (affirmative).

23 Q. And you're saying you saw Ms. Hollis sometime over
24 the weekend?

25 A. Yes.

- 1 Q. Saturday night?
- 2 A. Saturday. It was Saturday.
- 3 Q. Saturday? And it was at a party?
- 4 A. Uh-huh (affirmative).
- 5 Q. Thirty (30) to forty (40) other people were there?
- 6 A. Yes.
- 7 Q. And you saw her wearing this chain as you're
- 8 saying it ---
- 9 A. Uh-huh (affirmative).
- 10 Q. --- that had a Stewie character?
- 11 A. Yes.
- 12 Q. And that's from the show Family Guy on Fox; am I
- 13 correct?
- 14 A. Yeah.
- 15 Q. And it's a pretty common character? It's
- 16 broadcast nationally; would you agree?
- 17 A. Uh-huh (affirmative).
- 18 Q. You said it was a one-of-a-kind charm. Where did
- 19 he have it made that it was one-of-a-kind?
- 20 A. Well -- well he actually bought it from the mall.
- 21 Q. Bought it from I'm sorry?
- 22 A. From the mall.
- 23 Q. From the mall?
- 24 A. Yeah.
- 25 Q. So he bought it at a retail store; am I correct?

1 or did he buy it from a jewelry store?

2 A. I'm believing it was the jewelry store.

3 Q. Do you know which one he got it from?

4 A. I don't think it was around -- I'm not sure.

5 Q. Okay. Mr. Kelly, you were -- you stated that you
6 were with your family eating dinner when you learned of Mr.

7 Means being shot; am I correct?

8 A. Yes.

9 Q. Were you with Mr. Means that day?

10 A. No, I wasn't.

11 Q. Okay. So you don't have any firsthand knowledge
12 of whether or not he had that chain on or not; am I correct?

13 A. Well I seen him earlier that day. I didn't see
14 him right when the accident -- the accident actually happened.

15 Q. Earlier in the day you saw him?

16 A. Yes, yes.

17 Q. You saw him with that on?

18 A. Yes.

19 Q. But right before the shooting, you don't know
20 whether or not he had it or not?

21 A. No.

22 Q. Okay. When he was transported to the hospital, do
23 you have any firsthand knowledge of what type of clothing he
24 had on at that time?

25 A. Huh-uh (negative), no. I didn't get to see him

1 because, by the time I did get there, they pronounced him dead
2 and I ---

3 Q. And I understand that.

4 A. They wouldn't let nobody go in back there.

5 Q. You're right. And I understand that, but you
6 don't know what he was wearing at the time that he was shot,
7 correct? A. No.

8 Q. When you saw Ms. Hollis at this party later on, a
9 few days later, you said that you had noticed that her hair
10 was cut down, kind of into a Mohawk; am I right?

11 A. Yes.

12 Q. When was the last time had you seen Ms. Hollis
13 before that?

14 A. It was actually in Oakview Apartments that
15 Tuesday.

16 Q. So from Tuesday through Saturday, you hadn't had
17 any contact with her; am I correct?

18 A. No, no, I hadn't.

19 Q. So Tuesday, Wednesday, Thursday, Friday, Saturday;
20 five (5) days? Am I right?

21 A. Yeah -- yeah, about five (5).

22 Q. So you would have -- according to you, she cut her
23 hair at some point in there; am I right?

24 A. Yes.

25 Q. Do you have any firsthand knowledge of when she

1 would have cut her hair? It could have been Tuesday night
2 after she saw you; am I right?

3 A. It could have been because, I mean...

4 Q. And that's all. I'm not asking you to speculate
5 or do that.

6 A. All right.

7 Q. I'm just asking you would that be an -- an
8 assumption that might be correct?

9 A. It could have been, yes.

10 (Brief Pause)

11 Q. And, Mr. Kelly, you obviously were not there at the
12 time of the shooting, so, you don't have any firsthand
13 knowledge of what occurred ---

14 A. No, I don't.

15 Q. --- or transpired?

16 A. No, I don't.

17 Q. Before, at the shooting, or the moments after; am
18 I correct?

19 A. No, I don't know.

20 MR. MCCARTY: Thank you, Mr. Kelly. That's all I
21 have.

22 THE WITNESS: Uh-huh (affirmative).

23 THE COURT: Redirect, Mr. Gray?

24 MR. GRAY: Yes, sir, Your Honor, briefly.

25 THE COURT: Yes, sir.

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Q. Did you attempt to contact the police?

A. No, I didn't. I really didn't.

Q. And you never called 911 or anything like that?

A. Huh-uh (negative).

Q. All right.

A. Well, at the night of the party, I did.

Q. At the night of the party?

A. At the night of the party.

Q. What happened with that?

A. Well, I really don't know what happened after I actually called, but I disappeared into the party. So I don't know exactly what happened with the situation with actually the Defendants and the police what actually they did.

Q. And why were you trying to call 911?

A. Because I actually seen the chain, the -- the Stewie necklace on her neck and I figured, yes, she probably did definitely have something to do with it.

Q. And that was important?

A. Yes, it was.

MR. GRAY: Thank you. Nothing further, Your Honor.

THE COURT: Anything, Mr. Thompson?

MR. THOMPSON: No, Your Honor.

THE COURT: Mr. McCarty?

MR. MCCARTY: No, Your Honor.

1 THE COURT: You may step down, sir.

2 THE WITNESS: Thank you.

3 (Witness complied with the Court's request.)

4 THE COURT: The State may call its next witness.

5 MR. CUDE: Your Honor, the State calls officer
6 Jennifer Watson.

7 (Brief pause while the witness is summoned.)

8 THE COURT: Ma'am, if you'll come forward, please.

9 (Witness complied with the Court's request.)

10 (Whereupon,

11 OFFICER JENNIFER WATSON

12 first being duly sworn, testified as follows:)

13 THE COURT: Please be seated. And once seated
14 state your name.

15 THE WITNESS: My name is Jennifer Watson.

16 THE COURT: All right. Mr. Cude, your witness.

17 DIRECT EXAMINATION by MR. CUDE: 11:56 A.M.

18 Q. How are you employed?

19 A. I'm employed with Spartanburg Public Safety
20 Department.

21 Q. And what is your position there?

22 A. I'm currently an investigator in the criminal
23 investigations division.

24 Q. And how many years have you been an investigator?

25 A. About one and a half (1 ½).

1 Q. How many years have you been in law enforcement?

2 A. Ten -- ten and a half (10 ½) total.

3 Q. Did you respond to Spartanburg Regional Medical
4 Center the night of April 7th, 2011, in connection with this
5 case?

6 A. Yes, I did.

7 Q. Can you tell me just what task did you perform
8 there?

9 A. There I met with the Spartanburg Regional staff
10 and recovered Mr. Means' belongings.

11 Q. And what did you do with those belongings after
12 you recovered them?

13 A. I put them in our evidence.

14 Q. Okay. Did you put them in a container or bag or
15 anything like that?

16 A. Yeah. We -- they -- they were collected in a -- a
17 brown paper bag.

18 Q. Did you make a list for -- for -- for yourself of
19 what those items were?

20 A. Yes, I did.

21 Q. And did any of the items you recovered include a
22 necklace?

23 A. No, sir.

24 Q. Or did they include a large charm of any kind?

25 A. No, they did not.

1 MR. CUDE: Thank you. That's all I have for this
2 witness.

3 THE COURT: Mr. Thompson, your witness.

4 CROSS EXAMINATION by MR. THOMPSON: 11:58 A.M.

5 Q. Investigator Watson ---

6 MR. THOMPSON: And, Your Honor, I'm going to beg
7 the Court's indulgence. I've -- I've got her down to
8 call.

9 THE COURT: Uh-huh (affirmative).

10 MR. THOMPSON: And I can -- it's -- it's not
11 related to the direct. But if the Court wants me to
12 proceed I can or we can wait till ---

13 THE COURT: Well, however you wish to do it. You
14 can recall her in your case in chief if you wish to do
15 that. But you -- I'll let you proceed as you wish on
16 that.

17 MR. THOMPSON: Okay. I believe I'll go ahead with
18 my -- my questions.

19 THE COURT: Okay. That'll be fine.

20 Q. (By Mr. Thompson) Ms. Watson, you say you've been
21 with the city a year and a half (1 ½) now, correct?

22 A. I've been with investigations for a year and a
23 half. I've been with the city for about ten and a half (10 ½)
24 years.

25 Q. Okay. And you provided some supplemental police

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A. Yes, I did.

Q. All right. And do you recall attending an interview with Molly Bogan?

A. Yes, I do.

Q. Okay. And do you recall telling -- and stating in your report that Molly's mother contacted you?

A. No, sir. I think we went up to Molly's residence on the 8th I believe it was of April. And she said she would bring her up there the following day.

Q. Okay. So, on the 9th she came up, correct?

A. Correct.

Q. And then -- well do you remember the statement you put in your report that, "...she was going to tell the truth this time or -- or the whole truth," something like that?

A. Something along those lines, yes.

Q. Okay. So basically it indicates she was not truthful -- totally truthful the first time you interviewed her, correct?

A. That she left some things out, yes.

Q. Okay. And do you recall on the 8th also you accompanied Officer James and Lopez to provide photos identification to Miss -- Mr. Crain, Ms. Ramirez, and Ms. Carroll?

A. Correct.

1 Q. And Ms. Bogan?

2 A. Correct.

3 Q. Okay. And you recall that, provided with
4 photographs of my client, none of those people could pick him
5 out? Do you recall that?

6 A. I'm not sure if he was included in those.

7 Q. Okay. I'll show you ---

8 MR. THOMPSON: May I approach, Your Honor?

9 THE COURT: Yes, you may.

10 MR. THOMPSON: Okay.

11 Q. (By Mr. Thompson) I'll show you this
12 supplemental report here. And this is you here, right,
13 Watson, J.?

14 A. Yes.

15 Q. Okay. And, then, "...on 4/8, I went with
16 Investigator James and Lopez to Johnson Street to show the
17 lineups of possible suspects to include Feishunti Clark, known
18 as Little Man, and Charles Anderson."

19 A. Okay.

20 Q. All right? The line-up contained both, and, then,
21 "...none of the subjects could say they observed any of them
22 at the incident"?

23 A. Yes.

24 Q. Okay. That's your report, right?

25 A. Yes.

1 Q. okay.

2 MR. THOMPSON: I have no further questions. Thank
3 you.

4 THE COURT: Mr. McCarty?

5 MR. MCCARTY: Nothing -- well, if I can.

6 CROSS EXAMINATION by MR. MCCARTY: 12:00 P.M.

7 Q. Investigator Watson, when you -- how many times
8 did you meet with Molly Bogan?

9 A. How many times did I meet with her?

10 Q. Yes, ma'am.

11 A. Two (2) or three (3) maybe.

12 Q. Two (2) or three (3)? And -- and you stated --
13 and I'm thinking Mr. Thompson asked you this -- but you had to
14 go back and talk to her because you felt she wasn't being
15 honest or truthful; am I correct?

16 A. Well her mother actually told us that.

17 Q. So her mother said that she didn't believe ---

18 A. Or her stepmother.

19 Q. Well, let me ask you this: Isn't it true, though,
20 that the next time or the time after that even that you spoke
21 with Molly Bogan that she provided a different version of the
22 facts to you or to one of the other investigators associated
23 with this case that you may have been present for?

24 A. Yes.

25 MR. MCCARTY: Thank you. Nothing further.

1 THE COURT: Redirect?

2 MR. CUDE: Yes, Your Honor.

3 THE COURT: Yes, sir, Mr. Cude.

4 REDIRECT EXAMINATION by MR. CUDE:

12:02 P.M.

5 Q. Investigator Watson, when you met with Molly
6 Bogan, did you ever suggest or imply to her who she should or
7 shouldn't pick out of a lineup?

8 A. No, absolutely not.

9 Q. Did you -- did you have an impression, when you
10 met with her on April 8th, of what her emotional state or her
11 mood was?

12 A. Yes. She appeared to be very scared of telling
13 everything that she saw.

14 MR. CUDE: Thank you. That's all I have.

15 THE COURT: Mr. Thompson?

16 MR. THOMPSON: Excuse me. May I correspond with
17 Mister ---

18 THE COURT: Yes, sir.

19 (Off-the-Record Discussion)

20 MR. THOMPSON: No further questions, Your Honor.

21 THE COURT: Mr. McCarty, anything further?

22 MR. MCCARTY: No, sir, Your Honor.

23 THE COURT: All right, ma'am. You may step down.

24 Thank you very much.

25 (Witness complied with the Court's request.)

1 THE COURT: The State may call its next witness.

2 MR. CUDE: Your Honor, the State calls Investigator
3 Matthew Davis.

4 (Brief pause while the witness is summoned.)

5 (Whereupon,

6 INVESTIGATOR MATTHEW DAVIS

7 first being duly sworn, testified as follows:)

8 THE COURT: Have a seat.

9 (The witness complied with the Court's request.)

10 THE COURT: State your name, please.

11 THE WITNESS: Matthew Davis.

12 THE COURT: Mr. Cude, your witness.

13 MR. CUDE: Thank you. Your Honor, if I may, my I
14 ask the Court reporter to mark this?

15 THE COURT: Certainly.

16 MR. CUDE: I apologize, Your Honor.

17 THE COURT: For identification purposes?

18 MR. CUDE: Yes, Your Honor.

19 THE COURT: That would be fine.

20 (Whereupon, State's Exhibit Number 6 was marked for
21 identification.)

22 THE COURT: You may proceed.

23 MR. CUDE: Thank you, Your Honor.

24 DIRECT EXAMINATION by MR. CUDE:

12:04 P.M.

25 Q. What is your occupation?

1 A. I'm employed as a detective at the Spartanburg
2 County Sheriff's office.

3 Q. Okay. And did you assist the Spartanburg Public
4 Safety Department in the investigation of this case?

5 A. I did.

6 Q. Did you execute a search warrant on a person named
7 Charles Kevin Jackson?

8 A. I did.

9 Q. And -- and do you remember what officers you were
10 with at the time you did that?

11 A. I believe I would have to see the paperwork to be
12 certain as far as the search warrant was. But it's going to
13 be Officer Brian Stokes.

14 MR. CUDE: Your Honor, may I approach the witness?

15 THE COURT: You certainly may.

16 Q. Now, Investigator Davis, I would ask you to take
17 State's Exhibit 6 there. And, again, I -- I note that it does
18 have an evident label over it. If you could, press closely.
19 Do you recognize this item?

20 If you look close, I -- I think the label ---

21 A. I do.

22 Q. --- may conceal it.

23 A. I do.

24 Q. How do you recognize it?

25 A. It's a chain of custody evidence.

1 Q. Okay. And what makes -- what makes you recognize
2 it, sir?

3 A. I recognize it because normally what we put
4 evidence, anything we recover or anything in an investigation,
5 is put in if it fits into this type of envelope.

6 And, then, on the outside is where we signed it as
7 to who collected it. If I give it to someone else, they sign
8 it that they received it from me, the date and the time.

9 And I can see my signature where I gave it to
10 Detective Stokes from the City.

11 Q. Okay. And can you tell us what is -- what is
12 inside there?

13 A. It's called a buccal swab, a DNA swab.

14 Q. All right. And did you collected this buccal
15 swab? A. I did. I collected it at the jail at

16 950 California Avenue out -- out in the county. It was
17 outside the city limits.

18 Q. Do you have the date on that?

19 A. The date -- the date it was taken was April the
20 21st 2011. And the time it was recovered is shown as being
21 0913 hours.

22 Q. And was this -- was this pursuant to the search
23 warrant?

24 A. It was.

25 Q. And why -- how do you take a buccal swab?

1 A. The most common way to take a buccal swab and the
2 way I've been taught to do it is you take two Q-tips. They
3 have them -- it's like a Q-tip with a little longer end type.

4 You take it and you press it on the inside of the
5 cheeks, between there and the gum line, on both sides.

6 And you take it out of the person's mouth
7 obviously. There's a little cardboard box that has some holes
8 in it so it can dry out.

9 And you slide it in there and fill it out and
10 then, you put it in here and secure it, label it "bio-hazard,"
11 and seal it up because that way it can be sent for testing.

12 Q. What did you do with the buccal swab after you
13 collected it from Mr. Jackson?

14 A. After I collected it and ensured obviously with a
15 search warrant that it was Mr. Jackson I was obtaining the
16 sample from, I filled out the box, put it in the box.

17 Then I turned around and it was sealed in my
18 presence and in the presence of Detective Stokes. That way he
19 could take it back to the City evidence locker.

20 Q. And you said it was sealed. Could you be more --
21 what was sealed?

22 A. The envelope.

23 Q. Okay. Now was the buccal swab itself put in the
24 container? I'm sorry.

25 A. Yes. It was put into a little container, a little

1 cardboard box that has holes in it. That way it can be
2 preserved and then placed into this envelope.

3 Q. Okay. Did you tamper with the buccal swab or
4 alter it in any way ---

5 A. No.

6 Q. --- before it was placed in the envelope?

7 A. I pulled it straight out, stick it into the little
8 cardboard box, closed it. It's got little ends -- little
9 perforated ends folded in there, and stuck it right here
10 (indicating).

11 Q. How long after you took it did you give it -- how
12 much time passed before you gave it to Detective Stokes?

13 A. Less than a minute. He was right there beside me
14 the entire time.

15 Q. Okay. And did the -- did the envelope appear
16 secure when you gave it to him?

17 A. It was.

18 (Brief Pause)

19 MR. CUDE: Your Honor, I don't have any other
20 questions for Investigator Davis at this time. I'd ask
21 that he -- well just subject to later recall, Your Honor.

22 THE COURT: Okay. Thank you. Mr. Thompson?

23 MR. THOMPSON: May it please the Court, Your Honor?

24 CROSS EXAMINATION by MR. THOMPSON: 12:06 P.M.

25 Q. Investigator, you're with the County, right?

1 A. Yes, sir.

2 Q. So really your -- your role here is limited to
3 that collection of DNA evidence, right?

4 A. Yes, sir.

5 Q. And you collected that from a Charles -- what was
6 his name -- Jackson? Is that what on your script --

7 A. Charles Kevin Jackson, Jr.

8 Q. And it was related to this -- to this case here,
9 correct?

10 A. From my knowledge, sir. I just received the
11 search warrant. It had the person's name; made sure it was
12 signed by a judge and everything was lawful on that end of it.

13 And the person was identified at the jail as being
14 Mr. Jackson, ensured that it was him; asked him if it was his
15 date of birth and everything in the paperwork and he said yes.
16 Gave him his copy and then proceeded with this.

17 Q. Okay. Do you have any idea how many people were
18 charged in this case here?

19 A. I have no idea.

20 Q. Okay.

21 A. I don't know anything else about it.

22 MR. THOMPSON: Thank you. No further questions.

23 THE COURT: Mr. McCarty?

24 MR. MCCARTY: No questions.

25 THE COURT: All right, sir, you may step down.

1 (Witness complied with the Court's request.)

2 (Off-the-Record Comments)

3 THE COURT: You may call you next witness.

4 MR. CUDE: Thank you, Your Honor. The State calls
5 Investigator Stokes.

6 THE COURT: Come forward, sir, and be sworn. Thank
7 you.

8 (Witness complied with the Court's request.)

9 (Whereupon,

10 INVESTIGATOR BRIAN STOKES

11 first being duly sworn, testified as follows:)

12 THE COURT: State your name, sir.

13 THE WITNESS: Investigator Douglas Brian Stokes.

14 THE COURT: Thank you. Mr. Cude, your witness.

15 MR. CUDE: Thank you, Your Honor.

16 DIRECT EXAMINATION by MR. CUDE:

12:10 P.M.

17 Q. What is your occupation?

18 A. I'm in the criminal investigation division for the
19 Spartanburg Public Safety Department.

20 Q. And how long have you been an investigator?

21 A. Since April of twenty-ten (2010).

22 Q. Okay. How long have you been in law enforcement?

23 A. Twenty-five (25) years.

24 Q. Did you investigate the homicide of Stephen Means?

25 A. I did. I'm the lead investigator on that case.

1 Q. Did you identify Charles Jackson and Quartez Lyles
2 as other potential suspects in this case?

3 A. I did.

4 Q. But are -- are they on trial this week?

5 A. No, sir.

6 MR. CUDE: May I approach the witness?

7 THE COURT: You may.

8 Q. (By Mr. Cude) Investigator Stokes, I'm showing
9 you what's been marked for identification as State's Exhibit
10 6. Do you recognize that?

11 A. I do.

12 Q. How do you recognize it?

13 A. It has my signature on the outside of the envelope
14 and the chain of custody.

15 Q. And can you tell us what it is?

16 A. Yes, sir. It is a buccal or also known as buccal
17 swab taken from Charles Kevin Jackson, Jr.

18 Q. And where and under what circumstances did you
19 receive this?

20 A. Mr. Jackson was already in -- in custody at the
21 Spartanburg County jail, which is outside the jurisdiction of
22 Spartanburg Public Safety Department.

23 So I drafted a search warrant to obtain this
24 buccal or buccal swab from Mr. Jackson and inquired if I could
25 get my assistance from Investigator Davis to execute the

1 search warrant at the Spartanburg County Jail because it's
2 outside of my jurisdiction.

3 And I accompanied him to the jail and over to
4 execute the warrant and obtain the swab.

5 Q. And were you present when Investigator Davis took
6 the swab?

7 A. I was.

8 Q. And what did he do after taking the swab?

9 A. He sealed the -- he donned gloves, took two
10 sterile Q-tips out of a sterile pack, obtained a swab from Mr.
11 Jackson, placed it in the carton, sealed it up, and then
12 sealed it inside the evidence envelope with bio-hazard tape.

13 He signed the chain of custody transferring the --
14 the chain of custody back to me. And then I, in turn, turned
15 it in as evidence at the Spartanburg Public Safety Department
16 evidence room -- property and evidence room.

17 Q. What condition was it in when you received it?

18 A. It was in this sealed envelope.

19 Q. Did it appear to have been tampered with?

20 A. No, sir. I was present when he -- when he placed
21 it in the envelope and sealed it up. And then he signed it
22 and transferred it over to me. And I put it in the same
23 manner into evidence.

24 Q. Okay. And what did you do with -- okay. That
25 answered my next question. Where -- when did you put it into

1
2 A. Let me see if I can get it to where I can actually
3 see it. I'll give you the exact date and time.

4 (Brief pause while the witness examines the exhibit.)

5 A. It was placed into the drop box in -- into
6 evidence on April the 21st of 2011. And there's no time on the
7 envelope.

8 Q. Well what is -- when you say "evidence room," can
9 you tell us where -- what you mean?

10 A. It is a sealed place that only our -- our evidence
11 technician has access to. No one in the agency outside of
12 those two people have access to it.

13 Well there is -- there is one exception, the --
14 the major who is over technical support and services has
15 access to it and the evidence technicians. But no one else
16 outside of those three people have access to it. That is for
17 the integrity of the evidence.

18 Q. And where is it located?

19 A. Inside the -- a locked -- you have to -- you have
20 to have an access card to be escorted into the -- the police
21 department and have access to it.

22 And then property and evidence is -- is within that --
23 the confines of the City of Spartanburg Police Department.

24 MR. CUDE: Your Honor, I beg the Court's
25 indulgence.

1 THE COURT: Yes, sir.

2 (Off-the-Record Discussion)

3 MR. CUDE: May I approach the witness, Your Honor?

4 THE COURT: You may.

5 Q. (By Mr. Cude) Investigator Stokes, I'm handing
6 you what's been marked for identification State's Exhibit 3.
7 Do you recognize that?

8 A. Yes, I do.

9 Q. How do you recognize it?

10 A. It is a consent to search authorization form that
11 I filled out on Charles Anderson, Jr.

12 Q. And who -- is Charles Anderson, Jr. here in this
13 Courtroom?

14 A. He is.

15 Q. Can you point him out?

16 A. Seated right here at the Defense table in the red.

17 MR. CUDE: Please let the record reflect that
18 Investigator Stokes indicated the Defendant, Your Honor.

19 THE COURT: The record will so reflect. You may
20 proceed.

21 MR. CUDE: Thank you.

22 Q. (By Mr. Cude) How do you recognize that item,
23 sir?

24 A. I filled it out and I signed as a witness. That
25 was on April the -- April the 12th, 2011.

1 Q. Are -- are there any other signatures?

2 A. Yes, sir. Mr. Charles Anderson signed the --
3 signed the -- the waiver giving -- giving consent to have his
4 buccal or buccal swab -- I'm sorry. This is the -- this is a
5 consent to search his -- his room at [REDACTED] Hillandale.

6 Q. Okay. Did you see him sign that document?

7 A. I did.

8 Q. Did you coerce him or threaten him with anything
9 at that time?

10 A. No, sir.

11 Q. Did you make any promises in return for that?

12 A. No, sir.

13 Q. And let me ask you, what did you understand he was
14 consenting to have searched?

15 A. His room, which is located the last room on the
16 right at [REDACTED] Hillandale.

17 MR. CUDE: Your Honor, I would ask that this be
18 moved into evidence at this time.

19 THE COURT: Any objection, Mr. Thompson?

20 MR. THOMPSON: No, Your Honor.

21 THE COURT: Any objection, Mr. McCarty?

22 MR. MCCARTY: No, Your Honor.

23 THE COURT: All right. It will be received as
24 marked into evidence. You may proceed.

25 (Whereupon, State's Exhibit Number 3 was admitted

1 INV. BRIAN STOKES - CROSS by MR. THOMPSON
2 into evidence without objection.)

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3 MR. CUDE: Your Honor, if I could consult for just
4 a moment.

5 (Off-the-Record Discussion)

6 MR. CUDE: Your Honor, that's all I have for
7 Investigator Stokes at this time, subject to possible
8 recall later.

9 THE COURT: I understand. Thank you. Mr.
10 Thompson, your witness.

11 MR. THOMPSON: May it please the Court, Your Honor.
12 CROSS EXAMINATION by MR. THOMPSON: 12:16 P.M.

13 Q. Officer Stokes, you've been here the entire time,
14 correct?

15 A. That is correct.

16 Q. Okay. And you recall at one point a very long
17 tape that you made when you interviewed Ms. Hollis -- do you
18 recall that tape?

19 A. I do.

20 Q. Okay. And do you recall Mr. Crain coming in here
21 and testifying today?

22 A. Yes.

23 Q. Do you recall on that audio from Ms. Hollis that
24 you told one of your colleagues that Mr. Crain was the main
25 witness in this case?

A. I knew that Mr. Crain had provided a statement,

1 but I had not had an opportunity to sit down and read his
2 statement in entirety.

3 Q. But, if we -- if I play that tape, and it says
4 that you indicated he was the main witness, that would be
5 accurate?

6 A. I -- I was told by the -- by the investigator who
7 took Mr. Crain's statement that he was a witness, yes.

8 Q. And, to that effect, he's been called today,
9 correct?

10 A. He has.

11 Q. He's a witness in this. Okay. Now Investigator
12 Davis indicated that Charles Kevin Jackson provided a swab on
13 4/21, correct, of 2011?

14 A. Let me just refer to the date and I'll...

15 Q. I think it's State's 6.

16 A. Yes, 4/21/11.

17 Q. And my client provided you a consent to search his
18 room on the 12th ---

19 A. That is correct.

20 Q. --- of April. So that's five days later, correct?

21 A. That's correct.

22 Q. And he consented for you to search the last room
23 on the right; is that correct?

24 A. That's correct.

25 Q. Okay.

1 A. It also indicates that it's " [REDACTED] Hillandale Road,
2 Spartanburg, South Carolina, the room of Charles Anderson
3 Jr.," and there's a slash mark and it says "The last room on
4 the right."

5 Q. Okay. Right. And now why did it take so long to
6 get a sample from Mr. Jackson?

7 A. Mr. Jackson was the last -- the last one we were
8 able to arrest.

9 Q. And why was that?

10 A. He knew we were looking for him and -- and he was
11 in hiding.

12 Q. He was in hiding? And in Gaffney, wasn't he?

13 A. I'm not sure exactly where. We had -- we had
14 numerous reports that he was anywhere from North Carolina to
15 Gaffney to Spartanburg and back.

16 Q. Okay. And my client was here in Spartanburg, was
17 he not?

18 A. He was.

19 Q. He wasn't running from anybody, right?

20 A. I'm not sure that he knew he was a suspect at the
21 time. We had not -- we had not publicized his -- his
22 information when he was arrested as far -- as far as I know.

23 Q. All right. And he had -- he gave you consent. He
24 signed off and gave you consent to search his house, right?

25 A. Not initially. He wanted his mother to -- to give

INV. BRIAN STOKES - CROSS by MR. THOMPSON
the consent because it's her house.

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And we explained to him that he was 18 years old and that was his room and we were seeking his consent. And he initially said that his -- his mother needed to sign.

And, then, I took the form away and he said, "Let me have the form back. I'll sign."

Q. So he signed voluntarily, right?

A. That's correct.

Q. Okay. And -- and that was five (5) days after, does that sound accurate? The shooting occurred on the seventh (7th)?

A. Yes.

Q. And this was what, five (5) days later?

A. Yes, sir.

Q. Okay. And you had no evidence he had left town or anything like that, right?

A. We had no evidence that he ---

Q. You -- you didn't have any evidence he altered his appearance or anything like that, correct?

A. No, sir.

Q. Okay.

MR. THOMPSON: No further questions at this time.
I would -- I would request to call him.

THE COURT: In your case in chief?

MR. THOMPSON: Yes, Your Honor.

1 THE COURT: Mr. McCarty?

2 MR. MCCARTY: Based on what Mr. Cude asked and the
3 lead investigator, I have no questions for him at this
4 time.

5 THE COURT: Anything further from the State?

6 MR. CUDE: Nothing, Your Honor.

7 THE COURT: All right. You may step down.

8 (Witness complied with the Court's request.)

9 THE COURT: The State may call its next witness.

10 MR. CUDE: Your Honor, the State calls Toni Moore.

11 THE COURT: He's outside?

12 MR. CUDE: Yes, Your Honor.

13 THE COURT: All right.

14 (Brief pause while the witnesses is summoned.)

15 MR. CUDE: Your Honor, she is under subpoena. And
16 just for the Court's information, she's the mother of Ms.
17 Hollis. Can I have a moment just to...

18 THE COURT: Yes, sir. We'll take about a 5-minute
19 break. And I'll ask the jury to step back to the jury
20 room.

21 Do not begin any discussions as I always advise you
22 until I ask you to begin your deliberations. But you may
23 step back to the jury room.

24 (The jury exited the Courtroom at 12:21 p.m.)

25 THE COURT: Everyone remain seated while the

1 Defendants exit the room.

2 (Everyone complied with the Court's request.)

3 THE COURT: Court will be in recess for about five
4 (5) to ten (10) minutes. Mr. Cude, let me know when
5 you're ready.

6 MR. CUDE: Thank you, Your Honor.

7 THE COURT: Thank you.

8 (Whereupon, a recess was taken from 12:22 p.m.
9 until 12:26 p.m.)

10 THE COURT: Thank you very much. You may be
11 seated.

12 (Brief Pause)

13 THE COURT: Mr. Cude, I understand the witness has
14 appeared; is that correct?

15 MR. CUDE: Yes, Your Honor. She was -- she was in
16 the area.

17 THE COURT: Okay. Well that's all right. We've --
18 now we've located her. Let's bring the jury in.

19 (Brief pause while the jury is summoned.)

20 (The jury entered the Courtroom at 12:28 p.m.)

21 THE COURT: All right. The record will reflect the
22 jury has returned to the courtroom. Mr. Cude, you may
23 call that witness.

24 MR. CUDE: Thank you, Your Honor. The State calls
25 Toni Moore.

1 THE COURT: Come forward, ma'am.

2 (Witness complied with the Court's request.)

3 (Whereupon,

4 TONI MOORE

5 first being duly sworn, testified as follows:)

6 THE COURT: Have a seat, please, ma'am. And, once
7 you're seated, I'd ask that you state your name.

8 THE WITNESS: Toni Moore.

9 THE COURT: Mr. Cude, your witness.

10 MR. CUDE: Thank you, Your Honor. May I ask the
11 Court reporter to mark this as State's 7 for
12 identification?

13 THE COURT: Yes, sir.

14 (Whereupon, State's Exhibit Number 7 was marked for
15 identification.)

16 DIRECT EXAMINATION by MR. CUDE:

12:28 P.M.

17 Q. Ms. Moore, are you the mother of Lauri Danielle
18 Hollis?

19 A. Yes.

20 Q. And is she the lady seated at the end of the
21 Defense table?

22 A. Yes.

23 Q. And do you live at 114 Cemetery Street?

24 A. Yes.

25 Q. Is that here in Spartanburg County?

1 A. Yes.

2 Q. Did the police come to your home last April with a
3 search warrant?

4 A. Yes.

5 Q. Did they search your house?

6 A. Yes.

7 Q. Did they take anything out of the house?

8 A. No, sir.

9 Q. Did -- did an officer ask you about some clothes?

10 A. Not specifically, no.

11 Q. Okay. Did an officer ask you to take some clothes
12 out of the vehicle that you -- that you're driving?

13 A. No, sir.

14 Q. Okay. Did the police go into a vehicle that's
15 owned by your daughter, Felicia, and take some clothes?

16 A. Yes, sir.

17 Q. Okay. And did you consent for them to do that?

18 A. No, sir.

19 Q. Okay. You didn't tell them it was all right to
20 take those clothes?

21 A. I told them that, that vehicle belonged to my
22 daughter. He told me if he wasn't able to go in that car,
23 then, he would go to the -- call and get another warrant.

24 And that he was going to go in that car because
25 when he said that the search warrant that he had for the house

MS. TONI MOORE - DIRECT by MR. CUDE
also covered searching the car.

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Q. All right. But he said he would get another search warrant unless you consented; is that what you're saying?

A. No. What he said was, "You either let me in -- I'm not -- to the vehicle, or I'll -- you know, I'm going to get in anyhow." So that's what he said. And I said, "Well, it's not my vehicle."

Q. Let me ask you, Ms. Moore, was that -- was that the vehicle you drove every day at that time?

A. At that time, yes, sir. I was driving it.

Q. Okay. Every day?

A. Not every day, but I -- I -- me and my daughter did take turns driving the car.

MR. CUDE: May I approach the witness, Your Honor?

THE COURT: You may.

Q. (By Mr. Cude) Ms. Moore, I'm handing you State's Exhibit 7. Do you recognize that?

A. No, sir.

Q. Okay. Thank you, ma'am. Let me ask: Did the police -- did an officer take any clothes out of that vehicle that day, the one that is titled in your daughter's name?

A. Yes, sir. He did take something out of the vehicle.

Q. Okay. Do you remember what he took out of the

A. I -- he didn't show me what he took out of the vehicle.

Q. And you know whose clothes those were that he took out of the vehicle?

A. No, sir.

Q. Isn't it true you told the officer, Sergeant Mark Hillers, those were the clothes of your daughter Lauri Hollis?

A. No, sir, that is not true.

Q. Okay. Isn't it true you told Sergeant Hillard -- you didn't tell him that's what she was wearing when you picked her up?

A. No, sir, I did not.

MR. CUDE: Your Honor, that's all I have for this witness.

THE COURT: Mr. Thompson, your witness.

MR. THOMPSON: May it please the Court, Your Honor?

THE COURT: Yes, sir.

CROSS EXAMINATION by MR. THOMPSON:

12:31 P.M.

Q. Ms. Moore, you say you don't recognize that purple shirt?

A. No, sir.

Q. It's not Lauri's shirt?

A. I don't recognize the shirt.

Q. If I give you a closer look -- if I hold it up

MS. TONI MOORE - CROSS by MR. THOMPSON
maybe you'd recognize it?

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A. Well I probably won't be able to recognize the shirt ---

Q. Okay.

A. --- as it being Lauri's. But if you like to ---

THE COURT: You can pick it up if you would like.

(Mr. Thompson holds up State's Exhibit Number 7.)

A. No, I don't recognize the shirt.

Q. You do remember those officers coming to your home, correct?

A. Yes, sir.

Q. Okay. And that was -- that was Officer Hillers or Blake?

A. There were about fifteen (15) officers at my house, so, I don't know which one by name.

Q. Okay. And you didn't tell them you picked Lauri up at Oakview Apartments on the 10th?

A. Yes, sir, I did tell them that.

Q. Okay. And did you tell them that the clothes that she was wearing when you picked her up were in that Expedition?

A. No, sir, I did not.

Q. You didn't say that?

A. No, sir, I did not.

Q. And you didn't hand them a purple T-shirt and a

1 MS. TONI MOORE - CROSS by MR. MCCARTY
2 khaki shorts?

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3 A. No, sir, I did not.

4 Q. And a cartoon character with a large buckle?

5 A. No, sir, I did not.

6 Q. You didn't?

7 (Off-The-Record Comments)

8 Q. So, if an officer put that in a report, he's --
9 he's misleading us, right?

10 A. Yes, sir.

11 Q. So you're not misleading us, are you?

12 A. No, sir, I'm not.

13 Q. Ms. Moore, do you have some charges for fraudulent
14 checks in the past?

15 A. Yes, I have.

16 Q. Okay. And, if you've got a fraudulent checks,
17 that means you write a check and you don't have the money to
18 cover it in the bank, right?

19 A. That's exactly what it means.

20 Q. And that's not very honest, is it?

21 A. At that time it wasn't.

22 Q. Okay.

23 MR. THOMPSON: No further questions.

24 THE COURT: Mr. McCarty?

25 CROSS EXAMINATION by MR. MCCARTY:

12:34 P.M.

Q. Ms. Moore, you're Danielle's mother; am I right?

1 A. Yes, I am.

2 Q. Are you currently working some place?

3 A. No, not at this time.

4 Q. Well you worked at Spartanburg Regional; am I
5 correct?

6 A. Yes, sir, I worked up until a couple of years ago
7 when I went on disability.

8 Q. You went on disability? But at the time you were
9 working at Regional hospital, right?

10 A. Yes, sir.

11 Q. Do you have any side businesses that you do?

12 A. Yes, sir.

13 Q. What -- what would those be, Ms. Moore?

14 A. I work with flea market dealers.

15 Q. So you deal with items and sell them at the flea
16 market?

17 A. Items that -- yes, sir. We take resale clothes.

18 Q. Okay. So clothing is one of those items that you
19 can resell at flea markets?

20 A. Yes, sir.

21 Q. Where do you acquire this clothing from?

22 A. I volunteer at Safe Homes, Rape Crisis Center. I
23 volunteer there and different churches members give me items
24 of clothing to resell for income.

25 Q. And, so, that would be donations that you receive

1 and the ones that aren't able to be donated, you try to sell
2 them, again, at the flea market; am I right?

3 A. Yes, sir.

4 Q. Would it be safe to say that you have several
5 items of clothing that are not your own or a family member's
6 in your possession?

7 A. Lots, yes, sir.

8 Q. Are these items of clothing throughout your home?

9 A. Yes, sir.

10 Q. Would they be transported to the flea market in a
11 vehicle?

12 A. That's where they were, yes, sir.

13 Q. Okay. Ms. Moore, you stated that Ms. Hollis came
14 to your house on Sunday night. That's the 10th; am I correct?

15 A. Yes, sir.

16 Q. When Ms. Hollis came there on the 10th, from what
17 you know of this case, do you know when the shooting occurred?

18 A. On Thursday.

19 Q. On Thursday, the seventh (7th). You're correct.
20 So did you have any contact with Danielle either the seventh,
21 the eighth (8), the ninth (9), up until the 10th?

22 A. No, sir.

23 Q. Did she ever come and stay at your home before
24 that point?

25 A. Oh, yes, sir.

1 Q. Well I guess let me ask -- let me narrow it down.
2 Between Thursday, the night of the shooting, and Sunday night
3 when she came to your home, had -- had she been spending the
4 night at your home any of those nights?

5 A. Not those nights in between.

6 Q. And, of course, I understand you're her mother and
7 she's probably spent the night at your home before, but those
8 nights, between the shooting and the Sunday night, had she
9 spent the night at your house?

10 A. No, sir.

11 Q. Okay. Do you know what Danielle was wearing on
12 the Thursday, the seventh (7th)?

13 A. I cannot be sure.

14 Q. You weren't there; am I correct?

15 A. No, sir. And I cannot be sure.

16 Q. So you have no idea what she was wearing?

17 A. No, sir.

18 Q. Ms. Moore, do you do anything with these clothing
19 items when you receive them like wash them or launder them at
20 a dry cleaners?

21 A. We wash them and -- if they're soiled, we take
22 them and wash them and dry them.

23 Q. Okay. But that's when you notice the clothing.
24 But is there clothing that's both in the process of having
25 that done --

1 A. Uh-huh (affirmative).

2 Q. --- and clothing that hasn't had that already
3 happened too; am I correct?

4 A. If I can answer this: The clothing stay -- the
5 clothes stay in my truck, the truck that my daughter and I
6 share.

7 That's where the clothing is housed. So there was
8 a lot of clothes in there, over 200 pieces of clothing in that
9 truck.

10 Q. And, from these various sources, you don't know
11 how these clothes were maintained before you got them; am I
12 correct?

13 A. No, sir.

14 Q. So you don't know if this shirt here was soaked in
15 gasoline, if it had been wiped off grease from an engine or
16 something like that? You wouldn't have any idea of how these
17 shirts are maintained prior to them coming into your
18 possession; am I right?

19 A. No, sir.

20 Q. You have no accounting for it if they had been in
21 a room where someone had smoked or not smoked; am I right?

22 A. No, sir.

23 Q. Ms. Moore, so, your testimony today is you didn't
24 see Lauri from Thursday, the seventh (7th), at least the
25 seventh (7th) and maybe before that, but at least from

1 Thursday, the night of the shooting, Friday, Saturday, and
2 then Sunday she came -- came to your house to spend the night;
3 am I correct?

4 A. Yes, sir.

5 MR. MCCARTY: Thank you. Nothing further of Ms.
6 Moore. Thank you.

7 THE COURT: Redirect?

8 MR. CUDE: Thank you, Your Honor.

9 REDIRECT EXAMINATION by MR. CUDE:

12:38 P.M.

10 Q. Ms. Moore, do you love your daughter?

11 A. Yes, sir.

12 Q. And you don't want anything bad to happen to her,
13 do you?

14 A. No, sir.

15 MR. CUDE: Thank you. That's all I have, Your
16 Honor.

17 THE COURT: Anything?

18 MR. THOMPSON: Briefly, Your Honor.

19 THE COURT: All right.

20 RECROSS EXAMINATION by MR. THOMPSON:

12:41 P.M.

21 Q. Ms. Moore, you say you've got a secondary business
22 with those clothes?

23 A. Yes, sir.

24 Q. Okay. Do you have a tax ID number for that
25 business?

1 A. I -- not that business --

2 MR. MCCARTY: Objection, Your Honor, to relevance.

3 A. Well, we do --

4 THE COURT: Just one second, ma'am. Don't answer
5 the question.

6 MR. THOMPSON: Your Honor, I think we've
7 established a fraudulent check charge. Now if I can
8 establish she's running a business and not paying taxes,
9 I think that would be relevant to --

10 MR. MCCARTY: Well, Your Honor, Mr. Thompson wants
11 to inquire as an agent of the state to do that, I think
12 she needs to be advised of certain rights if he's going
13 to go down that line of questioning.

14 THE COURT: I'm going to sustain the objection.

15 Q. (By Mr. Thompson) Are you incorporated?

16 A. Explain please.

17 Q. Are you incorporated? Have you registered with
18 the State as a corporation?

19 A. With the State?

20 Q. Yes, ma'am.

21 A. I -- I still need another explanation for that.
22 I'm not quite sure --

23 Q. Did you fill out paperwork from the Secretary of
24 state that you are a bona fide business to operate in the
25 state of South Carolina?

1 A. Well you have to have a certain income to do that.
2 I don't go over that income limit.

3 Q. What's that income?

4 A. Any time you make over -- from my understanding,
5 if you make over five thousand dollars (\$5000), Social
6 Security allow me to make a certain amount of money each month
7 without having to do that.

8 Q. Okay. That's something your dis -- you're on
9 disability, so you ---

10 A. Yes, sir.

11 Q. --- have a little cap there? Okay. And you don't
12 -- so you don't -- you're not registered with the State,
13 correct?

14 A. (Nods affirmatively.)

15 Q. Now have you discussed this purple shirt with
16 anybody?

17 A. No, sir.

18 Q. Okay. So that purple shirt you didn't -- you say
19 -- it's your testimony you didn't -- you didn't take the
20 officer and show that hirt to him, right?

21 A. No, sir, I did not.

22 Q. Okay. And you're telling us jury -- this jury
23 there are 200 pieces of clothing in that Expedition?

24 A. Or more.

25 Q. Or more?

1 A. Yes, sir.

2 Q. Okay. And where -- where do you sit if there's
3 that many clothes in there?

4 A. I have a '98 Ford Expedition. I still sit in my
5 driver's seat.

6 Q. Okay. And you're well aware that shirt right
7 there has got evidence tied to this -

8 MR. MCCARTY: Objection, Your Honor. It's calling
9 her to speculate.

10 THE COURT: I'm not going to allow her to -- to
11 speculate. Sustain the objection.

12 MR. THOMPSON: Your Honor, I -

13 THE COURT: Rephrase the question.

14 Q. (By Mr. Thompson) If -- if you knew that shirt
15 was tied to this murder, you -- you would deny that, that was
16 Lauri's shirt, wouldn't you?

17 A. No, sir, I would not.

18 Q. When Lauri came over there that night, was her
19 hair cut?

20 A. Yes sir.

21 Q. Okay. And did she usually wear it in braids
22 or ---

23 A. No, she just wore it cut.

24 Q. She usually wore it cut? Did you in the past at
25 any time see her when she did have dreadlocks?

1 A. She had twists.

2 Q. Twists?

3 A. There is a -- yes.

4 Q. Okay. Is that -- is that -- I don't have much
5 hair, so, I don't know. But that's a variation of dreads
6 maybe?

7 A. It is a variation.

8 Q. Okay. And, when you get the clothes, how long is
9 it before you take them and wash them?

10 A. It is according to --- there's not a certain
11 length of time that I could give you. But before I take them
12 and try to resell them, I do wash them.

13 But as I said, unless there was a --- a large
14 amount of it. And I -- I can't say when I had washed and what
15 I hadn't.

16 But I do try to wash all of them before, as I
17 said. As I do volunteer work, I can't do all of that all the
18 time right off. So it may stay there weeks.

19 Q. In your car?

20 A. In the truck.

21 Q. In the truck? And where do you pick these clothes
22 up?

23 A. I volunteer at the Safe Homes Crises --- Rape and
24 Crises Center sometimes and, by me volunteering, I'm allowed
25 to buy clothes by the bags. I pay for them.

1 And also, as I said, I have people that call me
2 and donate clothes to me to resell to make extra income.

3 Q. So, you don't know exactly where that one came
4 from, right?

5 A. No, sir, I don't.

6 MR. THOMPSON: Okay. No further
7 questions.

8 THE COURT: Mr. McCarty?

9 MR. MCCARTY: Nothing, Your Honor.

10 THE COURT: Anything further, Mr. Cude?

11 MR. CUDE: I have nothing else for Ms. Moore.

12 THE COURT: All right. Ma'am, you may step down.
13 Thank you very much.

14 THE WITNESS: Okay.

15 (The witness complied with the Court's request.)

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, at this point in time, we're going to break for our
18 lunch break.

19 I'll ask that you be back in the jury room in use
20 for this trial at two o'clock (2:00) this afternoon. I'd
21 ask that you be prompt so that we can start on time,
22 please.

23 As you leave the courthouse, I'll ask that you
24 follow the same directions that I've given you before;
25 that is, to not watch, read, or listen to any media

1 reports;

2 Don't discuss the case with anyone. Don't allow
3 anyone to discuss it with you.

4 And, if anyone tries to contact you about your
5 service on this jury, please, report that upon your
6 return.

7 Two o'clock (2:00) back in the jury room. Thank you
8 very much.

9 (The jury exited the courtroom at 12:44 p.m.)

10 THE COURT: Everyone remain seated while the
11 Defendants retire.

12 MR. GRAY: Your Honor...

13 THE COURT: Wait just one second. Yes, sir?

14 MR. GRAY: May we approach, Your Honor?

15 THE COURT: Please do.

16 (Whereupon, a bench conference was had with all
17 attorneys present.)

18 THE COURT: All right. You may remove the
19 Defendants from the courtroom. Everyone remain seated.

20 (Everyone complied with the Court's request.)

21 (Off-the-Record Comments)

22 THE COURT: Court is in recess until two o'clock
23 (2:00).

24 (Whereupon, a lunch recess was taken from 12:50
25 p.m. until 1:59 p.m.)

(Off-The-Record Comments)

THE COURT: All right. Is the State ready to go forward?

MR. GRAY: Not quite yet, Your Honor.

(Off-the-Record Discussion)

MR. GRAY: We're ready now.

THE COURT: Are you ready now?

MR. GRAY: Yes, sir.

THE COURT: Is the Defense ready, Mr. Thompson?

MR. THOMPSON: Yes, Your Honor.

THE COURT: And Mr. McCarty?

MR. MCCARTY: We are, Your Honor.

THE COURT: Bring the jury in.

(Off-the-Record Discussion)

(The jury entered at 2:03 p.m.)

THE COURT: All right. The record will reflect that the jury has returned to the courtroom. I trust everyone had a good lunch.

If any member of the jury panel was -- had any difficulty in following my instructions concerning your behavior while you're outside of the courtroom, please stand.

(No Response)

THE COURT: It appears that all jurors have been able to comply with the Court's instructions. The State

1 continues to present its case. And at this time the
2 State may call its next witness.

3 MR. CUDE: Your Honor, the State calls Dr. David
4 Wren.

5 THE COURT: sir, if you'll come forward to my left
6 and be sworn, please.

7 (Witness complied with the Court's request.)

8 (Whereupon,

9 DR. DAVID WREN

10 first being duly sworn, testified as follows:)

11 THE COURT: Once you're seated, if you would, state
12 your name, please.

13 THE WITNESS: My name is John David Wren.

14 THE COURT: Mr. Cude, your witness.

15 MR. CUDE: Thank you.

16 DIRECT EXAMINATION by MR. CUDE:

2:04 P.M.

17 Q. What is -- what is your occupation, sir?

18 A. I am a physician with a specialty in path -
19 pathology.

20 Q. Can you tell us something about your education?

21 A. I have a bachelor's degree, a master's degree, and
22 a doctor of philosophy degree in chemical engineering.

23 I have an MD degree from the Medical University of
24 South Carolina. I did a combined anatomic and clinical
25 pathology residency at the Medical University of South

1
2 While I was there, I was the assistant -- one of
3 the assistant medical examiners for Spartan -- for Charleston
4 County from July of 1980 til I left there in January of 1982.

5 I did autopsies one weekend in a month for the
6 Medical University. And that encompassed most of the forensic
7 pathology cases over the State that were sent to the Medical
8 University at that time, for much of the State;

9 One weekend a month under the direction of a board
10 certified forensic pathologist. whichever one was on call
11 assigned those cases out.

12 And I went to all the scenes that were necessary
13 for Charleston County, testified on the cases that I did.

14 And after I left there -- I actually left there
15 October the 18th. I came to work in Spartanburg for at that
16 time Spartanburg Pathology Associates. And since that time
17 I've been in Spartanburg.

18 I did a combined -- I passed my combined anatomic
19 and clinical pathology Boards in 1987 and, then, recertified.
20 I never took my Boards in forensic pathologist [sic], although
21 I was qualified to do that.

22 But I have been qualified as an expert all over
23 the State. I can give you some counties; Charleston,
24 Berkeley, Dorchester, Anderson, Greenwood, Greenville -- I'm
25 sorry --yeah, Greenville, Spartanburg, Cherokee, Union,

1 Lancaster, Fairfield, Newberry, Orangeburg, and Lexington are
2 the ones to come -- Dillon also.

3 Q. Dr. Wren, how many times have you been qualified
4 as an expert in pathology?

5 A. Probably 150 to 200 times.

6 Q. And just to be clear, Doctor, what is pathology?

7 A. Pathology is the study of disease processes. As
8 such, pathology itself is divided into two broad categories;
9 one being clinical pathology, which is actually supervising
10 the laboratory, choosing tests, acting as a consultant to all
11 physicians in the interpretation of those tests;

12 Setting standards for those tests, choosing the
13 equipment for those tests for the hospital. And actually, as
14 I said, interpreting those tests.

15 The other broad category is anatomic pathology,
16 which is divided into multiple disciplines or sub-disciplines,
17 one being surgical pathology, which is examination of tissues
18 removed at surgery for either the determination of benign or
19 malignant.

20 And, if benign [sic], the underlying disease
21 process so that the physician can actually treat that disease.

22 Then there is autopsy pathology which is an self-
23 explanatory subdivision of anatomic -- I mean autopsy
24 pathology is forensic pathology, which is medical/legal
25 investigations in autopsies.

1 And, then, there are other subcategories of
2 anatomic that shouldn't be necessary to enumerate.

3 Q. And how many autopsies have you performed, Doctor?

4 A. Total?

5 Q. Yes, sir, please, sir.

6 A. Between four (4,000) and five thousand (5,000).

7 MR. CUDE: Your Honor, the State offers Dr. Wren
8 as an expert in pathology.

9 THE COURT: Any objection, Mr. Thompson?

10 MR. THOMPSON: None from Defendant Anderson.

11 THE COURT: Mr. McCarty?

12 MR. MCCARTY: Without objection, Your Honor.

13 THE COURT: All right. Ladies and gentlemen, let
14 me explain to you the process that we're going through at
15 this point in time so maybe you'll understand a little
16 more about what we're doing here.

17 Generally the rules of evidence do not allow
18 witnesses to state opinions from the stand. Lay
19 witnesses are required to testify concerning facts within
20 their knowledge and things that may have some relevance
21 to the case, but basically facts that they might know or
22 are aware of.

23 There's an exception to that general rule and that
24 exception is for people who are designated as experts
25 within some field or science or discipline. And for

1 those particular witnesses, because of their training,
2 education, or expertise, if they are qualified as
3 experts, then, they're allowed to state their opinions
4 within their area of expertise and also allowed to state
5 the reasoning behind the opinion that they hold.

6 In this particular case, this witness is being
7 offered as expert witness within the field of pathology.
8 Without objection, I will qualify him as an expert.

9 That means he will be allowed to state his opinions
10 within that area of expertise and the reasons why he
11 might hold those opinions.

12 So, Mr. Cude, I've designated him as an expert. And
13 you may proceed.

14 MR. CUDE: Thank you, Your Honor.

15 Q. (By Mr. Cude) Dr. Wren, did you perform an
16 autopsy on Stephen Means on April 8, 2011?

17 A. Yes, I did. I did it in the Spartanburg Regional
18 Hospital autopsy room. I began the autopsy at 5:15 p.m.

19 Q. Based on the autopsy, within the bounds of
20 reasonable medical certainty, have you formed an opinion, an
21 expert opinion, about the cause of death of Stephen Means?

22 A. Yes, I designated the -- the cause of death as
23 internal hemorrhage, secondary to a gunshot wound to the back.

24 Q. Can you describe the wounds you found on Stephen
25 Means' body?

1 A. Well, he actually had three (3) gunshot wounds.
2 One was what I considered an in and out gunshot wound to the
3 thorax, the chest part of the thorax.

4 And then a reentry into his left forearm on the
5 volar or the anterior surface in the anatomic position.

6 The one that went in his back appeared 17 inches
7 from the top of his head and 3 inches to the left of midline
8 in the left back, almost toward the mid portion.

9 It -- I'm sorry. I did that wrong. Right lateral
10 back 21.75 inches from the top of the head and 5 inches to the
11 right of midline.

12 The exit actually came out of his chest 17 inches
13 from the top of the head and 3 inches to the left of midline
14 in the anterior chest.

15 Now, the gunshot wound to the back had some
16 associated findings. The wound was concentric in shape,
17 meaning that it was per -- essentially perfectly round.

18 It measured 355,000ths or about .36 inches in
19 diameter. It had a stippled concentric area around the wound
20 that measured 1.3 inches in diameter.

21 It did have a small area of abrasion from, if you
22 were looking at the wound as a clock, from 10:00 to 5 o'clock,
23 meaning that the -- that the bullet was coming from his right
24 as it passed into the -- into his back.

25 Now, it went through his right lung. It went

1 through and through his right ventricle of his heart. And
2 then came out of his chest on the left side.

3 From that point, it appeared that that -- the
4 wound -- the gunshot or the bullet went through into his left
5 volar forearm, as I stated previously, 2 3/4 inch proximal or
6 toward his armpit from his wrist.

7 That wound was sort of rectangular in shape. It
8 measured 36 hundredths by 34 hundredths inches in diameter.
9 And it had an abrasion looking at it again as a -- a clock,
10 12:00 to 6 o'clock, meaning on his radial surface of his
11 outline surface.

12 And that abrasion was 17 hundredths of an inch in
13 width, meaning that, when it passed into his wrist, or into
14 his forearm, it was traveling toward the little finger side of
15 his hand and abraded the skin as it went into it because it
16 was -- it was passing at an angle to the flat surface of the
17 skin.

18 And one has to remember, when -- when you're
19 talking about entrances and abrasions, that some of the
20 characteristics change because it's not a flat surface.
21 Everywhere on our bodies is not a flat surface.

22 So, if the arm is curved in that area, it will
23 naturally cause an abrasion on -- on the side that -- that it
24 hit. If it was straight in, essentially it -- it would cause
25 an abrasion on that side of the curve.

1 But, nevertheless, I feel like the gunshot was a
2 close range gunshot wound to the back; came out of his chest.
3 It was tumbling, meaning the bullet was -- was -- as it goes
4 through the body, whether it hits -- if it hits a solid
5 object, like bone, it can actually be deflected.

6 But usually, when it comes out of the -- out of
7 the skin, it will have started tumbling. It doesn't -- it
8 bores into the skin, but when it comes out, it stretches the
9 skin and -- and sort of bursts out.

10 And -- and, depending on how the skin is tented as
11 it comes out, it will start tumbling. So I felt like it was
12 tumbling as it came out and impacted into his forearm.

13 And I recovered a bullet from -- from beneath that
14 area. It was a copper jacketed lead bullet. It had visible
15 lands and grooves, meaning that it was fired by a grooved -- a
16 -- a weapon that had a spiral groove inside.

17 It measured 9 millimeters in diameter at the base
18 -- I'm sorry. There's a mistake there too. It measured --
19 those measurements are entirely wrong. But it was a medium
20 caliber bullet.

21 I saved the bullet with the Arabic number one, the
22 Greek letter delta and I forwarded it to Officer Ed Guthro
23 with the Spartanburg County Police Department. I think those
24 are actually millimeter measurements there.

25 Q. Thank you, Doctor. And can I ask you -- can I ask

again just what -- what markings you made on the bullet,

Doctor?

A. I measured it with the Arabic number seven, which is the last number of the autopsy, which was FA11-87. I also labeled it with the Greek letter delta, which is easier to make than -- than English letters.

It's a Greek letter. It's like a -- actually an isosceles -- I mean an equilateral triangle is a delta mark.

And I forwarded it to Officer Ed Guthro who -- who signed for it.

MR. CUDE: Can I consult for a moment, Your Honor?

THE COURT: Yes, sir.

(Off-the-Record Discussion)

MR. CUDE: May I approach the witness?

THE COURT: You may.

Q. (By Mr. Cude) Dr. Wren -- I beg the Court and Doctor. I need to get this --

MR. CUDE: Well, I'm sorry, Your Honor.

Q. Would you mind opening this, Doctor?

(Brief pause while the witness tries to open envelope.)

A. With what?

(Off-the-Record Comments)

A. And there's an evidence -- evidence transfer there and another one that's -- this one is labeled "fired bullet."

1 Q. Would you mind opening that, Doctor, and examining
2 it?

3 (Witness complied with the request.)

4 A. This one is -- this file is labeled "Edward Means"
5 -- I mean, sorry -- "Stephen Means, FA11087, left wrist
6 4/7/11," and "D .Wren." I signed for it.

7 (Brief Pause)

8 A. And it's a -- a copper jacketed lead bullet. It
9 does have the lands and grooves. And on the base is labeled
10 "Seven" and a delta.

11 Q. Thank you, Doctor. Is that the bullet that you
12 gave to Officer Guthro?

13 A. Yes.

14 Q. All right. Thank you, Doctor.

15 MR. CUDE: Your Honor, we'd ask that this be moved
16 into evidence -- well, I'm sorry. We ask that it be
17 marked as State's Exhibit 8 for identification at this
18 time.

19 THE COURT: You can mark it for identification
20 purposes.

21 (Whereupon, State's Exhibit Number 8 was marked for
22 identification.)

23 Q. Doctor, is that the bullet you removed from Mr.
24 Means' body?

25 A. Yes, sir.

1 Q. Doctor, do you have an opinion about how long it
2 would've taken Mr. Means to die after he was struck by the
3 bullet?

4 A. Well, that's a little hard to say. There's lots
5 of factors that -- that are factored in. One is exactly what
6 it lacerates.

7 It actually lacerated his lung. And, in his
8 pleural cavity on the right side, he had 350 cc's of -- of
9 partially clotted blood, which is -- which is about -- just
10 about a quart.

11 He had 35 cc's, which is a little over an ounce,
12 on the left side. And he had 250 cc's, which is about 9
13 ounces of blood, 9 fluid ounces, in the pericardial sac.

14 Now, the factors that -- that one has to consider
15 are if it hit any main vessels in his -- in his lung, which I
16 didn't think it did. And what it hit as it went through his
17 heart.

18 And, when it went through his heart, the gunshot
19 wound went through his left ventricle, which is a -- which is
20 the part of the heart that pumps blood out to the body.

21 Blood is received in the right atrium from the
22 body. It actually basically flows by gravity and a small
23 amount of pressure into the right ventricle.

24 And it leaves the right ventricle and goes through
25 the lungs, returns to the left atrium of the heart. Then it's

1 similar to the pressure that fills the right ventricle, but a
2 little greater pressure because there's some pressure from the
3 right ventricle as it -- as it went through the lungs.

4 It goes into the left ventricle. And from the
5 left ventricle, it pumps blood out through the aorta to the --
6 to -- to the body.

7 Now the pressure in the right ventricle is rather
8 low. It never gets, in normal circumstances, over about 25
9 millimeters of mercury, which is a relatively low pressure.

10 Corresponding, the left ventricle usually
11 produces, in a normal individual who doesn't have hypertension
12 or high blood pressure, 120 millimeters of mercury at
13 systolic, meaning when the ventricle contracts, and 80
14 millimeters when it relaxes to fill again from the -- from the
15 right ventricle -- I mean from the lungs.

16 So, there is a good bit of pressure. It's similar
17 to arterial pressure in the left ventricle.

18 Now, there were two holes in the heart. Both of
19 them were in the left ventricle. So every time the heart
20 beats, it squirts blood out those two holes, as well as into
21 the aorta.

22 Now those two holes partially close up because of
23 the contraction of the heart. So they're not round holes as
24 big as the bullet may be unless it's -- unless it goes through
25 it at -- at quite an angle or it's expanded by the type of

This one was a -- a copper jacketed bullet. It did not have any expanding tendencies as you would see when I held it up.

So each time the heart beats it pushes some blood out into that sac around the heart. And it tamponades it, so, the next time the heart beats it can't expand quite as much as it did the first time.

And each time thereafter, as soon as the blood gets in that sac around the heart, it constricts both ventricles as well as the atria of the heart, since the whole heart is in the pericardial sac.

So each time it beats, more and more blood gets in the sac around the heart. And the pericardial sac is like dense scar tissue. And it does not -- it's not pliable. It doesn't expand. It -- it stays the same size essentially.

So each time the heart beats, it puts a little bit more blood out there. And so the heart itself doesn't have room to expand as much as it normally does.

Then you have to contrast that with the fact that also, when somebody is injured like this, their heart is going to speed up. The pressure is going to go up some, and so, we can't tell that is.

But -- but, at any rate, he put out probably about -- in a normal situation, the heart, each time it contracts,

1 it puts out a certain amount of blood. And you -- you can
2 calculate that.

3 But a rule of thumb is it'll put out about 65% of
4 how much the ventricle holds. And a -- a ventricle will hold
5 about 100 cc's. So about 65 cc's of blood every time the
6 heart beats is pushed out of the lungs.

7 So some of it is going to go into the pericardial
8 sac. Some is going to go out the aorta.

9 For it to accumulate 250 cc's it probably would
10 take about 25 to 30 beats, maybe more/maybe less. But, at any
11 rate, it wouldn't take very long for the -- for the heart to
12 fill up.

13 And, when that happens, the heart just -- it can't
14 expand anymore, so, it can't pump any more blood out. And,
15 when that happens, the person will stay conscious about the
16 time they can hold their breath because the brain has to have
17 blood.

18 And when it doesn't get the oxygenated blood,
19 then, you lose consciousness. And, then, it takes about six
20 (6) minutes to die.

21 So I would say generously he lived fifteen (15)
22 minutes, probably no more than ten (10).

23 Q. Doctor, do you have an opinion on this question:
24 would it be possible, if a paramedic was examining a gunshot
25 victim at the scene, would it be possible for a paramedic to

1 overlook an entry wound, a gunshot entry wound?

2 MR. MCCARTY: Objection to that. It calls for
3 speculation, Your Honor. Pathology itself, but an
4 examination by paramedic.

5 THE COURT: Overruled. I think he -- he's been
6 qualified as an expert. He can state whether that's
7 within his expertise or he may have knowledge. So I'll
8 allow him to answer the question if he can.

9 A. Well a lot of it depends on the size of the
10 bullet. The larger the bullet, the less likely there would be
11 a chance to over -- overlook it.

12 But it's possible that -- that one could overlook
13 it. But most of the time there will be bleeding.

14 Now another thing that happens, when someone is
15 shot or stabbed or sustains a penetrating wound is, a lot of
16 times they do not bleed out of that wound because it's
17 actually -- the tissues around it close it up to where you
18 don't bleed externally.

19 You just bleed internally depending on what it hit
20 inside. So it's -- it's possible they -- they could have, but
21 if they looked, they probably would've -- if they'd looked
22 closely, they probably would have seen something like that.

23 Now I can also say that I do a lot of autopsies
24 that come into the emergency room. And, for instance in this
25 case, they did open his chest up to see if they could massage

1 his heart, to see if they could bring him back.

2 Sometimes they open the chest up and they -- the
3 bullet didn't even go through the chest because it went
4 through the abdomen instead of the chest. And that is a
5 common occurrence in the -- in the ER.

6 I mean -- well it's not uncommon, but it's not
7 common either. It happens where the path of the bullet is
8 erroneously judged.

9 Q. Can you offer an opinion in what position Mr.
10 Means was in when he was shot?

11 A. What position?

12 Q. Yes.

13 A. He had his back to the assailant. The assailant
14 was slightly to his right. And he could have been in any
15 imaginable position in which a bullet would pass into his
16 back, from his right side, going upward and come out with his
17 arm probably in front of him.

18 Now, if he were on the ground face down, and his
19 arm was -- it was pushing up, his arm -- his wrist would've
20 had to have been forward for the bullet to go into his volar
21 surface, which is -- which is the -- the front of the arm.

22 It wouldn't have been against his chest because
23 you would have seen different characteristics. There is no
24 need of explaining them unless I have to. But you would have
25 seen different characteristics on the two wounds and -- most

1
2 And he could have been on the ground with the
3 person behind him standing over him shooting. The other
4 person could have been a little bit lower than he was, or had
5 his arm lower and shot up at him or he could have leaned over.

6 There's just innumerable ways that he could have
7 been shot and the position he could have been in. Which you
8 can't tell just by doing an autopsy.

9 You can just say that it went in, was going up,
10 was going to his left side from back to front.

11 Q. Doctor, did you examine the victim's mouth as part
12 of this autopsy?

13 A. Well most people have -- have rigor mortis and we
14 can't get their mouth open because the jaw is so stiff, but I
15 do externally check the lips, internal lips to where you can --
16 -- as much as you could see or -- or pull the mouth open.

17 But I didn't view in behind his teeth.

18 Q. Did you find anything unusual on -- on his teeth?

19 (Brief pause while witness reviews document.)

20 A. Well I said the teeth in moderate state of repair,
21 although there are deformities of the incisors bilaterally and
22 a gold colored grille on the lower teeth.

23 There are no mucosal lesions, meaning I did not
24 see any bruises/lacerations, bite marks, or anything like
25 that.

1 Q. Do you know what you did with the grille, Doctor,
2 or what was done with the grille?

3 A. No. We usually send it with the body unless it's
4 requested by the police. There are pictures taken of it
5 though.

6 MR. CUDE: Can I approach the witness again?

7 THE COURT: You may.

8 Q. Doctor, just to be clear, this is State's Exhibit
9 8 which I previously showed you. Just to be -- is -- is --
10 and you've reviewed the contents of that; is that correct?

11 A. Pardon?

12 Q. You've reviewed the contents of --

13 A. Yes.

14 Q. Is that the bullet you gave to Officer Ed Guthro?

15 A. Yes.

16 Q. After removing it from Stephen Means?

17 A. Yes.

18 MR. CUDE: Thank you, Doctor.

19 (Brief Pause)

20 MR. CUDE: Your Honor, can I approach the Defense
21 attorneys?

22 THE COURT: You may.

23 (Off-the-Record Discussion)

24 MR. MCCARTY: Your Honor, if we may, I think we
25 might have a matter we would like to address outside the

1 presence of the jury.

2 THE COURT: All right. Ladies and gentlemen of the
3 jury, this is one of the occasions that I've told you
4 I'll ask you to step to the jury room while I discuss
5 some matters with the attorneys.

6 So as always I'll instruct you not to discuss this
7 case even among yourselves during the break. You may
8 retire.

9 (The jury exited the courtroom at 2:32 p.m.)

10 THE COURT: Yes, Mr. Cude?

11 MR. CUDE: Your Honor, I approached Defense Counsel
12 just because I was seeking to introduce a photo from the
13 autopsy. It's an x-ray just showing the position of the
14 bullet in the Def -- Defendant's [sic] left arm. Can
15 I ---

16 THE COURT: You want to pass it up, so, I can take
17 a look at it myself?

18 MR. CUDE: Yes, Your Honor.

19 (Document handed up to the Court.)

20 THE COURT: Thank you.

21 (Brief pause while the Court examines document.)

22 THE COURT: Yes, Mr. McCarty?

23 MR. MCCARTY: Your Honor, on behalf of Ms. Hollis,
24 we'd object to the State being allowed to introduce this
25 and offer it for admission. We believe the prejudicial

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1 effect of a picture of the autopsy outweighs its
2 probative value.

3 Of course, Dr. Wren has been here and thoroughly
4 testified to how the bullet entered, how it came to rest
5 and where it came to rest. He's been able to offer that
6 testimony in live form.

7 The bullet -- this serves nothing to show or further
8 the State's case as to where it came to rest as to how it
9 satisfies any element of the crime of either murder or
10 armed robbery in this matter.

11 Its cumulative at best and prejudicial at most, Your
12 Honor.

13 THE COURT: Mr. Thompson?

14 MR. THOMPSON: I -- I would echo his fine argument,
15 Your Honor.

16 THE COURT: Now this is not a photo; this is an x-
17 ray.

18 MR. MCCARTY: I understand, Your Honor. But ---

19 THE COURT: For the record.

20 MR. MCCARTY: --- it shows the victim's arm with
21 the projectile lodged in it. And, again, the Defendant
22 or the Defense would argue that here that it satisfies no
23 element to come in except to heighten the passions of
24 whomever is looking at it as far as knowing, based upon
25 what Dr. Wren has testified to, as to what that is, where

1 it is, and what the purpose ---

2 THE COURT: All right. Mr. Cude, what's the
3 purpose of it?

4 MR. CUDE: Your Honor, I -- I think it just helps
5 to explain to the jury where the bullet was recovered and
6 helps them understand the autopsy as explained by Dr.
7 Wren.

8 THE COURT: Well, the doctor has already testified,
9 though, that he found it lodged in the left arm. And I
10 -- I don't know that it adds anything to that testimony.

11 Is there -- is there some -- does it have some other
12 probative value other than to show where it was lodged?

13 MR. CUDE: No, Your Honor.

14 THE COURT: Okay. I'll -- I'll sustain the
15 objection.

16 MR. MCCARTY: Thank you, Your Honor.

17 MR. CUDE: Thank you, Your Honor.

18 THE COURT: You want to have it marked and -- and
19 put in the record for -- I don't know, if you'd like --

20 MR. MCCARTY: Can it marked as a Court's exhibit
21 for the purpose of the discussion?

22 THE COURT: Yes.

23 MR. MCCARTY: Thank you, Your Honor.

24 THE COURT: Let her mark it as a Court's exhibit.
25 It won't go to the jury.

1 (Whereupon, Court's Exhibit Number 1 was marked and
2 admitted into the record.)

3 THE COURT: Anything else before we bring the jury
4 back?

5 MR. CUDE: Nothing from the State, Your Honor.

6 MR. MCCARTY: No, Your Honor. Thank you.

7 MR. THOMPSON: None.

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

9 (The jury was summoned and returned to the
10 courtroom at 2:35 p.m.)

11 THE COURT: The record will reflect the jury has
12 returned to the Courtroom. I have sustained the Defense
13 objection and you may proceed, Mr. Cude.

14 MR. CUDE: Your Honor, I don't have any other
15 questions for Dr. Wren.

16 THE COURT: Mr. Thompson, your witness.

17 MR. THOMPSON: No questions, Your Honor.

18 THE COURT: Mr. McCarty, your witness.

19 CROSS EXAMINATION by MR. MCCARTY: 2:35 P.M.

20 Q. Dr. Wren, I just have one question: While you can
21 determine the cause of death, you can't determine who caused
22 the death, can you?

23 A. That's correct.

24 MR. MCCARTY: Thank you. That's all. Thank you,
25 Your Honor.

1 THE COURT: Anything else, Mr. Cude in follow-up to
2 that question?

3 MR. CUDE: No -- no. No, Your Honor.

4 THE COURT: All right, sir, you may step down.
5 Thank you very much. I assume you wish to have this
6 witness excused?

7 MR. CUDE: Please, Your Honor.

8 THE COURT: Any objection from the Defense?

9 MR. MCCARTY: No objection, Your Honor.

10 MR. THOMPSON: No objection.

11 THE COURT: All right, sir, you're free to go.
12 Thank you for coming today.

13 THE WITNESS: Thank you.

14 THE COURT: The State may call its next witness.

15 MR. CUDE: Thank you. The -- the State calls
16 Sergeant Mark Hillers.

17 (Brief pause while the witness is summoned.)

18 THE COURT: Come forward, sir, and be sworn.

19 (Witness complied with the Court's request.)

20 (Whereupon,

21 SERGEANT MARK HILLERS

22 first being duly sworn, testified as follows:)

23 THE COURT: Please have a seat. And, once you're
24 seated, state your name.

25 THE WITNESS: Mark Hillers.

THE COURT: Mr. Cude, your witness.

DIRECT EXAMINATION by MR. CUDE:

2:37 P.M.

Q. How are you employed, sir?

A. I've been employed with Spartanburg Public Safety Department ten (10) years January 3rd, 2013.

Q. And what is your position?

A. I'm sergeant of the violent crimes task force.

Q. How long have you been -- I'm sorry. How long have you been in law enforcement?

A. It will be ten (10) years January 3rd, 2013.

Q. Did you help execute a search warrant at 114 Cemetery Street?

A. I did.

Q. And what county is that in?

A. That's in the County of Spartanburg within the city limits of Spartanburg City.

Q. Okay. Who lives at that address?

A. [REDACTED] was that of Toni Moore, which is I believe the mother of Danielle Hollis sitting over there to my right.

Q. Okay. And did you or any other city officer recover anything inside the house?

A. No, did not recover anything inside the residence.

Q. Did you speak to Toni Moore?

A. I did.

1 Q. Okay. Did you go to a black 1998 Ford Expedition

2 -- did you go to any vehicles at the house?

3 A. I did, Ms. Moore's vehicle.

4 Q. I'm sorry, Sergeant.

5 A. I did, Ms. Moore's vehicle. It was a 1998
6 Expedition.

7 Q. Why did you approach the vehicle?

8 A. I was advised that there was belongings, meaning
9 clothing, that belonged to Ms. Danielle Hollis who's sitting
10 over here to my right.

11 Q. All right. What did you see inside the vehicle?

12 A. Well, when Ms. Moore opened the door in the front
13 passenger side of the vehicle, there was -- she retrieved
14 three items.

15 It was a purple shirt, a khaki colored shorts, and
16 a multicolored belt.

17 Q. Did Ms. Moore say anything to you about -- about
18 the origins of this clothing?

19 A. She did. She advised me that it was her
20 daughter's, Ms. Hollis.

21 Q. Okay. And just to be clear who -- who do you
22 understand these to belong to?

23 A. Danielle Hollis, Danielle Laurie Hollis, standing
24 right -- sitting right here to my right.

25 Q. And can you tell me what kind of vehicle this was

SGT. MARK HILLERS - DIRECT by MR. CUDE
if you remember?

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A. It was a black in color 1998 Ford Expedition with tag 637 3 BG.

Q. Okay. And where was it parked relation to the house?

A. It was in the driveway of the house at 114 Cemetery Street.

MR. CUDE: May I approach the witness?

THE COURT: You may.

Q. I'm handing you what has been marked as State's Exhibit 7. Do you recognize this?

A. I do.

Q. How you recognize it?

A. That is the purple shirt I just testified to that was inside the 1998 Ford Expedition.

Q. And do you know what became of this after -- after you -- after she brought it out of the vehicle?

A. Yes. That item was transport -- transferred from Ms. Toni Moore to another officer named Chris Layton who recovered the items and placed them into evidence.

Q. Did you handle it yourself in any way?

A. No, I did not.

Q. Did you take any other items from the vehicle or any other items of clothing?

A. I didn't take any items. I was -- my attention

SGT. MARK HILLERS - CROSS by MR. THOMPSON

Page

1 was drawn to those items, the three items I just testified to,
2 which were the purple shirt, the cargo shorts, and the belt.
3 And those items were transferred to Officer Lacey -- Layton.

4 Q. Okay. Did you ask Ms. Moore for permission to
5 take this?

6 A. I did.

7 Q. Did she give it to you?

8 A. She did.

9 MR. CUDE: Your Honor, that's all I have for
10 Sergeant Hillers at this time.

11 THE COURT: Mr. Thompson, your witness.

12 MR. THOMPSON: May it please the Court, Your Honor?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION by MR. THOMPSON:

2:42 P.M.

15 Q. Sergeant Hillers, you said those three items were
16 in the car. Were those the only clothes in the car?

17 A. I didn't search the whole vehicle. This is what
18 was -- Ms. Tonya Moore [sic] had showed me and handed to me --
19 or handed to Officer Layton.

20 Q. Okay. Were they in the front seat or the
21 floorboard or...?

22 A. I remember, when she opened the front passenger
23 side of the vehicle, I remember that's where she retrieved it
24 from.

25 I -- I don't recall if it was on the seat or in

1 the floorboard, if that's what you're asking me.

2 Q. And you said those three items, those were
3 volunteered by Ms. Moore or just -- did -- did she voluntarily
4 give those --

5 A. She did.

6 Q. --- to Officer Layton?

7 A. Ms. Moore did, yes.

8 Q. And you don't -- you don't recall if there were
9 other clothes in the front seat?

10 A. I don't recall.

11 MR. THOMPSON: Okay. No further questions.

12 THE COURT: Mr. McCarty?

13 CROSS EXAMINATION by MR. MCCARTY:

2:43 P.M.

14 Q. Sergeant Hillers, are you aware of any pictures
15 that were taken of Ms. Moore's vehicle?

16 A. I'm not aware. I don't remember.

17 Q. That's fine. In that vehicle you didn't I guess
18 -- it sounds like you didn't really have a good vantage point
19 on it, did you?

20 A. I was -- I was on the passenger side of the
21 vehicle.

22 Q. Is that side of the vehicle from where she
23 retrieved the clothing?

24 A. I believe so.

25 Q. Did you get a written statement from Ms. Moore in

1 which you -- she confirmed that -- what you stated here?

2 A. Can you -- can you be more specific?

3 Q. Well, after she told you that these were the
4 clothes that you were looking for, did you ask her to write a
5 statement to that effect, a voluntary statement?

6 A. No, I did not.

7 Q. Did you record her on a audio recording device or
8 a video recording device at all?

9 A. I did not.

10 Q. Sergeant Hillers, are you aware was there any
11 other search of that vehicle or was it only what Ms. Moore
12 produced from that vehicle?

13 A. From what I remember it was just what she produced
14 was those three items.

15 Q. So you didn't search the vehicle for other things;
16 I don't know, a gun, a bazooka, a meth lab, anything like
17 that?

18 A. I don't believe so. I don't remember doing that.

19 Q. So simply her handing the clothes over; am I
20 correct?

21 A. I believe so.

22 Q. When you executed the warrant on the home, nothing
23 of evidentiary value was recovered; am I correct?

24 A. Inside the house? I don't remember any items
25 being recovered from the house.

1 Q. No jewelry?

2 A. No, sir.

3 Q. No gun -

4 A. No, sir.

5 Q. --- or anything like that?

6 MR. MCCARTY: Thank you, Sergeant. That's all the
7 questions I have.

8 THE COURT: Any questions in follow-up?

9 MR. CUDE: No, Your Honor. That's all I have to
10 Sergeant Hillers.

11 THE COURT: All right, sir, you may step down.
12 Thank you very much.

13 (Witness complied with the Court's request.)

14 MR. CUDE: May he be excused, Your Honor?

15 THE COURT: Any objection to the witness being
16 excused from the Defense?

17 MR. THOMPSON: No, Your Honor.

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: You're -- you're free to go. Thank you
20 for coming today, sir.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: The State may call its next witness.

23 MR. CUDE: (To Bailiff) Would you ask officer
24 Layton to come in, Chris Layton?

25 (Brief pause while the witnesses summoned.)

1 THE COURT: Please come forward to my left and be
2 sworn.

3 (The witness complied with the court's request.)

4 (Whereupon,

5 OFFICER CHRISTOPHER LAYTON

6 first being duly sworn, testified as follows:)

7 THE COURT: Sir, once you're seated, state your
8 name, please.

9 THE WITNESS: Chris Layton.

10 THE COURT: Mr. Cude, your witness.

11 MR. CUDE: Thank you, Your Honor.

12 DIRECT EXAMINATION by MR. CUDE:

2:45 P.M.

13 Q. What is your occupation?

14 A. I'm a police officer with the City of Spartanburg.

15 Q. How long have you been a police officer?

16 A. A little over six (6) years.

17 Q. Do you have any particular assignment or
18 specialty?

19 A. I'm currently assigned to the violent crimes task
20 force.

21 Q. And were you involved in the investigation of the
22 murder of Stephen Means?

23 A. I was.

24 Q. Did you go to 114 Cemetery Street as part of that
25 investigation?

1 A. Yes, sir, I did.

2 Q. Okay. Why did you go there?

3 A. I went there to execute a search warrant on the
4 residence for any items that could be the victim's.

5 Q. Okay. Do you remember what other officers were --
6 were any other officers present?

7 A. Yes. There was my sergeant, Sergeant Hillers,
8 along with a teammate of mine, Officer Cauldin (phonetic).

9 Q. Do you know whose house that was?

10 A. That was the residence of Ms. Hollis's mother

11 Q. Do you know her name?

12 (Brief pause while witness reviews document.)

13 A. Toni Moore.

14 Q. Okay. Inside the house, did you take any items
15 into evidence?

16 A. No, sir, we did not.

17 Q. Did you taking any items into evidence outside the
18 house?

19 A. Yes, sir, we did.

20 Q. Okay.

21 MR. CUDE: May I approach the witness?

22 THE COURT: You may.

23 Q. I'm handing you what's been marked for
24 identification State's Exhibit 7. Do you recognize this?

25 A. Yes, sir. That is the shirt that we took from Ms.

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Q. Do you -- do you know -- do you know who -- who provided it to you?

A. Ms. Moore did.

Q. Okay. Do you know where it came from specifically?

A. She stated that it was her daughter's.

Q. Okay. Do you know where she obtained it?

A. I would assume from her daughter.

(Brief Pause)

Q. Well, was it inside the house? Was the shirt inside the house?

A. No, sir. It was inside of a Ford Expedition.

Q. Did you take any other items into evidence or did you take any other items into evidence?

A. Yes, sir. A pair of khaki shorts and a belt.

Q. And did you do anything to secure the purple shirt when you took it into evidence?

A. I placed it in a -- a paper -- a brown paper basically grocery bag. And then submitted it into evidence at City Hall.

Q. Was -- was that secured in any way?

A. It was. It was secured with me.

Q. Okay. Did you do anything to secure the bag?

A. Put a evidence label and bio-hazard sticker on it.

1 Q. Was the bag closed?

2 A. Yeah, it would've been closed I believe.

3 Q. And, when you say you took it into evidence, where
4 -- where did you take it specifically?

5 A. To City Hall, 145 West Broad Street.

6 Q. Okay. Did you tamper with it or alter it while
7 you had it in your custody?

8 A. No, sir.

9 Q. Okay. Just where do you put it when you take it
10 into evidence? I mean, where -- where do you deposit it?

11 A. There is a computer that is set up. You enter it
12 into the computer. And then there are evidence lockers with
13 clothing items like that.

14 One of the evidence techs was -- was there once it
15 was submitted. I could have turned it over to them.

16 Q. Okay. So you either leave it with a tech ---

17 A. I either place it in a secured locker, for
18 something that size, because there's an evidence drop box as
19 well if that won't fit in.

20 It would've either been placed in one of the
21 evidence lockers, which only the evidence techs have a key to,
22 or turned over to them. If it was moist in any kind of way or
23 anything, so that it could be secured.

24 Q. Okay.

25 MR. CUDE: Beg the Court's indulgence.

1 THE COURT: Yes, sir.

2 (Off-the-Record Discussion)

3 Q. (By Mr. Cude) Officer Layton, did you execute --
4 I'm sorry. Did you go to [REDACTED] Hillandale Road on April 12th --

5 A. Yes, sir, I did.

6 Q. --- of last year? And, again, what county is that
7 in?

8 A. That's in Spartanburg County.

9 Q. Was there anyone else -- did any other officer
10 accompany you?

11 A. Yes, sir, another member of my team, Officer
12 Cauldin (phonetic).

13 Q. And why did you go there?

14 A. Went there because a consent to search the room of
15 Mr. Anderson was obtained at City Hall. And I was instructed
16 to go there.

17 Once arriving there, I spoke with his mother and
18 got a consent to search the house because the room is located
19 inside of her house.

20 Q. And what is her name?

21 A. Mildred Mallory.

22 MR. CUDE: May I approach the witness?

23 THE COURT: You may.

24 Q. Can you tell me if you recognize ---

25 MR. CUDE: I'm sorry, Your Honor. I need this

OFC. CHRIS LAYTON - DIRECT by MR. CUDE
marked for ID.

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(Whereupon, State's Exhibit Number 9 was marked for
identification.)

Q. (By Mr. Cude) Now I'm handing you what has been
marked as State's Exhibit 9 for ID. And can you tell me if
you recognize that?

A. That would be an evidence envelope that I filled
out.

Q. All right. How do you -- how do you know you
filled it out?

A. Because it has my signature on it.

Q. Okay. Do you know what it contains?

A. A consent to search authorization form.

Q. All right. Please open it and tell me what's --
what the contents are.

(Witness complied with the request.)

A. It is the Spartanburg Public Safety Department
consent to search authorization form as well as a handwritten
receipt.

Q. How do you recognize the authorization form?

A. It clearly states it is the Spartanburg Public
Safety Department consent to search authorization.

Q. And how do you know it's the one you filled out?

A. Because it has my signature on it.

Q. Okay. And, again -- does it have any other

OFC. CHRIS LAYTON - DIRECT by MR. CUDE
signatures on it?

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A. It has Ms. Mallory's.

MR. CUDE: Your Honor, I'd like to move this into evidence as State's Exhibit 9.

THE COURT: Any objection, Mr. Thompson?

MR. THOMPSON: Can I look at his copy of that?

THE COURT: He'd like to look at it. Show it to him, please.

(Brief pause while defense counsel shown document.)

MR. THOMPSON: No objection.

THE COURT: Any objection, Mr. McCarty?

MR. MCCARTY: No, Your Honor.

THE COURT: All right. It will be admitted then. You may proceed.

(Whereupon, State's Exhibit Number 9 was admitted into evidence without objection.)

Q. (By Mr. Cude) Officer Layton, what does that document say if you would?

A. It says, "Before any search is made, you must understand your rights. You may refuse to consent to a search and demand that a search warrant be obtained prior to any search of the premises described below.

"If you can -- if you consent to a search, anything of evidentiary value seized in the course of the search can and will be used in court against you."

1 And it states that, "I," -- and it's got her name,
2 spelled out -- "Mildred Mallory and Shawnie Anderson
3 (phonetic) have read the above statements, being fully aware
4 of my rights, do hereby consent to a search without warrant by
5 officers of Spartanburg Public Safety Department of the
6 following."

7 And below that it's got lines where I'd
8 handwritten in "[REDACTED] Hillandale Road, Spartanburg, SC, 29301."
9 And it's got a "1999 gray Honda Accord with a South Carolina
10 tag 4704 FE." (Phonetic)

11 And below that it says, "I hereby authorize said
12 officers to seize any article which they may deem to be of
13 value as evidence. This statement was signed of my own free
14 will without any threats or promises having been made to me."
15 And then it's got a spot for her signature as well as
16 witnesses.

17 Q. And just to be clear, who all signed that
18 document?

19 A. Ms. Mildred Mallory.

20 Q. And where did this happen?

21 A. [REDACTED] Hillandale Road, Spartanburg, South Carolina.

22 Q. Did you, then, search the home?

23 A. We searched Mr. Anderson's room, yes, sir.

24 Q. Do you remember where that was in orientation to
25 the rest of the house?

1 A. It was the back left bedroom of the residence.

2 Q. What did you find? Did you recover anything in
3 the room?

4 A. Yes, sir.

5 Q. What was that?

6 A. We recovered a set of black coveralls, which was
7 given to us as the description.

8 MR. THOMPSON: I would object to hearsay, Your
9 Honor on the black -- he's saying on the black coveralls,
10 he said that there was a description.

11 And I think he's going to go somewhere saying that
12 somebody described something and have a hearsay
13 statement.

14 THE COURT: Well, he -- he -- I think he ended his
15 answer. So I'm going to overrule the objection.

16 MR. THOMPSON: Okay.

17 THE COURT: Next question.

18 (Whereupon, State's Exhibit Number 10 was marked
19 for identification.)

20 MR. CUDE: Thank you, Your Honor. May I approach
21 the witness?

22 THE COURT: You may.

23 Q. (By Mr. Cude) Officer Layton, this is -- this is
24 marked State's Exhibit 10 for identification. Do you
25 recognize it?

1 A. Yes, sir.

2 Q. What is it?

3 A. It's a set of black coveralls that I recovered out
4 of Mr. Anderson's room.

5 Q. And what did you do with it after recovering it?

6 A. We, then, placed it into evidence at City Hall.

7 Q. All right. Did you secure it in some way?

8 A. It would have been secured with my person until
9 taken into evidence.

10 Q. Okay. Did you put it any kind of container or
11 anything like that?

12 A. I -- it was placed into a brown paper bag, a
13 grocery style bag. I don't know if I placed it into that at
14 - at the residence or whenever I got back to City Hall. But
15 it would've been placed in that bag by me.

16 Q. Can you examine this bag that I removed the
17 coveralls from?

18 A. Yes, sir.

19 Q. And does that -- does that give you any indication
20 of -- does that help in your recognition?

21 A. It is the bag with the evidence label that I
22 completed.

23 Q. Thank you.

24 MR. CUDE: Your Honor, I'd ask that this be moved
25 into evidence at this time.

1 THE COURT: Any objection, Mr. Thompson?

2 MR. THOMPSON: No, Your Honor.

3 THE COURT: Mr. McCarty?

4 MR. MCCARTY: No objection.

5 THE COURT: Without objection it'll be moved --
6 it'll be made a part of the record --

7 MR. CUDE: Thank you, Your Honor.

8 THE COURT: --- as marked.

9 (Whereupon, State's Exhibit Number 10 was admitted
10 into evidence without objection.)

11 MR. CUDE: Beg the Court's indulgence.

12 (Brief Pause)

13 MR. CUDE: Sorry, Your Honor.

14 THE COURT: That's all right.

15 Q. (By Mr. Cude) Did you recover anything else,
16 Officer Layton?

17 A. Yes, sir. I recovered, from under the mattress in
18 the bedroom, a silver in color Ruger, P89 DC 9 millimeter
19 pistol with serial number 31390861 and a black magazine
20 containing two nine millimeter rounds inside the pistol.

21 (Whereupon, State's Exhibit Number 11 was marked
22 for identification.)

23 Q. (By Mr. Cude) Do you recognize this, Officer
24 Layton?

25 A. It would be the gun box that I completed at City

Q. okay. And how do you recognize it?

A. It's got my name and my handwriting on it.

MR. CUDE: Your Honor, I'd like to move this into evidence at this time.

THE COURT: Any objection?

MR. THOMPSON: May I approach?

THE COURT: You may.

(Brief pause while Mr. Thompson examines exhibit.)

MR. THOMPSON: No objection.

THE COURT: Any objection, Mr. McCarty?

MR. MCCARTY: No, Your Honor.

THE COURT: It will be admitted as marked. You may proceed, Mr. Cude.

MR. CUDE: Thank you, Your Honor.

(Whereupon, State's Exhibit Number 11 was admitted into evidence without objection.)

Q. (By Mr. Cude) Did you recover any other items -- well I'm -- I'm sorry. What other items did you find with the pistol?

A. There was a -- with the pistol was a black magazine containing two nine millimeter rounds.

Q. And what did you do with those?

A. That would've been placed in the box and taken back to City Hall.

1 Q. Okay. And, when you got back to City Hall, what
2 did you do with the item?

3 A. I would've placed the item into evidence and
4 called a forensic technician.

5 Q. Did you tamper or alter with -- with that gun in
6 at any time ---

7 A. No, sir.

8 Q. --- When you had it in custody? And, again, just
9 to be clear, did you put it in that box?

10 A. Yes, sir.

11 Q. Did you secure the box -- I mean did you -- when
12 you put it in the box, how -- did you secure the box in any
13 way?

14 A. All the evidence would've been with me until
15 getting back to City Hall.

16 Q. And did you secure that in a physical box? Did
17 you close it?

18 A. Yes. The weapon would've been placed inside of
19 the box. And, then, there's little fold tabs that push down
20 into openings on the box.

21 Q. Do -- do you have a standard protocol for putting
22 a gun into evidence at City Hall? Is there a -- is there a
23 locker?

24 A. There are lockers at City Hall. With this, I
25 wouldn't have done anything other than collect the weapon,

1 placed it in the box, take it back to City Hall, placed into
2 evidence.

3 And then call forensics to come and clear the
4 weapon. I would not have cleared the weapon or anything
5 myself.

6 (Brief Pause)

7 Q. Were you wearing any gloves when you handled the
8 weapon?

9 A. Yes, sir.

10 Q. And why was that?

11 A. So that I didn't get any of my DNA or anything
12 like that on the -- anything on the weapon.

13 MR. CUDE: Thank you. Your Honor, that's all the
14 questions I have for Officer Layton at this time.

15 THE COURT: Mr. Thompson, your witness.

16 MR. THOMPSON: If it please the Court, Your Honor.

17 THE COURT: Yes, sir.

18 (Brief Pause)

19 CROSS EXAMINATION by MR. THOMPSON:

3:00 P.M.

20 Q. Officer Layton, I'm going to take you back to
21 searching at Ms. Hollis's mother's home.

22 A. Yes, sir.

23 Q. You -- you commented on that. Did -- did her
24 mother at any time indicate when those shorts and that purple
25 shirt had been worn?

1 A. I didn't specifically speak with her mother, sir.
2 My supervisor did.

3 Q. Okay. So you didn't? All right. Now, when you
4 retrieved those items from her, did you retrieve them from the
5 front seat of that car?

6 A. I have in my report that her mother handed them to
7 me.

8 Q. Okay. Now did the mother take you to the car or
9 were you ---

10 A. We were -- I was standing beside the car.

11 Q. Okay. And did you request to look in the car or
12 did she voluntarily allow you to look in the car?

13 A. Again, my supervisor was actually speaking to her,
14 sir. So...

15 Q. Okay. Who's the supervisor?

16 A. Sergeant Hillers.

17 Q. Who?

18 A. Sergeant Hillers.

19 Q. Okay. And were you standing on the passenger side
20 of that car?

21 A. I believe so.

22 Q. Did you see a big pile of clothes or was it just
23 these few items or what?

24 (Brief pause while the witness examines documents.)

25 A. I don't really recall.

1 Q. You don't recall? Okay. And that was around
2 April 11, April 12, right?

3 A. That was on the 11th, Yes, sir.

4 Q. And at her -- at that residence. Now, at any
5 time, did you notice Ms. Moore being coerced ---

6 A. No, sir.

7 Q. --- to involuntarily give those clothes up?

8 A. No, sir.

9 Q. You didn't? Okay. When you went to Mr.
10 Anderson's home, you first were there on a consent to search
11 that he had signed off on, correct?

12 A. Yes, sir.

13 Q. Okay. And he said -- and I think you originally
14 searched the back bedroom on the right?

15 A. No, sir.

16 Q. That's not correct?

17 A. That's not correct.

18 Q. So why did you need Ms. Mallory's signature?

19 A. Because the residence is hers. It's her
20 residence.

21 Q. So ---

22 A. Even though he had given us permission to go into
23 his room, we -- I still wanted permission from her to enter
24 into the residence.

25 Q. So she gave you consent to search everything?

1 A. Initially. I mean, if -- if we had wanted, to,
2 yes.

3 Q. Did you ever search the room on the right?

4 A. We didn't search anything other than his room.

5 Q. Okay. And he didn't -- the reason he didn't sign
6 off on the room on the right, the back room on the right?

7 (Phonetic)

8 A. I -- I don't know what he signed off on. I was in
9 the room wherever he gave consent.

10 Q. Okay. So you basically were privy to Ms.
11 Mallory's ----

12 A. Yes, sir.

13 Q. Okay. And, then, you had -- and you were wired
14 the whole time you were searching it, right? Do you recall
15 that?

16 A. Wired?

17 Q. You -- you -- you had an audio of your entire
18 search? Was that you or is that someone --

19 A. That's -- no, sir. I wasn't wearing anything --

20 Q. Okay.

21 A. --- to provide any audio.

22 Q. Okay. So, at -- at no point -- no -- no one
23 mentioned a knife or anything? No mention of a knife?

24 A. Not that I recall.

25 Q. Okay. And, then, I think you said that you -- you

1 -- you got these black coveralls and -- and put these into --
2 took these down to -- to City Hall, right?

3 A. Yes, sir.

4 Q. Now these are -- I mean these are insulated,
5 right? A. Yes, sir, they're insulated.

6 Q. These are thick? And you're alleging I guess my
7 client had them on the day of the shooting?

8 A. I would assume.

9 Q. Okay. And these aren't shorts by any stretch,
10 right?

11 A. No, sir, they're not.

12 Q. All right. And there's no -- no break here for
13 shirt, pants, or anything like that, right?

14 A. Not that I can see.

15 Q. Okay. And did you ever turn those over to SLED or
16 did they -- or they just stayed with the city?

17 A. I would've placed them into evidence after
18 returning back to City Hall.

19 Q. Okay. So -- but now I think you made a comment
20 about a gun that you turned it over to forensics or called
21 forensics?

22 A. I would have called a forensics technician to come
23 after I placed it into evidence.---

24 Q. Okay.

25 A. --- to come and clear the weapon before it goes

1 into evidence.

2 Q. For the gun and all? And -- and -- and you do
3 that with all guns I would imag -- assume?

4 A. Not with all guns, no, sir.

5 Q. Okay.

6 A. In this type of situation, yes.

7 Q. Well you would've ---

8 A. I would not have -- I would not have messed with
9 the weapon in any way.

10 Q. And you said you were gloves when you handled
11 this ---

12 A. Whenever all of the --

13 Q. --- this weapon?

14 A. Whenever all the evidence was collected, I would
15 have been wearing gloves, yes, sir.

16 Q. And how long have you been a -- a -- working as a
17 police officer?

18 A. A little over six (6) years.

19 Q. Six (6) years? So, throughout your six (6) years
20 of experience, it's your experience that you can prevent DNA
21 being put on a gun by wearing those gloves? Is that accurate?

22 A. That's what I feel. I mean, I -- I wouldn't want
23 to touch something like that without gloves on.

24 Q. Okay. So, that's part of your standing operating
25 procedure is to wear gloves when you handle something like

1 that ---

2 A. Yes, sir.

3 Q. --- correct, in order to keep your DNA off of it?

4 A. Yes, sir.

5 Q. Correct? Okay. You say that gun was under Mr.

6 Anderson's mattress?

7 A. Yes, sir.

8 Q. And, then, the -- the -- the cartridge was inside
9 the gun?

10 A. There was a magazine beside the gun containing two
11 nine millimeter rounds.

12 Q. Okay. So, when it -- all right.

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

15 THE COURT: Mr. McCarty, your witness.

16 MR. MCCARTY: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION by MR. MCCARTY: 3:05 P.M.

19 Q. Officer Layton, you came into possession of this
20 purple shirt over here on the morning of the 11th; am I
21 correct?

22 A. Yes, sir, you are.

23 Q. Do you know when the shooting in this case
24 occurred?

25 A. April the 7th.

1 Q. The seventh (7th) ? So, the seventh (7th), the
2 eighth (8th), the ninth (9th), the 10th, 11th, before you came
3 into contact with it; am I right?

4 A. That's correct.

5 Q. So you weren't in control of it for any of the
6 five (5) days preceding this event?

7 A. No, sir.

8 Q. You don't even know who or -- who controlled it or
9 how it was controlled at any point before it came into your
10 contact, do you?

11 A. No, sir, I don't.

12 Q. So you don't know if it had came into Ms. Moore's
13 possession on the 10th, on the seventh (7th), or on the first
14 (1st)?

15 A. No, sir, I don't know when it came in to her
16 possession.

17 Q. And you don't know what was done with the shirt,
18 how it was maintained or handled, anything like that, do you?

19 A. No, sir.

20 Q. And that question was never asked of Ms. Moore,
21 was it?

22 A. I wouldn't know that. I didn't -- I didn't speak
23 -- I didn't physically speak with her.

24 Q. So you didn't physically speak with her, but did
25 you over hear Sergeant Hillers ask her any question like that?

1 A. From what I remember, sir, I was standing at the
2 passenger side of the vehicle and they were standing behind
3 the vehicle. So I wasn't listening to their conversation.

4 Q. Okay. So you wouldn't have known that. But, once
5 it's brought into your possession, as you responded to Mr.
6 Cude, you to several precautions once it came into your
7 possession to catalog it, record it, and put it into evidence
8 properly and that type of stuff; am I correct?

9 A. Yes, sir.

10 Q. You never tested it personally yourself for
11 anything ---

12 A. No, sir.

13 Q. --- of evidentiary value whatsoever?

14 A. No, sir.

15 Q. So to your knowledge it may not have any
16 evidentiary value whatsoever; am I correct?

17 A. No, sir -- yes, sir, you're correct.

18 MR. MCCARTY: All right. Thank you. Nothing
19 further.

20 THE COURT: Mr. Cude, redirect?

21 MR. CUDE: Just briefly, Your Honor.

22 THE COURT: Yes, sir.

23 REDIRECT EXAMINATION by MR. CUDE:

3:07 P.M.

24 Q. Now Officer Layton, Mr. Thompson asked you about
25 which bedroom you went into.

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A. Yes, sir.

Q. Why did you -- which bedroom did you go to in the house?

A. The back left bedroom of the residence, sir.

Q. And why did you go to that bedroom?

A. Because that was Mr. Anderson's room, it's what Ms. Mallory told me.

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

THE COURT: Any follow-up, Mr. Thompson?

MR. THOMPSON: Nothing further, Your Honor.

THE COURT: And Mr. McCarty?

MR. MCCARTY: No, Your Honor.

THE COURT: You may step down, sir. Thank you very much.

THE WITNESS: Yes, sir.

(Witness complied with the Court's request.)

THE COURT: The State may call its next witness.

MR. CUDE: Your Honor, the State calls Ed Guthro.

(Brief pause while the witness is summoned.)

THE COURT: Come forward, sir, to my left and be sworn right over here (indicating).

(Witness complied with the court's request.)

(Whereupon,

OFFICER ED GUTHRO

first being duly sworn, testified as follows:)

1 THE COURT: Have a seat, please. And, once you're
2 seated, state your name for me.

3 THE WITNESS: Edward Victor Guthro.

4 THE COURT: Mr. Cude, your witness.

5 MR. CUDE: Thank you, Your Honor.

6 DIRECT EXAMINATION by MR. CUDE:

3:08 P.M.

7 Q. What is your occupation, sir?

8 A. I work for the Spartanburg Public Safety
9 Department in our forensic investigative unit.

10 Q. And can you tell me generally what that entails?

11 A. Responding to and processing crime scenes and
12 evidence.

13 Q. How long have you worked in that area?

14 A. In that area for about seven (7) years.

15 Q. Did you receive any specialized training or
16 education in that area?

17 A. I attended numerous schools in cold case -- cold
18 case homicide and evidence collection.

19 Q. And how long have you been a law enforcement
20 officer?

21 A. Approximately twenty-four (24) years.

22 Q. Did you respond to a reported shooting on April 7th
23 of 2011?

24 A. Yes, sir.

25 Q. And do you recall what that location was?

1 A. It was at Oakview Apartments, I believe in front
2 of Apartment 

3 Q. Okay. Do you know what county that's in?

4 A. Spartanburg County.

5 Q. And what did you do when you got to that crime
6 scene?

7 A. When I arrived, the scene had already been taped
8 off by patrol officers. And the body had already been removed
9 by EMS.

10 Officers showed me the location where the incident
11 took place. And, then, I conducted a search for evidence and
12 photographed.

13 Q. Did you collect any evidence out there at the
14 scene?

15 A. I did. I collected a shell casing, a couple of
16 Styrofoam cups, a juice bottle, and photographs.

17 MR. CUDE: May I approach the witness, Your Honor?

18 THE COURT: Yes, you may.

19 (Off-the-Record Discussion)

20 MR. MCCARTY: It's without objection from the
21 Defense, Your Honor.

22 MR. THOMPSON: None from Mr. Anderson.

23 THE COURT: Any objection on this document?

24 MR. THOMPSON: No, Your Honor.

25 THE COURT: If they're not objecting to it, I

1 assume you'd like to admit those items?

2 MR. CUDE: Yes, Your Honor. I'd like to move this
3 into evidence.

4 THE COURT: Can you describe them to me, Mr. Cude?

5 MR. CUDE: Your Honor, this is an envelope from the
6 Spartanburg Public Safety Department containing a shell
7 casing.

8 THE COURT: All right. And the other -- other
9 item?

10 MR. CUDE: Actually this is just an outer envelope
11 at this time.

12 THE COURT: Oh, I see. Then it can be marked and
13 made part of the record.

14 (Whereupon, State's Exhibit Number 12 was marked
15 for identification and admitted into evidence without
16 objection.)

17 MR. CUDE: May I approach the witness?

18 THE COURT: You may.

19 Q. (By Mr. Cude) Please take a look at that envelope
20 and, if you would, tell me just if you recognize it or can say
21 what it contains?

22 A. I do recognize it. It has my signature on it.
23 And the description is a nine (9) millimeter shell casing on
24 the outside of an envelope.

25 And it should -- it's most likely in another

1 envelope inside of this one as well that would have my name
2 and initials and date on it.

3 Q. So -- and just to be clear, what -- what did
4 you do when you -- when you got the shell casing at the scene?

5 A. I collected it and -- and put it into an evidence
6 envelope along with those other items. Once I have it back at
7 my office, I generally take a shell casing and put it into a
8 smaller evidence envelope, which just keeps it from moving
9 around so much in the bag.

10 And, then, put it in -- both that smaller envelope
11 and the shell casing, they both go into this evidence bag.

12 Q. Do you wear anything over your hands when you're
13 handling shell casings?

14 A. I do. I wear rubber gloves, latex gloves.

15 Q. And why is that?

16 A. To prevent just disbursing my own DNA or
17 fingerprints.

18 Q. And what did you do with this shell casing after
19 you collected it?

20 A. The shell casing itself I just put it into
21 evidence and submitted it to SLED for -- to be analyzed.

22 Q. Did you tamper with or alter that shell casing in
23 any way?

24 A. No, sir.

25 Q. And was the envelope you put it in sealed?

1 A. Generally the smaller one would have been sealed
2 and this outer one probably was just closed with the metal
3 tab.

4 Q. Thank you. Did you attend the autopsy of Stephen
5 Means?

6 A. I did.

7 Q. Where and when did you attend that?

8 (Brief pause while witness reviews document.)

9 A. I attended the autopsy of Mr. Means on 4/8/2011 at
10 approximately 1630 at the Spartanburg County morgue.

11 Q. Did you recover any items at the -- during the
12 autopsy?

13 A. I collected a GSR kit prior to the beginning of
14 the autopsy, which is a gunshot residue kit. And during the
15 autopsy Dr. Wren recovered a -- a fired projectile and a set
16 of gold push-out teeth.

17 Q. Okay.

18 A. That were turned over to me to be placed into
19 evidence.

20 MR. CUDE: Your Honor, may I approach the witness
21 to show him Exhibit 8 for identification?

22 THE COURT: You certainly may, yes, sir. What item
23 number did you say it was?

24 MR. CUDE: State's Exhibit 8 for identification.

25 THE COURT: Thank you. Go ahead.

1 Q. (By Mr. Cude) Do you recognize that item, Officer
2 Guthro?

3 A. I recognize the bag. Not opening it I don't see
4 the item, but the description on the bag is -- states, "Bullet
5 recovered from Stephen Means at autopsy," and, then, it has my
6 signature showing when I placed it into evidence, on that same
7 date, 4/8/2011.

8 Q. Please examine the contents.

9 (Witness complied with the request.)

10 A. Yes, sir. This would be the -- the bullet that he
11 recovered and the same container that he had placed it in at
12 the ---

13 Q. And how do you recognize that?

14 A. Because of the writing that Dr. Wren has placed on
15 it. And other than that it would have -- we have to have this
16 little sheet of paper that has my initials on it where I
17 signed for it. But I recognize the container.

18 Q. What did you do with it after you took custody of
19 that?

20 A. I took it and placed it into evidence at City
21 Hall.

22 Q. Did you tamper or alter with that item ---

23 A. No, sir.

24 Q. --- in any way?

25 A. No, sir.

1 Q. All right. And did you put it in that container
2 or was -- was that how it was given to you?

3 A. Dr. Wren gives it to me in this container.

4 Q. And did you collect any buccal swabs from anyone
5 in this case?

6 A. I did.

7 MR. CUDE: Beg the Court's pardon.

8 THE COURT: Yes, sir.

9 (Whereupon, State's Exhibit Number 13 was marked
10 for identification.)

11 ~~(Off-the-Record Discussion)~~

12 MR. CUDE: May I approach the witness, Your Honor?

13 THE COURT: Yes, you may.

14 (Brief Pause)

15 MR. CUDE: Actually, I beg the Court's pardon, Your
16 Honor.

17 Q. (By Mr. Cude) Can you -- do you recognize that
18 envelope, Officer Guthro?

19 A. I do. It's where I placed the consent to search
20 forms from the three individuals that I collected swabs from.
21 And the envelope has my signature, Mr. Reeves' signature from
22 evidence, and the date and time.

23 Q. Do you know what date you placed the forms in the
24 envelope?

25 A. 4/13/11.

1 Q. And can you tell me if you recognize the contents
2 of that envelope?

3 (Brief pause while the witness examines items in
4 envelope.)

5 A. Yes, sir, I do. They all contain my signature,
6 Investigator Stokes' signature, the date, and the time that
7 these were signed.

8 And they are a consent to search form from Charles
9 Anderson, Jr., Lori Danielle Hollis, and Feishunti Clark.

10 MR. CUDE: Your Honor, I'd like to move these into
11 evidence at this time.

12 THE COURT: Any objection?

13 MR. THOMPSON: None, Your Honor.

14 MR. MCCARTY: No, Your Honor.

15 THE COURT: They'll be admitted as marked.

16 (Whereupon, State's Exhibit Number 13 was admitted
17 into evidence without objection.)

18 THE COURT: Did you intend to move the bullet into
19 evidence?

20 MR. CUDE: Not at this time, Your Honor.

21 (Off-the-Record Comments)

22 Q. (By Mr. Cude) Actually, Officer Guthro, I'm
23 handing you State's Exhibit 13. Just what do these say
24 exactly?

25 A. Would you like me to read one of them?

1 Q. Just general -- or just give us a general idea.

2 A. In general what they say is that officers of the
3 Spartanburg Public Safety Department wish to conduct a search,
4 in this case of an individual versus a residence or something.

5 And it explains to them that they don't have to
6 submit to that search; they can require that a search warrant
7 be obtained.

8 And, then, if they wish to give us consent, then,
9 they sign the form.

10 Q. And does it say what the purpose of that -- that
11 form is? What it authorizes you to do?

12 A. To search for evidence and collect any evidence
13 that might be deemed -- anything that might be deemed of
14 evidentiary value.

15 Q. All right. And, actually, if you would, open that
16 and just tell me: Do you see any signatures on the forms
17 inside?

18 (Brief pause while witness examines documents.)

19 A. It also lists what we actually collect. On here
20 there's a spot in this case of all the buccal swabs collected,
21 or DNA swabs.

22 They contain the signature -- one of -- the first
23 one contains a signature of Charles Anderson. And, then, it
24 has two witnesses; Investigator Stokes and myself.

25 The second one contains a signature of Lauri

1 Hollis and, then, again as witnesses Investigator Stokes and
2 myself. And the third one contains a signature of Feishunti
3 Clark and then, again, as witnesses Investigator Stokes and
4 myself.

5 Q. Do you see any of the people who signed those
6 documents here -- here in court today?

7 A. I believe that's Ms. Hollis (indicating). And
8 other than that I don't recall what they look like.

9 Q. Thank you. Let me -- what did you do after you
10 obtained these consents?

11 A. Collected buccal swabs from them.

12 Q. And, just to be clear, why do you collect buccal
13 swabs?

14 A. What a buccal swab is, is a sterile cotton swab.
15 And we collect it by simply rubbing the inside of the person's
16 mouth between their gum and cheek to collect DNA.

17 And, then, once that process is done, of course,
18 we glove up and -- and collect that sample from them. And
19 it's placed in a cardboard container which is marked with my
20 name, date, the case number, and their -- the individual's
21 name that it was collected from.

22 MR. CUDE: Beg the Court's pardon.

23 THE COURT: Yes, sir.

24 Q. (By Mr. Cude) All right. Sir, did you collect
25 buccal swabs, then, from the people that you obtained the

OFC. ED GUTHRO - DIRECT by MR. CUDE
consents from?

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A. Yes, sir.

Q. Did you do it immediately?

A. Yes, sir, immediately after they sign the consent.

(Off-The-Record Comments)

(Whereupon, State's Exhibit Numbers 14, 15, and 16
were marked for identification.)

MR. CUDE: May I approach the witness?

THE COURT: You may.

Q. (By Mr. Cude) I'm handing you what's marked for
identification State's 14, 15, and 16. Do you recognize
those?

(Brief pause while the witness examines items.)

A. Yes, sir, I do. They all have my handwriting and
each item is described as a buccal swab from each one of those
individuals; Charles Anderson, Lauri Hollis, and Feishunti
Clark.

Q. And what did you do with the buccal swabs after
you collected them? And I know you spoke generally about the
practice, but just in these cases.

A. I take them back and stick them in those cardboard
containers, throw them in evidence envelopes. And, then, the
items were submitted to SLED.

Q. Okay. What is SLED?

A. State Law Enforcement Division.

1 Q. Where is that located?

2 A. Columbia.

3 Q. Okay. Are the evidence envelopes secured in any
4 way?

5 A. They have a -- the outer evidence envelope has a
6 -- a metal -- just like the back of this one. I can't see in
7 these plastic bags, but a metal enclosure.

8 And the way they're folded I can't tell if we taped
9 them or not. At that time that wasn't generally done anyway,
10 but I can't tell if we did it or not because of the physical
11 way they're folded.

12 Q. Okay. Before you place the buccal swabs into
13 evidence, did you tamper with them or alter them in any way?

14 A. No, sir.

15 Q. I mean, did they ever leave your custody before
16 you took them into evidence?

17 A. No, sir.

18 Q. Okay. Can you tell me generally just where they
19 go when you place them into evidence?

20 A. They -- well, after they're placed into those
21 evidence bags, we either give them straight to the tech --
22 technician or they go into a locked metal locker outside of
23 investigations.

24 (Brief Pause)

25 A. And I don't -- and I don't believe I can give you

1 that information without actually having -- being at my
2 computer where I can see whether I ---

3 Q. All right.

4 A. --- which one I gave them to. They either go
5 straight into evidence -- to the -- handed to the evidence
6 technician or, if they're not there, they're placed into a
7 metal locker outside of -- which is locked -- outside of
8 evidence.

9 Q. Thank you.

10 A. Yes, sir.

11 Q. If I can back up to the autopsy that I asked you
12 about previously, sir. Did you -- can you remind me just what
13 items you recovered at the autopsy?

14 A. I collected a GSR kit from the body of Mr. Means,
15 which is a gunshot residue kit. I photographed the autopsy.
16 And, then, a fired projectile was recovered from the victim's
17 left forearm by Dr. Wren.

18 And a set of -- half of a set of gold fake teeth
19 were recovered from him. And all of those items I placed into
20 evidence.

21 (Off-the-Record Discussion)

22 MR. CUDE: May I approach, Your Honor?

23 THE COURT: Yes, you may.

24 Q. Do you recognize that item?

25 (Brief pause while the witness examines item.)

1 A. Yes, sir. It's the half of the set of gold teeth.

2 Q. And where did you obtain that?

3 A. They were recovered from the victim at autopsy by
4 Dr. Wren who turned them over to me. And I placed them into
5 evidence on that same date, 4/8/11.

6 Q. Actually, may I -

7 (Mr. Cude retrieves exhibit from the witness.)

8 MR. CUDE: Your Honor, we would like to move this
9 in as State's Exhibit 17.

10 MR. THOMPSON: No objection from Defendant
11 Anderson.

12 MR. MCCARTY: No objection, Your Honor.

13 THE COURT: Without objection, it will be received
14 and marked as such.

15 (Whereupon, State's Exhibit Number 17 was marked
16 and admitted into evidence without objection.)

17 THE COURT: You may proceed.

18 MR. CUDE: Thank you.

19 Q. (By Mr. Cude) Officer Guthro, did you -- were
20 there any other items -- did you recover a necklace or
21 anything like that at the autopsy from the victim? Or did you
22 take anything like that into custody?

23 A. No, sir, I don't believe so. I don't -- it's not
24 listed in my report and I don't recall anything like that.

25 Q. Did you recover a cell phone or anything like

1 that ---

2 A. No, sir.

3 Q. --- in the victim's effects?

4 A. No, sir.

5 (Brief Pause)

6 MR. CUDE: Beg the Court's pardon.

7 THE COURT: Yes, sir.

8 (Off-the-Record Discussion)

9 Q. (By Mr. Cude) Officer Guthro, did you have any
10 cause to examine a firearm in connection with this case?

11 A. I did at a later date, yes, sir.

12 Q. Okay. Can -- what firearm did you examine?

13 (Brief pause while the witness examines document.)

14 A. It was on 4/12/11. I was advised -- and it
15 probably be easier if I just read this section of my report.

16 "I was advised that a hand gun had been recovered
17 in reference to this incident. I responded to the evidence
18 and photographed the weapon.

19 "I checked the weapon to see if it was loaded.
20 And the magazine, which it was not in the weapon, had two nine
21 (9) millimeter rounds of ammunition in it.

22 "Both rounds of ammunition were different
23 manufacturers. They were also a different manufacturer from
24 the nine (9) millimeter shell casing that had been found at
25 the scene.

1 "The weapon itself did not have any ammunition in
2 it. After the weap -- weapon was logged into evidence, I
3 checked it out and took it to the forensic office for
4 processing.

5 "I swabbed the weapon for DNA and then fumed and
6 dusted the weapon for prints."

7 MR. CUDE: May I approach the witness, Your Honor?

8 THE COURT: You may.

9 Q. Officer Guthro, do you recognize -- this is
10 State's Exhibit 11. Do you recognize it?

11 (Brief pause while the witness examines exhibit.)

12 A. Yes, sir. This is the weapon I was referring to
13 in the -- in my incident report. I noticed, in recognizing
14 the weapon, as well as I'm in the chain of evidence on the
15 back of it showing that I signed it out on that date.

16 Q. Thank you. And, again, tell me just -- tell us
17 again just what you did to the weapon during your examination.

18 A. Once I had got it to my office, I swabbed the
19 weapon for DNA. On this particular weapon, I took multiple
20 swabs from varying places; the trigger, the de-cocking lever,
21 the hammer, the grips.

22 I did individual swabs of all those places. And
23 after I did that, I fumed -- which Super Glue fumed the weapon
24 to lift any prints that were there. And then dusted it for
25 prints, although I didn't find any.

1 There were some "etched" prints on the magazine,
2 "etched" meaning they had been there for a very long time and
3 were etched into the metal. They were not able to be lifted.

4 Q. And, when you say you swabbed for DNA, can you
5 elaborate on that?

6 A. Basically it's the same principle as a buccal
7 swab. You use a sterile Q-tip swab. Of course your gloves
8 are -- your hands are gloved at the time.

9 You use a sterile swab and distilled water, simply
10 place a couple of drops of the distilled water on the swab,
11 ~~swab whatever area that you're planning on swabbing; be it the~~
12 trigger, the hammer, the de-cocking lever.

13 And each one of the swabs goes into its own
14 individual box. And that's in an effort to collect any DNA
15 that's there.

16 Q. And is this from the surface of the gun?

17 A. Yes, sir.

18 Q. All right. And what is DNA generally?

19 A. Well for most folks it's -- it's just what you're
20 made of. And no two are the same other than identical twins.

21 MR. CUDE: May I approach, Your Honor?

22 THE COURT: You may.

23 Q. Do you recognize this packet, Officer Guthro?

24 (Brief pause while the witness examines exhibit.)

25 A. Can I open this bag? It's the only way I'll be

1 able to -- the front is covered with this white section of
2 this envelope. I can see the taillight of my signature, but
3 that's all I can see.

4 Q. Okay. Well let me ask you to just -- at this time
5 let me ask you: Tell me again just specifically where you took
6 the -- where you took the swabs from on the gun, the parts.

7 A. The different areas?

8 Q. Yeah.

9 A. The hammer, any serrated sections normally is the
10 way I do it; the hammer, the trigger, if it has a de-cocking
11 lever, which this gun does, and the grip would be the normal
12 places.

13 Q. Again, if it's necessary to open the -- the
14 package, please -- please do so.

15 (Brief pause while the witness opens packaging.)

16 A. These are the swabs that were collected by me from
17 that weapon. Each one is marked with the area that it was
18 collected from.

19 They have a swab from the grip, a swab from the
20 magazine, a swab from the magazine release, a swab from the
21 trigger, and a swab from the hammer and de-cocking lever.

22 And those were collected by me and placed into
23 evidence on 4/13/11.

24 Q. All right. Did you tamper with or alter those
25 swabs prior to placing them into evidence?

1 A. No, sir.

2 Q. All right. And, again, where did you -- did you
3 put the swabs in any kind of container?

4 A. Inside this evidence bag, there is -- each one is
5 in its own cardboard container. That cardboard container, we
6 -- we mark with the case number, what type of weapon it was,
7 the weapon's serial number, and the date and the time and my
8 name and badge number.

9 MR. CUDE: And, Your Honor, I'd like to move these
10 into evidence as 18 through 22 -- 21, excuse me.

11 THE COURT: Any objections, Mr. Thompson?

12 MR. THOMPSON: None, Your Honor.

13 THE COURT: Mr. McCarty?

14 MR. MCCARTY: No, sir.

15 THE COURT: They'll be admitted into evidence as
16 marked. You may proceed, Mr. Cude.

17 MR. CUDE: Thank you, Your Honor.

18 THE COURT: Have they been marked already?

19 MR. CUDE: No, Your Honor.

20 THE COURT: Well let's give her a minute to do that
21 since there are several items.

22 MR. CUDE: Yes, sir.

23 (Whereupon, State's Exhibit Numbers 18, 19, 20, 21,
24 and 22 were marked and admitted without objection.)

25 MR. CUDE: Your Honor, I apologize. Those should

1 be 18 -- it's five items. I think I only counted four.

2 THE COURT: So, it'll be close to 22 then? Very
3 good.

4 MR. GRAY: May we approach for one moment?

5 THE COURT: Please do.

6 (Whereupon, a bench conference was had with all
7 attorneys present.)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, I'm going to -- we're going to take a short break
10 at this time for the people in the courtroom.

11 You folks have been in and out a couple times
12 through the evidence, so, we're going to take a short
13 break.

14 And, as you step back to the jury room, as always,
15 I'm going to instruct you not to discuss anything about
16 this case until I've asked you to do so during your
17 deliberations.

18 You may retire to the jury room. Thank you very
19 much.

20 (Off-the-Record Comments)

21 (Whereupon, a recess was taken from 3:35 p.m. until
22 3:49 p.m.)

23 THE COURT: Mr. Cude, are you ready to go forward?

24 MR. CUDE: Yes, sir. Your Honor --

25 THE COURT: Uh-huh (affirmative)?

1 MR. CUDE: --- I'm sorry. I don't have any further
2 questions for this witness. I mean, I would like at this
3 time just -- I'd like to move in Exhibit 8, the bullet,
4 and Exhibits 14 through 16, the buccal swabs.

5 THE COURT: The buccal swabs are in.

6 MR. CUDE: I'm sorry, Your Honor.

7 THE COURT: I think, aren't they?

8 COURT REPORTER: Well, the gun swabs are in.

9 THE COURT: The gun swabs are in. Excuse me.

10 COURT REPORTER: The gun swabs are in.

11 MR. CUDE: I'd like to move 14 through 16, the
12 buccal swabs, in at this time.

13 THE COURT: Any objection to those items?

14 MR. MCCARTY: None from Ms. Hollis.

15 THE COURT: Mr. Thompson?

16 MR. THOMPSON: I -- what? Can you just repeat
17 that? I'm sorry.

18 THE COURT: He said the bullet and, then, the
19 earlier buccal swabs from the individuals which was what
20 numbers?

21 COURT REPORTER: 14 ---

22 MR. CUDE: Your Honor, it's 14 through 16.

23 THE COURT: 14 through 16 is what he is moving in.

24 COURT REPORTER: And the bullet is Number 8, right?

25 THE COURT: And the bullet that was recovered at

1 the autopsy.

2 MR. THOMPSON: No objection.

3 THE COURT: Without objection they'll be admitted
4 into the record.

5 (Whereupon, State's Exhibit Numbers 8, and 14
6 through 16 were admitted into evidence without
7 objection.)

8 MR. CUDE: And, Your Honor, I apologize. Just --
9 just for clarity, if I may, I'd like to be sure the gold
10 teeth, Exhibit 17, are moved in.

11 THE COURT: Any objection to the gold teeth, Mr.
12 Thompson?

13 MR. THOMPSON: None, Your Honor.

14 THE COURT: Mr. McCarty?

15 MR. MCCARTY: No, Your Honor.

16 THE COURT: All right.

17 (State's Exhibit Number 17 was previously admitted
18 into evidence without objection. See Page 343.)

19 MR. CUDE: That's all I have for Mr. Guthro at this
20 time, Your Honor.

21 THE COURT: All right. We'll let me bring the jury
22 back in and we'll consult you. Is the Defense ready?

23 MR. THOMPSON: Yes, Your Honor.

24 MR. MCCARTY: Yes, sir.

25 THE COURT: Bring them in.

1 (The jury is summoned and entered the courtroom at
2 3:50 p.m.)

3 THE COURT: ALL right. The record will reflect
4 that the jury has returned to the courtroom. Mr. Cude,
5 for -- with the prosecution, has indicated that he has no
6 other questions of this witness.

7 But, in your absence, there were several items that
8 were placed into the record of the case, that were
9 admitted into the record.

10 Mr. Cude, could you go over those items with the
11 jury?

12 MR. CUDE: Yes, Your Honor. The State moved in the
13 -- Exhibit 8, the bullet; Exhibits 14 through 17 -- 14,
14 15, and 16, the buccal swabs, and -- that were taken from
15 Ms. Hollis, Mr. Anderson; and Feish -- Mr. Feishunti
16 Clark.

17 Seventeen (17) -- the State also moved in 17, a set
18 of gold teeth.

19 THE COURT: And without objection they have been
20 admitted to and made a part of the record. So, at this
21 time, Mr. Thompson, you may cross-examine the witness if
22 you'd like.

23 MR. THOMPSON: May it please the Court, Your Honor?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION by MR. THOMPSON: 3:37 P.M.

1 Q. Officer Guthro, I'll -- I'll try to be brief with
2 you. Do you recall the supplemental you read -- the portion
3 of your 4/12/11 report concerning the gun? Do you remember
4 that?

5 A. Yes, sir.

6 Q. Okay. Now, when you indicated that the -- the two
7 rounds you found were from a different manufacturer, they'll
8 still shoot from the same gun, right?

9 A. Same caliber, just simply different manufacturers.

10 Q. Okay. And, then, the same with the -- I think
11 with the -- and I'm not a gun guy, so -- the magazine shell
12 casing was different as well, right?

13 A. They were two live rounds in the magazine when the
14 gun was recovered when I was allowed to observe it.

15 There was no round loaded in the chamber. There
16 were simply two rounds in the magazine. They were both nine
17 (9) millimeter rounds, but they were a different manufacturer.

18 The shell casing collected on the scene was also a
19 nine (9) millimeter, also of a different manufacturer.

20 Q. Okay. Now you -- you read off your -- your report
21 there. You said, "I swabbed the weapon for DNA," on the next-
22 to-the-last line there.

23 "I then fumed the weapon for prints." Now you had
24 earlier basically said that no -- you couldn't -- you had some
25 prints on it, but you couldn't identify whose prints they are,

1
2 A. The weapon itself did not have any ridge detail on
3 it. The magazine from in -- that contains the ammunition when
4 it's in the weapon has prints on it, but they're old, etched.

5 In other words, a fingerprint is basically
6 moisture. That -- that was no longer there. The prints that
7 were on the magazine had been there probably for years.

8 Q. And that -- and ---

9 A. They couldn't be lifted.

10 Q. How old was this gun would you -- would you say?

11 A. It would strictly be a guess on -- on my part.

12 Q. All right. About ---

13 A. But I believe that model hand gun has probably
14 been around at least since mid-80s.

15 Q. Mid-80s? Okay. So you got an older weapon here;
16 you -- maybe? And ---

17 A. Probably.

18 Q. Okay. And -- and you -- you -- I guess you're
19 saying -- and this is from my understanding -- that, that
20 print is in there and it's never going away?

21 A. That's right. It's there forever. And they --
22 they -- you know, you might possibly be able -- be able to put
23 it directly on the AFIS (phonetic) machine possibly, but
24 they're not very clear. So...

25 Q. You just attempt to lift the print?

1 A. Correct.

2 Q. Okay. And you -- you can't say that was my
3 client's print ---

4 A. No, sir.

5 Q. --- correct?

6 A. I can't.

7 Q. Okay. Now I want to get -- how long have you been
8 an officer now?

9 A. About twenty-four (24) years.

10 Q. Okay. So you've got a lot of experience and you
11 probably were involved with police work when DNA was first
12 introduced into police work; would that be ---

13 A. Shortly thereafter, yes.

14 Q. So you seen the evolution of DNA. Now apparently,
15 from what I'm hearing in -- in your testimony and the other
16 officers, DNA is pretty easy to leave around, correct?

17 A. It is.

18 Q. Okay. I've come up here a few times. My DNA is
19 probably all over this -- this little banister here, correct?

20 A. Probably.

21 Q. Okay. So what -- why -- let's say if we found --
22 if we checked DNA. How far does it go back? Does it go back
23 to the '80s when the first person that touched that gun had
24 it?

25 A. You mean would it still be there ---

1 Q. Right.

2 A. --- had it been touched back in the '80s?
3 Fingerprints could actually be especially if they were left on
4 paper.

5 I can't honestly answer that about DNA, how long
6 it could remain.

7 Q. Okay.

8 A. It would depend tremendously on the environment
9 that the weapon had been stored in. If -- if it had been
10 outside; if it had been in -- in and out of the case numerous
11 times.

12 It -- lots of -- so many different variables I --
13 honestly I couldn't answer your question.

14 Q. Okay. All right. So can -- can DNA be wiped
15 away, cleaned off by alcohol --

16 A. Yes.

17 Q. --- or something like that?

18 A. Yes.

19 Q. Okay. So you -- you wear these gloves and does --
20 have you ever experienced where your DNA was transmitted to a
21 weapon or -- or to a piece of evidence through your gloves?

22 A. No, sir.

23 Q. Okay.

24 A. Inadvertently transferred my own DNA?

25 Q. Yeah.

1 A. If during the processing a weapon, no, sir, I
2 haven't.

3 Q. Okay. So that's -- that's a pretty secure way to
4 prevent your DNA from being transferred ---

5 A. Yes, sir.

6 Q. --- transferred over to a piece of evidence?
7 Okay. Now -- and you said there was no identification on the
8 prints? There's nothing you can make out the prints, right?

9 A. Correct.

10 Q. Now is it not common, if I have a gun and I'm
11 holding that gun, I'm going to leave my prints on that gun, am
12 I not?

13 A. It's been my experience, over many years of doing
14 this, that -- that fingerprints off a gun are actually rare.
15 And that is often because of the oil that you use to either
16 clean them or oiling them so that they will function
17 correctly.

18 I have got fingerprints off of weapons, on several
19 occasions, but it would be far more often that we did not.

20 And on a semi-automatic hand gun normally, when we
21 do find fingerprints, they're on the magazine, not on the
22 weapon itself.

23 Q. And you said that there was no clear prints on the
24 magazine of this gun either, correct?

25 A. Correct.

1 Q. All right. And would I -- would I have to handle
2 that magazine if I were going to put bullets in it and put it
3 into that gun and shoot?

4 A. Yes. If you were going to be the one to load the
5 weapon, yes, you would have to handle the magazine.

6 Q. Okay.

7 A. On that particular magazine, it's a -- it's a
8 fairly rough surface, it's almost a porous surface. That
9 magazine, in the condition it's in right now, it might be
10 difficult to leave a print on, but you could do it.

11 Q. Okay.. Now, when you -- a gun -- a oiled -- gun
12 oil is a preservative of the weapon, correct?

13 A. That's correct.

14 Q. That would keep it in operating shape. So it is
15 common that oil would be used to wipe down the weapon. How
16 often would you clean a weapon like that?

17 A. Well it could vary. A weapon should be -- should
18 be cleaned any time that they're fired and then periodically
19 outside of that because, especially if it's a weapon that's
20 carried because you -- you tend to get moisture from your body
21 or lint from a pocket; whatever the case may be.

22 But, I mean, if it was one of mine, it would be
23 cleaned every few months at least even if I haven't fired it.
24 But that doesn't mean everybody does that.

25 Q. Okay. And you say the oil is one thing that

1 hinders the trans -- transmission of the print?

2 A. It is.

3 Q. Now the -- you swabbed these folks and you said
4 that there are identifying characteristics when we say -- when
5 we say DNA. That's what we're basically in a nutshell
6 saying, right?

7 A. Yes, sir.

8 Q. Okay. So, when you -- I guess prior to DNA the
9 fingerprint was the -- was the identifier that we depended on
10 in police work, right?

11 A. Actually even today fingerprints are the most
12 reliable type of evidence that there is. It's the most
13 unique.

14 Nobody has identical fingerprints. However, in
15 the case of DNA, identical twins do have identical DNA.

16 That's the one -- that's the only reason that it's
17 not more accurate than a fingerprint. I mean, generally your
18 results are something like one in 128 quadrillion, so many
19 times the population of the earth.

20 So it's extremely accurate, but fingerprints are
21 still to this day more accurate.

22 Q. Okay. So it stands to reason, if I come into
23 contact with this podium, I'm leaving my DNA here. Can -- and
24 my clothes have my DNA?

25 A. It's possible.

1 Q. Okay. If I take something -- if I had a gun in
2 here (indicating), my -- my DNA can be transmitted from my
3 clothing to the -- to the gun possibly? Is it something I
4 handle a lot?

5 A. It would be possible.

6 MR. CUDE: Objection.

7 THE COURT: And your objection is?

8 MR. CUDE: He's kind of outside the scope of the
9 witness's expertise.

10 THE COURT: Well I'm not sure this -- this witness
11 has been qualified as an expert on DNA matters. So
12 you're asking for an opinion from him and he would have
13 to be qualified as such. I'm going to sustain the
14 objection.

15 Q. (By Mr. Thompson) In your twenty-three (23) years
16 with -- with police work, you would find that DNA can -- do
17 you know -- do you know if it can be transmitted?

18 A. I'm sorry, I couldn't hear you.

19 Q. Do you know if it can be transmitted in that
20 manner ---

21 A. I know ---

22 Q. --- based on your experience?

23 A. --- that -- that DNA can be transferred. Anything
24 that has DNA on it can transfer to another item if it comes in
25 contact with it.

1 Q. okay.

2 (Brief Pause)

3 Q. But -- and your role in -- in this DNA testing is
4 basically swabbing. And then you send it on to --

5 A. That's correct. I just simply collect -- collect
6 it.

7 MR. THOMPSON: All right. Thank you, Officer.

8 THE WITNESS: Yes, sir.

9 THE COURT: Mr. McCarty?

10 CROSS EXAMINATION by MR. MCCARTY:

4:00 P.M.

11 Q. Investigator Guthro, you were talking a moment ago
12 about, when you collect this evidence, you don't know what it
13 will reveal; Am I correct?

14 A. That's correct.

15 Q. When you take a swab of a weapon, you don't know
16 what it -- if anything it would reveal; am I correct?

17 A. That's correct.

18 Q. But, in the course of your collected evidence
19 following these cases, do you keep abreast of what's going on
20 with them? Do you learn if there are any results returned on
21 any of these weapons or any piece of evidence that you may
22 have collected?

23 A. Sometimes, yes.

24 Q. So are you familiar -- in this case specifically,
25 you know what happened here that -- well I guess from your

1 tests or your lifting of the prints there was insufficient
2 ridge detail; am I correct?

3 A. On -- on -- yeah, on the weapon.

4 Q. On the weapon?

5 A. On -- yes, on the weapon. And, as far as that
6 goes, the other items that were collected at the scene had no
7 ridge detail.

8 Q. Help everybody out just real quick. What is ridge
9 detail? I know what it is; I've done this, and you know what
10 it is. But maybe not everybody understands what ridge detail
11 is.

12 A. Your fingerprints are made up of what we call
13 minutia, which is places where the prints or ridges that you
14 can see on your finger, they -- they're -- they either
15 diverge, which is called a bifurcation, or they have ending
16 ridges where one ridge will end or they have what's called
17 islands, which are very short ridges in between two other
18 ridges.

19 And all those are used as identifiers in a
20 fingerprint to identify one person from another.

21 Q. And in your case you found no evidence that Lauri
22 Hollis -- Lauri Danielle Hollis's, fingerprints were on this
23 weapon; am I correct?

24 A. That's correct.

25 MR. MCCARTY: Thank you. Nothing further.

1 THE COURT: Mr. Cude, anything further from the
2 witness?

3 MR. CUDE: Nothing further, Your Honor.

4 THE COURT: All right. Sir, you may step down.

5 MR. CUDE: Your Honor, actually, before Mr.
6 Guthro's is excused, there is an item I would like to
7 take up outside of the jury's presence.

8 THE COURT: I beg your pardon?

9 MR. CUDE: There is a matter I'd like to take up
10 outside of the jury's presence.

11 THE COURT: Before he's excused?

12 MR. CUDE: Before he's excused, Your Honor.

13 THE COURT: All right. Have a seat, sir. Ladies
14 and gentlemen of the jury, I'd ask that you step back to
15 your jury room. Don't begin any discussions until I've
16 asked you to do so. Thank you very much.

17 (The jury exited the Courtroom at 4:02 p.m.)

18 THE COURT: Yes sir, Mr. Cude?

19 MR. CUDE: Actually, Your Honor, just before he
20 goes, you know, we did open the pouch that contained
21 multiple swabs,

22 We opened the heat sealed pouch. Just before he
23 goes, I'd like to make some arrangement with, you know,
24 the Defense attorneys present to close it back in some
25 manner and maybe have officer Guthro initial it.

1 THE COURT: Well, I don't know. Why does it need
2 to be closed back up? Didn't we mark those separately?

3 MR. MCCARTY: They're marked separately and -- and
4 they've already been tested. I don't think they're
5 subject to anything as far as the testing result.

6 THE COURT: I don't -- is there any objection that
7 you might raise about the fact that it's not been placed
8 back in the pouch, Mr. Thompson ---

9 MR. THOMPSON: None from Mr. Anderson.

10 THE COURT: --- that you're aware of?

11 MR. THOMPSON: No.

12 MR. MCCARTY: No, Your Honor.

13 THE COURT: Okay. I'll allow you to recall the
14 witness if it became necessary to do that, but they've
15 been marked separately; they're in.

16 I don't see any reason to put separate exhibits back
17 in a pouch that have already been marked.

18 MR. CUDE: Thank you, Your Honor.

19 THE COURT: All right. You may step down.

20 (Witness complied with the Court's request.)

21 THE COURT: Is the State ready to call it's next
22 witness?

23 MR. CUDE: Yes, Your Honor.

24 THE COURT: All right. Bring the jury in.

25 (The jury was summoned.)

1 THE COURT: Do you wish to excuse that witness now
2 other than subject to recall?

3 MR. CUDE: Yes, he can be excused.

4 THE COURT: Any objection?

5 MR. THOMPSON: No, Your Honor.

6 MR. MCCARTY: No, sir.

7 THE COURT: All right. He's free to go.

8 (Whereupon, State's Exhibit Number 23 was marked
9 for identification.)

10 MR. CUDE: The State calls John Burgess.

11 (Brief pause while the witness is summoned.)

12 (The jury returned to the courtroom at 4:05 p.m.)

13 THE COURT: Let the record reflect the jury has
14 returned to the courtroom. Mr. Burgess has been called
15 and he's coming forward now to be sworn. Come forward,
16 sir.

17 (Witness complied with the Court's request.)

18 (Whereupon,

19 INVESTIGATOR JOHN BURGESS

20 first being duly sworn, testified as follows:)

21 THE COURT: Have a seat, please, sir. Once you're
22 seated, state your name.

23 THE WITNESS: My name is John Burgess.

24 THE COURT: Mr. Cude, is it your witness?

25 MR. CUDE: Yes, Your Honor.

1 THE COURT: All right. You may proceed.

2 DIRECT EXAMINATION by MR. CUDE:

4:05 P.M.

3 Q. Where are you employed, sir?

4 A. I work for the City of Spartanburg Public Safety
5 Department.

6 Q. And what's your position?

7 A. I work in CID, Criminal Investigations Division.

8 Q. Okay. What is your job there?

9 A. I investigate primarily white-collar crimes, but
10 occasionally help out in other major cases.

11 Q. All right. And did you participate in the
12 investigation of the murder of Stephen Means?

13 A. I did.

14 Q. Did you encounter a person named Quartez Lyles
15 April 13th, 2011?

16 A. I did.

17 Q. Were any other officers with you?

18 A. Matt Davis with the Sheriff's office met with me
19 at -- at a location.

20 Q. Okay. Did you have a search warrant in your
21 possession?

22 A. I did.

23 Q. What was it for?

24 A. It was for buccal swabs for DNA.

25 Q. And who -- who were they to be taken from?

1 A. From Quarte' Lyles.

2 Q. Okay. Did you execute that search warrant?

3 A. I did.

4 MR. CUDE: May I approach the witness?

5 THE COURT: You may.

6 Q. I'm handing you what's marked State's Exhibit 23
7 for identification. Do you recognize that item?

8 (Brief pause while the witness examines exhibit.)

9 A. This would have been the envelope that I filled
10 out, dated. It's signed by myself and, then, turned into the
11 drop box at evidence.

12 Q. Do you know what it contains?

13 A. It says buccal swabs on this -- I have it listed
14 as buccal swabs, but on that container itself it would've been
15 listed who's it from; name, Social Security number, and stuff.

16 Q. All right. And who did you take those was from?

17 A. This one should have been Quarte' Lyles.

18 Q. Okay. Did you see ---

19 A. That was the only buccal swab that I took.

20 Q. Did you secure the buccal swab after taking it?

21 A. Yes. It's placed into this envelope and it's
22 logged into evidence. And the evidence is dropped in a secure
23 location.

24 Q. Did you tamper with or alter the buccal swabs when
25 they're in your custody?

1 A. No.

2 MR. CUDE: Your Honor, I'd like to move these into
3 evidence at this time.

4 THE COURT: Any objection, Mr. Thompson?

5 MR. THOMPSON: None, Your Honor.

6 MR. MCCARTY: No objection, Your Honor.

7 THE COURT: Mr. McCarty? They'll be admitted as
8 marked.

9 (Whereupon, State's Exhibit Number 23 was admitted
10 into evidence without objection.)

11 MR. CUDE: Your Honor, that's all I have to
12 investigator Burgess at this time.

13 THE COURT: Mr. Thompson, any questions?

14 MR. THOMPSON: No, Your Honor.

15 THE COURT: Mr. McCarty?

16 MR. MCCARTY: No questions, Your Honor.

17 THE COURT: All right, sir, you may step down.

18 THE WITNESS: Thank you.

19 (Witness complied with the Court's request.)

20 THE COURT: Mr. Cude, the State may call its next
21 witness.

22 MR. CUDE: David -- David Reeves.

23 (Brief pause while the witness is summoned.)

24 THE COURT: Come forward, sir, to my left and be
25 sworn, please.

(Whereupon,

OFFICER DAVID REEVES

first being duly sworn, testified as follows:)

THE COURT: Sir, have a seat. And, once you're seated, state your name, please.

THE WITNESS: Yes, sir.

(Witness complied with the Court's request.)

THE WITNESS: My name is George David Reeves.

THE COURT: Mr. Cude, your witness.

MR. CUDE: Thank you, Your Honor.

THE COURT: Yes, sir.

DIRECT EXAMINATION by MR. CUDE:

4:08 P.M.

Q. How are you employed?

A. I'm employed as a property and evidence technician for the City of Spartanburg Police Department.

Q. Okay. And what are your duties?

A. My job is to receive all property or evidence involved in a case, to store it properly, to ensure that anyone who receives the property is documented correctly, to send items to SLED if needed.

MR. CUDE: May I approach, Your Honor?

THE COURT: You may.

Q. I'm handing you what's been marked State's Exhibits 8 and 12. Can you tell me if you recognize those?

(Brief pause while the witness examines exhibits.)

1 A. I do recognize them. They're items that were
2 received into property and evidence. I received your exhibit
3 number 12.

4 Q. Okay. And does -- does it -- do you recognize
5 number 8?

6 A. I do recognize Exhibit Number 8. I did not
7 receive it in, but I do recognize it as part of the evidence
8 that was received into property and evidence.

9 Q. Okay. Did you transport either of those items?
10 (Brief pause while witness examines exhibits.)

11 A. Yes, I did. I took them to SLED.

12 Q. When did you do that?

13 A. I took them to SLED on April 13th.

14 Q. And what is SLED again?

15 A. SLED is the South Carolina Law Enforcement
16 Division. It's where we take all items to be analyzed other
17 than drugs.

18 Q. What -- what did you do when you got the items to
19 SLED?

20 A. When we take items to SLED, we leave them in their
21 original container. When we get there, we place a seal across
22 it, we initial it and date it, so, that we're showing that is
23 not been tampered with in any way.

24 we do that with both items. This item
25 (indicating) was inside of that item (indicating)?

1 Q. When you transported the items, was there any
2 evidence that they had been tampered with at the time you were
3 transporting them or ---

4 A. No items had been tampered with.

5 Q. Did you tamper with or alter these when they were
6 in your custody?

7 A. I did not.

8 Q. Okay. And do you know when you left them at SLED?

9 A. I left them on April 13th, 2011.

10 Q. Okay. I'm approaching with State's Exhibit 11.
11 Do you recognize this item?

12 (Brief pause while witness examines the exhibit.)

13 A. I do.

14 Q. Where did you encounter this item or how did you
15 come to take custody of this item?

16 A. This item was received by Mylnor Beach. He's the
17 other person who works in property and evidence. So, when he
18 receives it, he puts it into a location which is documented in
19 the computer.

20 And we are in a secure location, which him and I
21 are the only people with -- who have keys. We have four lock
22 keys and four locked doors, two video cameras to get in.

23 Q. Did you transport that item anywhere?

24 (Brief pause while the witness examines exhibit.)

25 A. I did.

1 Q. Where and when did you transport it?

2 A. I took it to SLED on April 13th, 2011.

3 Q. Okay. Was the item secure when you transported
4 it? A. It is secure.

5 Q. And did you tamper or alter with it in any way?

6 A. I did not.

7 Q. And you know what happened to it when it got to
8 SLED or did you see it -- did you see someone take custody of
9 it at SLED?

10 A. When we take it to SLED, at that time it is taped
11 around all openings so that it cannot be tampered with. There
12 was also evidence tape placed in strategic locations to show
13 that it cannot be tampered with. And I signed and dated those
14 evidence labels.

15 MR. CUDE: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 (Brief pause while Mr. Cude retrieves exhibits.)

18 Q. (By Mr. Cude) Now I'm handing you State's Exhibits
19 16, 14, and 15. Can you tell me if you recognize these items?

20 A. I do. I also took these items to SLED. You can
21 see by my initials and dates on each seal of each of these.

22 Q. And where -- where did you take custody of them in
23 the first place?

24 A. We take custody of this at property and evidence.
25 Let me see...

1 (Brief pause while the witness examines exhibit.)

2 A. In every application, I physically received it
3 from Guthro, Edgar Guthro.

4 Q. Did you tamper with or alter those items ---

5 A. I did not.

6 Q. --- while they were in your custody?

7 A. I did not.

8 Q. And were they secure when you got them?

9 A. Yes.

10 Q. And can you read from the labels just what those
11 are, that's 14, 15, and 16?

12 A. I have a buccal swab from it looks like a Lauri
13 Hollis. I have a buccal swab from a Charles Anderson. And a
14 buccal swab from a, cannot say the first name, Clark. It
15 starts with an "F."

16 Q. Do you have any record of transporting ---

17 MR. CUDE: I'll beg the Court's pardon.

18 (Whereupon, State's Exhibit Number 24 was marked
19 for identification.)

20 MR. CUDE: May I approach the witness, Your Honor?

21 THE COURT: You may.

22 Q. (By Mr. Cude) Can you tell me if you recognize
23 this box or...?

24 A. I do recognize the box. Okay. And I also
25 recognize my initials on the SLED evidence tape where the item

1 at that time was placed into this box at SLED.

2 Q. And can you tell me what -- what was transported
3 in that box if you have a record?

4 A. A purple shirt and khaki -- khaki shorts and a
5 purple T-shirt. There was a belt involved but I removed the
6 belt.

7 Q. Okay. I'm handing you State's Exhibit 11 -- I
8 mean -- or I'm sorry, 6 -- 7. Do you recognize this item?

9 A. I do.

10 Q. And what is that?

11 A. That's the purple T-shirt out of this.

12 Q. Thank you.

13 A. Out of this box.

14 Q. Thank you. I can take that back from you. Thank
15 you.

16 (Mr. Cude retrieves exhibit.)

17 Q. Did you alter or tamper with that purple T-shirt
18 when it was in your custody?

19 A. I did not.

20 Q. And was it in any kind of container or package
21 when you received it to take it to SLED?

22 A. When I received it, it was in a brown paper bag.
23 When I took it to SLED, it was in that same brown paper bag.

24 MR. CUDE: Your Honor, that's all I have for this
25 witness.

MR. DAVID REEVES - CROSS by MR. THOMPSON

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THE COURT: Mr. Thompson, your witness.

CROSS EXAMINATION by MR. THOMPSON:

4:18 P.M.

Q. Mr. Reeves, do your records indicate who you left those items with at SLED?

A. One moment.

(Brief pause while witness examines document.)

A. The swabs and other items were left with -- with an Amy Stephens at SLED.

MR. THOMPSON: Okay. No further questions.

THE COURT: Mr. McCarty?

MR. MCCARTY: Nothing, Your Honor.

THE COURT: All right, sir. Anything further from the State?

MR. CUDE: No, Your Honor.

THE COURT: You may step down, sir. Do you wish to excuse the witness?

MR. CUDE: Yes, Your Honor.

THE COURT: Any objection from the Defense?

MR. THOMPSON: None, Your Honor.

MR. MCCARTY: No, Your Honor.

THE COURT: You're free to go, sir. Thank you very much.

THE WITNESS: Thank you, sir.

(Witness complied with the Court's request.)

THE COURT: The State may call its next witness.

1 MR. CUDE: Thank you. The State calls Mylnor
2 Beach.

3 (Brief pause while the witness is summoned.)

4 THE COURT: Come forward to be -- over to my left
5 to be sworn. Please.

6 (The witness complied with the Court's request.)

7 (Whereupon,

8 MYLNOR BEACH

9 first being duly sworn, testified as follows:)

10 THE COURT: Have a seat. Once you're seated, I'd
11 ask that you state your name, please, sir.

12 THE WITNESS: My name is Mylnor Beach.

13 THE COURT: Mr. Cude, your witness.

14 MR. CUDE: Thank you, Your Honor.

15 DIRECT EXAMINATION by MR. CUDE: 4:20 P.M.

16 Q. Mr. Beach, how are you employed?

17 A. I am employed by the City of Spartanburg with the
18 Public Safety Department as a property and evidence
19 technician.

20 Q. Okay. Now, Mr. Beach, the package that I'm
21 handing you contains State's Exhibits 18 through 22. Can you
22 look at those and tell me if you recognize them?

23 (Brief pause while the witness examines exhibit.)

24 A. This bag here was sealed and signed by me at SLED.
25 Since it's been open, I'd have to go back and look at my

1 sheets to see which items actually went with this.

2 But that's my signature. I took it down on March
3 the 28th, 2012. And it was sealed -- sealed at the SLED
4 evidence room by the -- the SLED technician in front of me.

5 Q. Well, when -- when you took those items -- you
6 know, if you took those items down there, would you have taken
7 them if they were unsecured or tampered with or visibly
8 tampered with?

9 A. No, sir, I would not.

10 Q. Did you tamper or alter with any items that you
11 transported to SLED?

12 A. No, sir, I did not.

13 Q. You mentioned having evidence sheets. You have
14 access to any of those records in the courtroom or...?

15 A. Yes, sir.

16 Q. Do you mind -- do you mind checking for me.

17 A. I'd be glad to. I just need to get the item
18 numbers off of these envelopes, okay?

19 (Brief pause while the witness examines exhibits.)

20 A. Item 48 was checked out of the property and
21 evidence room at City Hall, City of Spartanburg, by myself and
22 taken to SLED on March the 28th, 2012.

23 Item 49 was checked out by me on March 28th, 2012
24 and taken to SLED. Item number 50 was checked out by me on
25 March 28th, 2012 and taken to SLED.

1 And item 52 was checked out by me on March 28th,
2 2012 and taken to SLED. Those were the four item numbers the
3 log book said.

4 Q. And can -- can you tell us briefly what those are;
5 what -- what those contained?

6 A. These -- these are the chain of possession sheets
7 that we have for each item. When a -- when an item is checked
8 in by an officer originally, it's electronically recorded.

9 Then David Reeves, my partner, or myself we check
10 it, verify it, and we log it into a location in the property
11 and evidence room.

12 And any time that, that evidence leaves the
13 property room, whether it be going to SLED or an investigator
14 gave it to -- you know, to study the case, they have to sign
15 out of the evidence by us.

16 And everything in this particular case we've got
17 now is electronic on a computer. And this is a print out of
18 that.

19 Q. Can you tell us just what those -- what those
20 items that you took are -- are supposed to be based on the
21 envelopes? What they're supposed to contain?

22 A. Item 48 is a swab from the decking lever and
23 hammer of the Ruger 9 millimeter pistol. Item 50 is a swab
24 from the clip of a Ruger 9 millimeter pistol.

25 Item 51 is a swab from the magazine of a Ruger 9

1 millimeter. Item 52 is a swab from the maga -- magazine
2 release of a Ruger 9 millimeter pistol. And item 49 is a swab
3 from the trigger of a Ruger 9 millimeter pistol.

4 MR. CUDE: May I approach the witness, Your Honor?

5 THE COURT: You may.

6 Q. I'm handing you State's Exhibit 16 and 23.

7 (Off-the-Record Comments)

8 Q. Can you tell me if you recognize those items?

9 A. Once again this is a -- this is an evidence
10 envelope. Item number 77, that was sealed at SLED. It's got
11 my signature, also the date of March 28th, 2012.

12 This particular item pertains to this case. It is
13 item number 59 and it was also sealed on March 28th by myself
14 down at SLED.

15 Q. And where did you receive those items?

16 A. From the -- from the drop box.

17 Q. And where is that?

18 A. At City Hall. It's beside our office door.
19 That's the secure area where the officers place the items,
20 either into a locked mailbox type item.

21 Once you put something in, you cannot get it out
22 without it being unlocked. We also have lockers that when
23 they're shut they automatically lock. And then we also have a
24 refrigerator in that area.

25 The only people that have a key to either the drop

1 box on the lockers or refrigerator are myself, David Reeves,
2 and our major.

3 Q. And, when you transported the items to SLED, where
4 they secure?

5 A. Yes, they were.

6 Q. Was there any sign of them being tampered with?

7 A. No, sir.

8 Q. Did you alter or tamper with those items at any
9 time?

10 A. No, sir, I did not.

11 Q. And just to be clear, briefly, what happened when
12 you got to SLED with those items?

13 A. Well, I signed in and they called me back. And I
14 -- get with their evidence technician at SLED.

15 The items had already been pre-logged by us the
16 day before in the computer. She pulls a particular case up.
17 I tell her the evidence I have.

18 She verifies it versus the pre-log. And then
19 they're placed in these plastic bags and sealed. I have to
20 sign and date, put the case number on here.

21 Then, this particular yellow tag here, that is
22 SLED's property and evidence label for their part. This is
23 how they track and keep up with it. And then after it's
24 sealed it's left with them.

25 Q. May I recover those from you?

1 A. Sure.

2 Q. Thanks.

3 (Mr. Cude retrieves exhibits.)

4 MR. CUDE: Your Honor, I'd like to move State's
5 Exhibit 6 into evidence at this time.

6 THE COURT: Any objection?

7 MR. CUDE: It's the buccal swab for Quartez -- I'm
8 sorry. It's the buccal swab for Charles Jackson.

9 MR. THOMPSON: I -- I'd like to have Mr. Jackson
10 authenticate that. I mean, I know that -- I mean, I
11 don't know that I've heard that it was signed in his
12 presence and proper identification went by.

13 And, I mean, we've -- I've been lenient with -- with
14 the others, but here you're entering something and the
15 only basis we have is the testimony of the officer.

16 And I would like that to be authenticated at least
17 by the person that provided it, by Mr. Jackson.

18 THE COURT: Authenticated by who?

19 MR. THOMPSON: The -- the person who -- who was
20 swabbed, Mr. Jackson.

21 THE COURT: There's been testimony as to who took
22 the swab. And I think that would be sufficient. So, if
23 that's -- if that's your objection, I'm going to
24 overrule it.

25 MR. THOMPSON: All right. Thank you, Your Honor.

1 THE COURT: Mr. McCarty, any objection?

2 MR. MCCARTY: No objection.

3 THE COURT: All right.

4 MR. CUDE: Thank you, Your Honor.

5 THE COURT: It's admitted as marked.

6 (Whereupon, State's Exhibit Number 6 was admitted
7 into evidence over objection.)

8 MR. CUDE: That's all I have for this witness.

9 THE COURT: All right. Mr. Thompson, you may
10 question the witness.

11 MR. THOMPSON: May it please the Court?

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION by MR. THOMPSON:

4:30 P.M.

14 Q. Mr. Beach, do you know who you left items 48, 49,
15 50, and 51 and 52 with at SLED? Do your records indicate
16 that?

17 A. Yes, sir.

18 Q. Who was that? Who was it? Do you ---

19 A. That was myself.

20 Q. Who -- who did you leave it with?

21 A. That -- I don't have that information, sir.

22 Q. You don't have that information?

23 A. Not with me, no, sir.

24 Q. Okay.

25 A. We have a signed sheet back at the office with

1 that -- those particular numbers, but I -- I couldn't tell
2 you who the person is right this minute.

3 Q. And that's not within your ID log?

4 A. No, sir, not within this chain, no, sir.

5 Q. Okay. And is it your testimony that these swabs
6 from the gun were not taken to SLED until March of 2012?

7 A. Yes, sir, March 28th, 2012 is when I took them
8 down.

9 Q. And you've made reference -- I think you called it
10 item 77 and 59. What are those?

11 A. Those -- those were our -- our evidence items ---

12 Q. That's your number, right?

13 A. --- when they're checked in. Yes, sir.

14 Q. Okay.

15 A. That's how we reference back to them.

16 Q. Okay. Do you recall what items those -- those
17 were?

18 A. Items 40 -- are you talking about the swabs we
19 talked about earlier?

20 Q. You just have the swabs, right?

21 A. Yes, sir.

22 Q. And ---

23 MR. THOMPSON: I believe that's all the questions I
24 have. Thank you.

25 THE COURT: Mr. McCarty?

1 MR. MCCARTY: I have no questions for Mr. Beach.

2 THE COURT: All right. You may step down unless
3 the State has additional questions.

4 MR. CUDE: No additional questions, Your Honor.

5 THE COURT: All right. You may step down. Do you
6 wish to excuse the witness?

7 MR. CUDE: Yes, please.

8 THE COURT: Any objection?

9 MR. THOMPSON: None, Your Honor.

10 MR. MCCARTY: No, sir.

11 THE COURT: All right. You're free to go. Thank
12 you very much.

13 THE WITNESS: Thank you, Your Honor.

14 MR. CUDE: Can we approach the bench?

15 THE COURT: Yes, sir.

16 (Whereupon, a bench conference was had with all
17 attorneys present.)

18 THE COURT: All right. Ladies and gentlemen, we've
19 moved a little quicker than we expected today, but Not
20 too much; it's after 4:30. So we're going to break at
21 this time for the evening.

22 I'll give you the same instructions that I gave you
23 upon leaving the courthouse yesterday; that is, you
24 should not listen to, watch, or read any media reports
25 concerning this case.

1 Don't discuss the case with anyone. Don't allow
2 anyone to discuss it with you.

3 If anyone tries to contact you about your service in
4 this case, please report it upon your return to the
5 courthouse.

6 We'll resume in the morning at 9:30. Please be in
7 the jury room at that time. I hope you have a good
8 evening. Thank you very much.

9 (The jury exited the courtroom for the evening at
10 4:33 p.m.)

11 (Off-the-Record Comments)

12 THE COURT: We're in recess until 9:30. Thank you
13 very much.

14 (Court was adjourned for the evening at 4:37 p.m.)

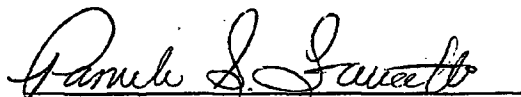
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16 END OF VOLUME I
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REPORTER'S CERTIFICATE

I, the undersigned PAMELA FAUCETTE, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the Court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 390, were transcribed by me and represent a complete and accurate transcription of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

December 27, 2012

A handwritten signature in cursive script, reading "Pamela S. Faucette", written over a horizontal line.

Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

2011-GS-42-05097 & 05098
2011-GS-42-05110 & 05111

THE STATE OF SOUTH CAROLINA,

-VS-

TRANSCRIPT OF RECORD

CHARLES L. ANDERSON, JR. and
LAURI DANIELLE HOLLIS,

Defendants.

October 3 & 4 2012
Spartanburg, South Carolina

Ordered: October 26 & 29, 2012

Delivered: December 29, 2012

B E F O R E:

THE HONORABLE ROGER L. COUCH, Presiding Judge.

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

MR. ABEL GRAY, Esquire
MR. DANIEL CUDE, Esquire
Assistant Solicitors Appearing for the StateMR. CHRISTOPHER THOMPSON, Esquire
MR. RYAN MCCARTY, Esquire
Attorneys Appearing for the Defendants

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Pamela Faucette
Circuit Court Reporter

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1 October 3, 2012

9:28 A.M.

2 (Off-The-Record Comments)

3 THE COURT: All right. Is the State ready to
4 proceed at this time?

5 MR. CUDE: We are, Your Honor.

6 THE COURT: Is the Defense ready?

7 MR. THOMPSON: Yes, Your Honor.

8 MR. MCCARTY: Yes, Your Honor.

9 THE COURT: Mr. McCarty?

10 MR. MCCARTY: Yes, Your Honor.

11 THE COURT: All right. Bring jury in.

12 (The jury is summoned.)

13 (The jury entered the Courtroom at 9:29 A.M.)

14 THE COURT: The record will reflect the jury has
15 returned to the courtroom. I trust everyone had a good
16 evening.17 And, if any of you had any difficulty in complying
18 with my instructions concerning your behavior over the
19 night, please, stand.

20 (No Response)

21 THE COURT: It appears that all jurors have been
22 able to comply with my instructions. And, when we broke
23 yesterday afternoon, the State was still in the process
24 of presenting its evidence. And at this time you may
25 call you next witness.

MS. AMY STEPHENS - DIRECT by MR. CUDE

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1 MR. CUDE: Thank you, Your Honor. The State calls
2 Amy Stephens.

3 (Brief pause while the witness is summoned.)

4 THE COURT: Come forward, please ma'am, to my left
5 to be sworn.

6 (Witness complied with the Court's request.)

7 (Whereupon,

8 AMY STEPHENS

9 first being duly sworn, testified as follows:)

10 THE COURT: Once you're seated, please state your
11 name.

12 THE WITNESS: Amy Stephens, S-T-E-P-H-E-N-S.

13 THE COURT: Mr. Cude, your witness.

14 MR. CUDE: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 DIRECT EXAMINATION by MR. CUDE: 9:30 A.M.

17 Q. What's your occupation, ma'am?

18 A. I'm a forensic technician in the evidence control
19 department at the South Carolina Law Enforcement Division,
20 also known as SLED.

21 Q. And what are your duties?

22 A. Our daily duties are to log in package and
23 transfer evidence for forensic analysis in criminal cases.

24 Q. And, when you say forensic analysis, can you give
25 me an example of what that means?

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1 A. Such as DNA, latent prints, trace examinations.

2 Q. And can you tell me just generally how -- how SLED
3 treats evidence that's submitted by law enforcement agencies?

4 A. When a submitting officer arrives at our
5 laboratory, they will come into the evidence control
6 department with their paperwork and their evidence.

7 We will take the paperwork and enter the case
8 information into our system, package the evidence accordingly,
9 and then transfer that evidence to an intake location.

10 The submitting officer will also initial and date
11 all seals that we place on the evidence or put the evidence
12 into our plastic heat sealed packages.

13 Q. And let me just ask: If you -- if you receive --
14 if you receive an item that's unsecured, or it looks like it's
15 been tampered with, what you do with that?

16 A. It looks like it has been tampered with, we will
17 not accept it.

18 Q. And let me ask you: Does every piece of evidence
19 go into your heat -- when you say a heat sealed pouch, what do
20 you mean?

21 A. Is basically a plastic bag that we receive
22 evidence into and then seal it and have the submitting officer
23 initial and date the seal, as well as sign and date the front
24 of the bag. And that's usually generally used for biological
25 evidence, such as swabs.

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1 Q. Okay. So, just to be clear, do you seal that
2 outside of the presence of the officer or...?

3 A. No, the officer is in my office.

4 Q. Okay. Now let me -- do you treat -- how do you
5 treat other types of evidence? You mentioned using that for
6 biological material.

7 Can you give me an example of what you do with
8 other types of evidence that you're accepting into SLED?

9 A. If we get such things as a GSR kit, fired bullets,
10 or cartridge cases, we will place those typically in an
11 envelope.

12 Guns are placed in a gun box. And anything like
13 clothing we would place in a cardboard box.

14 Q. Did you -- well let me ask you this: Does SLED --
15 does SLED apply that policy to all evidence that it takes in?

16 A. Yes, we do.

17 Q. Okay. It's -- you know, if evidence was submitted
18 and was not handled in that matter, would that be keeping with
19 SLED policy?

20 A. No, it would not.

21 Q. Okay. Did you -- did you take in any evidence in
22 relation to this case?

23 A. Yes, I did.

24 Q. Okay. Did you review any notes or documents in
25 preparation for this?

MS. AMY STEPHENS - DIRECT by MR. CUDE

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1 A. My chain of custody.

2 MR. CUDE: May approach the witness, Your Honor?

3 THE COURT: You may.

4 Q. I'm handing you State's Exhibits 8 and 12. Do you
5 necessarily mark in any -- do you necessarily mark an item
6 that's -- the item itself that's taken in to you, or would you
7 make a record at some other place?

8 A. When we receive the evidence, we don't physically
9 mark any packages that the submitting agency brings in. We
10 place it in our own packaging and we will write the agency,
11 the department that the evidence is being transferred to, and
12 also place our bar code labels on our packaging.

13 Q. So, do you have any way of checking to see if
14 that's evidence you handled or...?

15 A. I can tell by the item description that would be
16 on the evidence compared to my chain of custody.

17 Q. Okay. And can you tell me what those items are,
18 please, the item description?

19 A. State's Exhibit Number 8 is a projectile from
20 body. And State's Exhibit Number 12 is a cartridge case.

21 Q. Okay. And -- and how do you know that's -- that,
22 that is material you handled in relation to this case?

23 A. Based on my chain of custody and the paperwork I
24 received from the submitting agency.

25 Q. Thank you.

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1 (Off-the-Record Discussion)

2 MR. CUDE: May I approach the witness, Your Honor?

3 THE COURT: Yes, you may, Mr. Cude.

4 Q. Ms. Stephens, do you recognize this item?

5 A. The lab -- excuse me. The lab number that's
6 attached to this box right here matches my chain of custody.
7 And the lab number is L11-040.

8 Q. And do you know what -- do you have a record of
9 what that item -- what that was said to contain?

10 A. Yes. This box contained a purple shirt and a pair
11 khaki shorts.

12 Q. And did you see those -- those items yourself?

13 A. No. We do not physically inventory the evidence.
14 We go -- we enter the information that's on the paperwork into
15 our system.

16 Q. Okay. So was this -- do you have a record --
17 would this have been sealed when you received it?

18 A. Yes.

19 (Brief Pause)

20 Q. I'm handing you State's Exhibit 11. Do you
21 recognize this item?

22 A. The lab number that's attached to this item also
23 corresponds with my chain of custody L11-040001. And this is
24 SLED item number 11 and State's Exhibit item number 11.

25 Q. All right. When you say lab number, what do you

MS. AMY STEPHENS - DIRECT by MR. CUDE

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1 mean?

2 A. Each case that comes into our laboratory is
3 assigned a unique lab number. If we have 20 pieces of
4 evidence for one case, each piece of evidence will be under
5 that one lab number. And they just get different item
6 numbers.

7 Q. Let me ask you this: If this box -- you know, was
8 this box secure when you received it?

9 A. Yes, it was.

10 Q. And just to be clear, if it had not been secure,
11 what would you have done with it?

12 A. If it would have appeared to have been tampered
13 with, we would not have excepted -- excuse me -- we would not
14 have accepted it.

15 Q. Did -- did you tamper with any items that were
16 submitted to you under this lab number when you -- they were
17 in your custody?

18 A. No, I did not.

19 (Brief pause while Mr. Cude retrieves exhibits.)

20 Q. You recognize these items, ma'am?

21 (Brief pause while the witness examines items.)

22 A. Yes, I do. Both of these items correspond with
23 the lab number on my chain of custody.

24 Q. Okay. And can you just -- can you tell me briefly
25 what they are?

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1 A. State's Exhibit Number 16, which is SLED item
2 number 14, is a buccal swab from Feishunti Clark. And State's
3 Exhibit Number 14, SLED item number -- number 15, is a buccal
4 swab from Charles Anderson.

5 Q. And was this -- were these items secured when you
6 received them?

7 A. Yes, they were.

8 Q. Okay. And, again, just based on your earlier
9 testimony, did you put these in heat seal pouch when you
10 received them?

11 A. Yes, I did.

12 Q. And did you tamper with these in any way -

13 A. No, I did not.

14 (Brief pause while Mr. Cude retrieves exhibit.)

15 Q. I'm handing you State's Exhibit 15. Do you
16 recognize this?

17 (Brief pause while the witness examines exhibit.)

18 A. I do. Again, the lab number corresponds with my
19 chain of custody. State's Exhibit Number 15, which is SLED
20 item number 13, is a buccal swab from Lauri Hollis.

21 MR. CUDE: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 (Brief Pause)

24 MR. CUDE: Your Honor, if I may, I'd like to move
25 this box that Ms. Stephens identified, emptied of other

MS. AMY STEPHENS - CROSS by MR. THOMPSON

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1 contents, into evidence. This ---

2 THE COURT: Well, is that -- for what purpose is
3 that being put in?

4 MR. CUDE: For the chain of custody, Your Honor.

5 THE COURT: All right.

6 MR. CUDE: She testified it contained a purple
7 shirt.

8 THE COURT: Any objection to it going in?

9 MR. THOMPSON: None from Defendant Anderson.

10 MR. MCCARTY: No, sir.

11 THE COURT: All right. With the stipulation that
12 it was the container for the purple shirt, we'll allow it
13 to come in.

14 (Whereupon, state's exhibit number 24 was admitted
15 into evidence without objection.)

16 MR. CUDE: I don't have any questions for this
17 witness, Your Honor.

18 THE COURT: All right. Mr. Thompson, your witness.

19 MR. THOMPSON: Thank you.

20 CROSS EXAMINATION by MR. THOMPSON: 9:41 A.M.

21 Q. Ms. Stephens, when you received those swabs, are
22 they -- they're individually packaged, correct?

23 A. That's correct.

24 Q. And, then, that's the way they -- you received
25 them ---

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1 A. Correct.

2 Q. -- correct? So ---

3 A. Yes, sir.

4 Q. You're familiar with cross-contamination on the
5 DNA, right?

6 A. I understand the terminology, but I'm not a DNA
7 expert.

8 Q. Okay. So -- but these are individually packaged
9 when you get them, so there's no danger of that -- of that at
10 that point, correct?

11 A. That's correct. That's our policy.

12 Q. Okay. And -- and you say if you found something
13 not packaged correctly, then, you -- you -- you won't take it,
14 correct?

15 A. That's correct.

16 MR. THOMPSON: Okay. That's all I have.

17 THE COURT: Mr. McCarty?

18 MR. MCCARTY: No questions for Ms. Stephens.

19 THE COURT: Anything further from the State?

20 MR. CUDE: No, Your Honor. May she be excused?

21 THE COURT: Ma'am, you may step down.

22 THE WITNESS: Thank you.

23 (Witness complied with the Court's request.)

24 MR. CUDE: Your Honor, our next witness is Doris
25 Yarborough.

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1 THE COURT: All right. Do you wish to excuse this
2 witness?

3 MR. CUDE: Yes, Your Honor.

4 THE COURT: Any objections?

5 MR. MCCARTY: No objection.

6 MR. THOMPSON: None.

7 THE COURT: Ma'am, you're free to go if you'd like.
8 Thank you.

9 (Brief pause while the witness is summoned.)

10 THE COURT: Come forward, please ma'am, to my left
11 and be sworn.

12 (Witness complied with the Court's request.)

13 (Whereupon,

14 DORIS YARBROUGH

15 first being duly sworn, testified as follows:)

16 THE COURT: Have a seat, please. And once
17 seated, please ma'am, state your name.

18 THE WITNESS: My name is Doris Yarbrough, Y-A-R-B-R
19 -O-U-G-H.

20 THE COURT: Thank you. Mr. Cude, your witness.

21 DIRECT EXAMINATION by MR. CUDE:

9:45 A.M.

22 Q. What is your occupation, ma'am?

23 A. I'm a forensic technician in the log-in department
24 of the South Carolina Law Enforcement Division.

25 Q. Can you tell us generally what your duties are?

MS. DORIS YARBROUGH - DIRECT by MR. CUDE

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1 A. We receive evidence from officers throughout the
2 State of South Carolina, different agencies. And they present
3 their paperwork and their items to us. And we log it into our
4 our computer system.

5 Q. Okay. Let me ask you this: Do you have the same
6 -- the same position that Amy Stephens has?

7 A. I do.

8 MR. CUDE: May I approach the witness, Your Honor?

9 THE COURT: You may.

10 Q. Now, can I ask you -- I'm handing you what's been
11 marked -- or beg -- beg your pardon -- Court's [sic] Exhibits
12 18 through 22.

13 Do you know if you've seen these or do you
14 recognize these?

15 A. I can identify the yellow label that's on the
16 plastic bag that you took them out of.

17 Q. Do you need to look at that?

18 A. That is container F. This is my handwriting, the
19 department that it's going to, and the name of the agency that
20 submitted it.

21 Q. So, I mean, did -- did you put these swabs in a --
22 in a heat sealed pouch?

23 A. I did.

24 Q. Okay. Did you tamper or alter them in any way
25 when you had custody of them?

MS. DORIS YARBROUGH - DIRECT by MR. CUDE

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1 A. No, sir.

2 Q. If -- if you had seen any evidence of tampering,
3 would you have accepted them?

4 A. No, sir.

5 Q. Okay. I'm handing you State's Exhibit 23. Do you
6 recognize this?

7 A. That's item number 16 that I logged in. I can
8 identify it by the label and my handwriting of the agency.
9 And, again, of the department that it's going to.

10 Q. Okay. Can you tell me what it's said to be?

11 A. Item number 16 is said to be a buccal swab from an
12 individual named Quartez Lyles.

13 Q. Okay. Did you temper with it when you had it in
14 your custody?

15 A. No, sir.

16 Q. Did you see any evidence that it had been tampered
17 with when you received it?

18 A. No, sir.

19 Q. Okay. Thank you.

20 MR. CUDE: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Brief pause while Mr. Cude retrieves exhibit.)

23 Q. I'm handing you what's been marked as State's
24 Exhibit 6. Do you recognize this?

25 A. I can identify it by the yellow label, the number

MS. DORIS YARBROUGH - DIRECT by MR. CUDE

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1 on the yellow label, my handwriting, from the department that
2 it's going to, and the agency that submitted it.

3 Q. Okay. And can you tell me what that is said to
4 contain?

5 A. Item number 17 is said to contain a buccal swab
6 from Charles Kevin Jackson, Jr.

7 Q. All right. Did you tamper with it in any way?

8 A. No, sir.

9 Q. Okay. And did you see any signs of tampering when
10 you received it?

11 A. No, sir.

12 Q. All right. And did you place it in this heat
13 sealed pouch?

14 A. I did.

15 Q. In a heat sealed pouch?

16 A. Yes, sir.

17 Q. Thank you.

18 (Brief pause while Mr. Cude retrieves exhibits.)

19 Q. Ma'am, if I may, I'm handing eight -- State's
20 Exhibits 18 through 22 again I had previously handed you. Can
21 you just tell me what those are said to contain?

22 (Brief pause while the witness examines exhibits.)

23 A. They would have been put into a contain --
24 container that would have been labeled "F." And number --
25 container F, number 18, is a swab from a de-cocking lever and

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1 hammer of a Ruger 9 millimeter gun;

2 A swab from a trigger of a Ruger 9 millimeter gun,
3 a swab from the grip of the 9 millimeter -- of a 9 millimeter
4 gun;

5 A swab from the magazine of the Ruger 9
6 millimeter, and the swab from the magazine release of the
7 Ruger.

8 Q. Thank you. Did you tamper with these or did you
9 see any signs of tampering?

10 A. No, sir, I did not.

11 MR. CUDE: Thank you. That's all I have for this
12 witness, Your Honor.

13 THE COURT: Mr. Thompson, your witness.

14 MR. THOMPSON: No questions, Your Honor.

15 THE COURT: Mr. McCarty?

16 MR. MCCARTY: No questions, Your Honor.

17 THE COURT: Ma'am, you may step down. Thank you
18 very much.

19 (Witness complied with the Court's request.)

20 THE COURT: And do you wish to have this witness
21 excused?

22 MR. CUDE: Yes, please, Your Honor.

23 THE COURT: Any objection?

24 MR. THOMPSON: None.

25 MR. MCCARTY: No, Your Honor.

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1 THE COURT: Ma'am, you're free to go if you'd like.
2 Thank you very much.

3 MR. CUDE: Your Honor, the State -

4 THE COURT: Call you next witness.

5 MR. CUDE: Thank you, Your Honor. Pardon me. I
6 apologize. The State calls Ila Simmons.

7 (Brief pause while witness is summoned.)

8 THE COURT: Ma'am, come forward to my left and be
9 sworn, please.

10 (Witness complied with the Court's request.)

11 (Whereupon,

12 ILA SIMMONS

13 first being duly sworn, testified as follows:)

14 THE COURT: Once you're seated, ma'am, state your
15 name please.

16 THE WITNESS: My name is Ila Simmons.

17 THE COURT: Mr. Cude, your witness.

18 MR. CUDE: Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION by MR. CUDE:

9:50 A.M.

21 Q. What is your occupation, ma'am?

22 A. I work at the South Carolina Law Enforcement
23 Division in the forensics lab in the trace evidence
24 department.

25 Q. And what are your duties there?

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1 A. We analyze gunshot residue, gun powder residue.
2 we perform fiber, paint, and glass comparisons, as well as
3 analyzing fire debris.

4 Q. Do you have any special certifications?

5 A. I have a Bachelor of Science degree in chemistry.
6 Once I completed that, I came to SLED. And, for the first
7 three years that I worked there, I worked with a Court
8 qualified, SLED certified trace evidence examiner.

9 During that time I had to take and pass written
10 and practical examinations with a hundred percent (100%)
11 efficiency each year in all the disciplines that we analyze.
12 I had to complete a proficiency test, both internal and
13 external.

14 I'm a member of the Southern Association of
15 Forensic Science, as well as the American Academy of Forensic
16 Science.

17 Q. Have you previously testified in the area of trace
18 evidence in court?

19 A. Yes, I have.

20 Q. Do you know about how many times?

21 A. Over two hundred (200) times.

22 Q. Okay. Can you give us some examples of courts
23 you've testified in?

24 A. I've testified in Spartanburg. I've testified in
25 Greenville, Anderson, Beaufort, Charleston.

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1 MR. CUDE: Your Honor, the State offers Ms. Simmons
2 as an expert in trace evidence at this time.

3 THE COURT: Any objection, Mr. Thompson?

4 MR. THOMPSON: None from Mr. Anderson, Your Honor.

5 MR. MCCARTY: No objection, Your Honor.

6 THE COURT: All right. Without objection then this
7 witness will be qualified as an expert within that field.
8 I've already explained to you what that designation
9 means. Mr. Cude, you may proceed.

10 MR. CUDE: Thank you, Your Honor.

11 Q. (By Mr. Cude) Ma'am, let me ask: Do you
12 recognize this box that I'm handing you?

13 A. Yes, sir, I do.

14 Q. Okay. How do you recognize it?

15 A. It's marked with my initials as well as a
16 laboratory identification number, a container number, the --
17 the date that the item was opened for analysis, as well as for
18 whom the items were submitted, which agency.

19 Q. Okay. And do you know -- when you received this
20 box, was a sealed?

21 A. Yes, sir, it was.

22 Q. And just for the record, this is state's Exhibit
23 24 that I've just shown you. Did you open the box?

24 A. Yes, sir, I did.

25 Q. Did you see any signs of tampering when you opened

MS. ILA SIMMONS - DIRECT by MR. CUDE

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1 -- or when you received the box?

2 A. No, sir, I did not.

3 Q. Okay. Can you tell me just ---

4 MR. CUDE: I beg the Court's pardon.

5 THE COURT: Yes, sir.

6 Q. Do you know what -- what the box is said to
7 contain?

8 A. Yes, sir, I do know.

9 Q. Can you tell me?

10 A. It was said to have contained a purple T-shirt as
11 well as some shorts.

12 Q. Now I'm handing you what's been marked is State's
13 Exhibit 7 for ID. Do you recognize this item?

14 A. Yes, sir. It is marked also with my initials, the
15 specific laboratory identification number and item number and
16 the date that it was analyzed.

17 Q. And just to be clear, was this -- did you find
18 this in the box that you just examined?

19 A. Yes, sir, I did.

20 MR. CUDE: Your Honor, I'd like to move this into
21 evidence at this time as State's Exhibit 7.

22 THE COURT: Any objection?

23 MR. THOMPSON: None, Your Honor.

24 THE COURT: Mr. McCarty?

25 MR. MCCARTY: No objection.

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1 THE COURT: All right. Exhibit 7 will now be
2 placed into evidence. We'll use the same number as the
3 exhibit number.

4 (Whereupon, State's Exhibit Number 7 was admitted
5 into evidence without objection.)

6 THE COURT: You may proceed.

7 MR. CUDE: Thank you, Your Honor.

8 Q. (By Mr. Cude) Did you perform any tests on the
9 shirt, Ms. Simmons?

10 A. Yes, sir, I did.

11 Q. What -- what kind of test did you perform on the
12 shirt?

13 A. I analyzed it for the presence of gunshot residue.

14 Q. Okay. What were your findings?

15 A. I found round lead particles were present.

16 Q. Okay. What is the significance of that in your
17 opinion?

18 A. Gunshot residue is a mixture of macroscopic
19 chemicals that come out of a the gun when it's discharged. It
20 is composed of lead, barium, and antimony.

21 If you were to throw water up in the air and
22 freeze it in mid-air, you would have small round droplets
23 because, if something is in a molten state and it's under
24 pressure, it's going to be -- the surface area is going to
25 form a circle

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1 Well, when gunshot residue comes out of a gun, the
2 lead, the barium, and antimony are all in this molten state
3 and they're under pressure.

4 So, they form small round droplets that can get on
5 anything in close proximity to the gun when it's discharged,
6 including the pants of the person firing the gun, the clothing
7 that they may be wearing, or someone who was in close
8 proximity to the gun, their hands and clothing and everything.

9 Q. Is it possible something at some other source
10 could cause round lead particles other than a gunshot -- in a
11 gunshot?

12 A. If someone were welding with lead flux (phonetic)
13 sometimes that also forms round lead particles, but generally
14 they're very large round particles. And these are generally
15 smaller.

16 Q. Okay. Can you tell me just specifically: How did
17 you conduct this test and come to this result?

18 A. I took the shirt out of the container and created
19 some small particle lifts. They're a small aluminum handle
20 with a piece of double-sided tape on it.

21 And I would take, from each area of the shirt, and
22 I would dab the double-sided tape onto the shirt. And I would
23 have put those in a box and sealed those separately from the
24 garment.

25 Q. Okay. And did you study the particle lifts?

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1 A. Yes, sir. I would've -- I would place them on a
2 scanning electron microscope, which can see down 100,000 times
3 greater than the human eye can see.

4 And you can also x-ray the particles and tell you
5 what elements are present in each particle. So that's how I
6 knew that there was lead and that it was round lead.

7 (Brief Pause)

8 MR. CUDE: Beg the Court's pardon again.

9 THE COURT: Yes sir.

10 (Brief pause while Mr. Cude retrieves exhibits.)

11 Q. (By Mr. Cude) Ms. Simmons, have you seen these
12 items before that I just handed you?

13 A. Yes, sir, I have.

14 Q. Okay. How do you recognize them?

15 A. They're also marked with my initials, the lab
16 identification number, and item numbers that I -- I gave to
17 these items.

18 Q. And what does that bag contain?

19 A. These contain the two boxes of the particles
20 that's been collected in this case.

21 Q. Okay. Do -- do you know which one that
22 corresponds with the purple shirt?

23 A. Yes, sir, I do.

24 Q. Okay. Can you open that bag and removed the --

25 A. Do you have something I could -- maybe a pair of

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1 scissors or something that I could cut the bag?

2 (Off-the-Record Comments)

3 (Brief Pause while the witness examines items.)

4 A. These are the particle lifts that correspond to
5 the shirt.

6 Q. Did you create those?

7 A. Yes, sir, I did.

8 Q. Okay. Did anyone else handle or manipulate those
9 particles lifts?

10 A. No, sir.

11 Q. And -- and, I mean, is that the basis for your
12 opinion that you previously offered?

13 A. Yes, sir, it is.

14 MR. CUDE: All right. Your Honor, I'd like to move
15 this -- this box of particle lifts into evidence at this
16 time.

17 THE COURT: Any objection?

18 MR. THOMPSON: None, Your Honor.

19 MR. MCCARTY: No objection, Your Honor.

20 THE COURT: Without objection it will be admitted
21 into evidence. Give her an opportunity to mark it,
22 please.

23 MR. CUDE: Yes, sir.

24 (Whereupon, State's Exhibit Number 25 was marked
25 for identification and admitted into evidence without

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1 objection.)

2 MR. CUDE: Your Honor, that's all I have for this
3 witness.

4 THE COURT: All right. Mr. Thompson, your witness.

5 MR. THOMPSON: No questions, Your Honor.

6 THE COURT: Mr. McCarty?

7 MR. MCCARTY: May it please the Court?

8 THE COURT: Yes, sir.

9 CROSS EXAMINATION by MR. MCCARTY: 9:55 A.M.

10 Q. Ms. Simmons, in your experience with gunshot
11 residue and what you know about it, of course it's -- would
12 you just described to the jury, it's what's projected from the
13 gun? It comes out and it's like a cloud; am I right?

14 A. Yes, sir, it is.

15 Q. A cloud of smoke?

16 A. Yes, sir.

17 Q. And I'm sure in your training and education and
18 experience, you understand there are a lot of different
19 factors which control how those particles dissipate through
20 the air; am I correct?

21 A. That's correct.

22 Q. So a lot of factors control that such as the
23 environment where the gun may potentially have been fired; am
24 I right?

25 A. Yes, sir.

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1 Q. And you don't have any knowledge of that; am I
2 right?

3 A. No, sir, I do not.

4 Q. So you wouldn't know it was fired in a closed
5 confined small space?

6 A. That's correct, I wouldn't.

7 Q. Versus outdoors in the open; am I right?

8 A. That's correct.

9 Q. Would things such as where the wind is blowing, in
10 which direction, also affect maybe how the particles are
11 dissipated through the air and carried from the gunshot
12 residue or the smoke that's fired from the weapon?

13 A. Yes, sir, it can.

14 Q. Would things like maybe even in touch -- inside,
15 like an air-conditioning unit, like a window unit if it was
16 blowing, also affect how gunshot residue is carried?

17 A. Yes, sir.

18 Q. And, in your test, you're not given any of that
19 information; am I correct? You kind of test this in a vacuum
20 just whether it's there or not?

21 A. Yes, sir, I do.

22 Q. And so you can't make any opinion as to proximity
23 based upon your findings here; just the presence, correct?

24 A. No, sir, I cannot.

25 Q. So it could have been as far away as me and you or

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1 it could of been as close as you and that microphone? It just
2 depends on a lot of different factors which are beyond your
3 control; am I right?

4 A. Yes, sir. But generally, from a handgun, gunshot
5 residue will not be carried farther than about four (4) or
6 five (5) feet just because it's so light and it falls off
7 quickly.

8 Q. It falls off quickly? But there are those factors
9 that I've been talking about; wind and things which could
10 affect that distance; am I right?

11 A. That is a possibility, yes, sir.

12 Q. Ms. Simmons, do the presence of gunshot residue --
13 these particles, do they indicate what type of weapon it was
14 fired from?

15 A. No, sir.

16 Q. Do they indicate what type of bullet that it came
17 out of?

18 A. No, sir.

19 Q. Do they indicate when it was fired?

20 A. No, sir, they do not.

21 Q. So you don't have any way of dating this to say
22 that this occurred on a specific date or these were
23 approximately these days old or anything like that, do you?

24 A. No, sir, because gunshot residue can remain on
25 clothing until it's washed.

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1 Q. Until it's washed?

2 A. Correct

3 Q. And, of course, you don't have any idea of how
4 this shirt was maintained or controlled before it came into
5 your possession; am I right?

6 A. No, sir, I do not.

7 Q. And really you just know from the police officers,
8 through SLED, up to you; am I right?

9 A. That's correct.

10 Q. So, this shirt could have been exposed to some
11 outside contaminants that had gunshot residue on it well
12 before you came into its possession, right?

13 A. Yes, sir, that's correct.

14 Q. And you can't form an opinion as to whether or not
15 the shirt was present at the scene of a homicide itself other
16 than saying it had gunshot residue on it; am I correct?

17 A. That's correct.

18 MR. MCCARTY: Thank you. Nothing further for Ms.
19 Simmons.

20 THE COURT: Redirect?

21 MR. CUDE: Just briefly.

22 REDIRECT EXAMINATION by MR. CUDE: 9:58 A.M.

23 Q. Now you testified that, you know, another possible
24 source of lead particles could be welding. You know, just in
25 your experience -- you know, could -- could average, you know,

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1 common everyday activity lead to -- lead to the presence of
2 those lead particles?

3 A. No, sir. It would have to be something where lead
4 was under extreme heat and pressure, something like someone
5 welding or someone discharging a weapon.

6 MR. CUDE: Thank you. That's all I have for this
7 witness.

8 THE COURT: Mr. Thompson, anything further?

9 MR. THOMPSON: Briefly, Your Honor.

10 CROSS EXAMINATION by MR. THOMPSON: 9:59 A.M.

11 Q. Ma'am, I think your original statement was the
12 residue attaches to -- to your clothing or whatever in close
13 proximity, correct?

14 A. Yes, sir.

15 Q. And then you said four (4) to five (5) feet maybe?

16

17 A. Yes, sir.

18 Q. Okay. And, so, it's -- it's a rare occasion when
19 it will travel as far as from you to me -

20 A. Yes, sir.

21 Q. --- would you agree with that? Okay.

22 MR. MCCARTY: I have no further questions.

23 THE COURT: Anything, Mr. McCarty?

24 MR. MCCARTY: No, Your Honor. Thank you.

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

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1 Is there any objection to this witness being excused?

2 MR. CUDE: None from the State.

3 MR. THOMPSON: None, Your Honor.

4 MR. MCCARTY: No, Your Honor.

5 THE COURT: Ma'am, you're free to go if you would
6 like to go. Thank you very much.

7 THE WITNESS: Yes, sir.

8 (Witness complied with the Court's request.)

9 THE COURT: The State may call its next
10 witness.

11 MR. CUDE: Thank you, Your Honor. The State calls
12 Ira Parnell.

13 THE COURT: Thank you.

14 (Brief pause while the witness is summoned.)

15 THE COURT: Sir, if you'll come forward to my left
16 and be sworn, please.

17 (Witness complied with the Court's request.)

18 (Whereupon,

19 IRA PARNELL

20 first being duly sworn, testified as follows:)

21 THE COURT: Once you're seated, sir, state your
22 name for me.

23 THE WITNESS: All right, sir. My name is Ira Byrd
24 Parnell, Jr., P-A-R-N-E-L-L.

25 THE COURT: Mr. Cude, your witness.

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1 MR. CUDE: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 DIRECT EXAMINATION BY MR. CUDE: 10:01 A.M.

4 Q. How -- what do you do for living, Mr. Parnell?

5 A. I'm a forensic examiner for the State of South
6 Carolina Law Enforcement Division, otherwise known as SLED.

7 Q. How long have you worked there, sir?

8 A. Forty (40) years.

9 Q. And just what -- what is your field of forensic
10 examination?

11 A. I'm assigned to the firearms and tool mark
12 identification laboratory at SLED headquarters there in
13 Columbia.

14 Q. What is firearm identification generally?

15 A. Firearms identification is a subset or a sub
16 discipline of tool mark examination. A firearm, being the
17 tool, the bullet or the cartridge case that is fired in a gun
18 being the object in which the tool mark is left.

19 By microscopically comparing individual markings
20 on evidence items, such as bullets and cartridge cases, and
21 test bullets that we fire by the firearms sent in for
22 examination, microscopically comparing the two and looking for
23 similarities are dissimilarities, we can make a determination
24 based on our experience and training whether or not a fired
25 bullet or a fired cartridge case could be associated to a

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1 particular firearm.

2 Q. What is your educational background?

3 A. I graduated from the University of South Carolina
4 with a degree in the area of criminal justice. I'm a graduate
5 of the FBI national Academy, our state Academy. Each of these
6 places give me training in firearms identification.

7 I also underwent a three-year internship program
8 under three court qualified firearm and tool mark examiners at
9 SLED.

10 At the time that I was doing my training, there
11 was no college or area of higher learning that offered a
12 degree in the area of firearms identification. So it was on-
13 the-job training.

14 Once I completed that training, then, I began
15 doing my own comparisons and examinations and testifying to
16 the results of those examinations in the state courts and
17 federal courts of our land.

18 Q. Have you testified previously in the area of
19 firearm and tool mark identification?

20 A. Yes, sir, approximately six hundred and thirty-
21 eight (638) times.

22 Q. Can you give us an example of some courts you've
23 testified in?

24 A. Well practically every state -- or, you know,
25 every county in our state; the Fourth District Federal Court

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1 in Virginia and also North Carolina State Courts,

2 MR. CUDE: Your Honor, I'd like to offer Mr.

3 Parnell as an expert in the -- in the area of firearm and
4 tool mark identification.

5 THE COURT: Any objection, Mr. Thompson?

6 MR. THOMPSON: No, Your Honor.

7 THE COURT: Mr. McCarty?

8 MR. MCCARTY: No, Your Honor.

9 THE COURT: All right. Then this witness will be
10 certified or qualified as an expert within the field that
11 he's been offered. You may proceed, Mr. Cude.

12 MR. CUDE: Thank you, Your Honor. May I approach?

13 THE COURT: You may.

14 Q. (By Mr. Cude) Mr. Parnell, I'm handing you what's
15 been marked as State's Exhibits 8, 12, and 11. Can you please
16 look at these and see if you recognize these items?

17 (Brief pause while the witness examines exhibits.)

18 A. First of all, I recognize the writing on the
19 outside of State's Exhibits 8, 11, and 12, as being my
20 initials and writing.

21 The firearm contained in State's Exhibit 11 also
22 bears my case number, specimen number, and initials, which I
23 scribed on it. And I have examined that item.

24 (Brief Pause)

25 A. State's Exhibit 12 appears to be still under seal,

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1 which also bears my case number, specimen number, and
2 initials. I'm opening it now.

3 (Brief Pause)

4 A. The item contained in State's Exhibit 12 is a
5 fired 9 millimeter caliber cartridge case. It bears my case
6 number, specimen number, and initials. And I have examined
7 this item.

8 (Brief Pause)

9 Q. And just to be clear, can you tell me just what is
10 -- what does State's Exhibit 8 contain again? I'm sorry.

11 A. I haven't gotten to it yet.

12 Q. Oh, I'm sorry. Excuse me.

13 (Brief Pause)

14 A. The item contained in State's Exhibit Number 8 is
15 a fired 9 millimeter Luger (phonetic) caliber bullet. It's
16 also scribed with my case number, specimen number, and
17 initials. And I have examined this item in connection with
18 this case.

19 Q. Okay. When and where did you examine these items?

20 A. I examined them at SLED headquarters in our
21 laboratory. If you -- if you can bear with me just one
22 moment, I can give you a date.

23 Q. Yes, sir.

24 (Brief pause while the witness examines documents.)

25 A. On or about April the 20th of 2011.

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1 Q. Now, when you received these items, did you see
2 any signs -- were they in a container?

3 A. They were.

4 Q. Did you see any signs of tampering to these items?

5 A. No, sir. As I received them, they were received
6 in a sealed container.

7 Q. Okay. Now what kind of tests did you perform on
8 these items?

9 A. Normally, ladies and gentlemen, the questions that
10 are asked in a situation like we have here, involving State's
11 Exhibit 8, 11, 12, is whether or not we can determine as a
12 firearms examiner; the fired bullet in State's Exhibit 8 or
13 the fired cartridge case in State's Exhibit 12, were or were
14 not fired in the firearm contained in State's Exhibit 11.

15 And to do that I must conduct many different
16 tests. First of all to determine if State's Exhibit 11, the
17 firearm, is safe to fire.

18 I did that. And I did concluded that it was safe
19 to be fired. I test fired it and found that it functioned
20 properly.

21 There were no noticeable defects of any kind. I
22 then microscopically compared the test bullets that I fired
23 myself in State's Exhibit Number 11 to the individual markings
24 that were left on State's Exhibit 8, the fired bullet, and
25 State's Exhibit 11, the fired cartridge case -- or, excuse me,

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1 12, the fired cartridge case.

2 And based on those comparisons, I was able to
3 conclude, based on my experience and training, it's my opinion
4 that State's Exhibit 8, the fired bullet here and State's
5 Exhibit Number 12, this fired cartridge case, were both fired
6 in State's Exhibit 11.

7 Q. Now how is it possible to tell that a bullet and
8 cartridge casing came from a particular gun?

9 A. We examine the individual and unique markings that
10 are left on fired components by a particular firearm.

11 In this case, State's Exhibit 11 is a Ruger
12 semiautomatic pistol. During the manufacturing process, there
13 are a number of areas on any firearm, and in particular
14 State's Exhibit number 11, where individual tool marks are
15 left.

16 Each part of this firearm has certain
17 manufacturing processes that are applied to it. The one we
18 particularly pay attention to are the cartridge cases or the
19 area around the breach face (phonetic) where the firing pin
20 comes out of the -- the face of the breach.

21 There are five areas on a cartridge case that we
22 examine. The firing pin being the first. The breach face
23 being second.

24 The chambering being third. This striker and
25 ejector being fourth and fifth.

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1 Each of these markings are unique. In the case of
2 State's Exhibit 12, I was able to match this cartridge case to
3 my test from State's Exhibit 11 using the breach face markings
4 or parallel markings that are left when the machining is done
5 to the face of the breach.

6 Inside the barrel, there are processes known as
7 lands and grooves. Without a great deal of explanation as to
8 how all that's done, suffice is to say that metal is -- is
9 removed from the inside of the barrel in a pattern which
10 leaves six recessed areas and six raised areas inside the
11 barrel.

12 The purpose of this rifling is to impart a spin or
13 a turn on the bullet to stabilize it, very much like a
14 quarterback throwing a football. It puts a tight spiral or
15 spin on it and it goes straight as opposed to wobbling
16 everywhere if it wasn't stabilized.

17 The markings that are left on the outside of a
18 bullet are left there by the inside of the gun barrel.

19 When the bullet goes through, at a high rate of
20 speed, and with this twist impart -- imparted to it, the
21 individual and unique markings left during manufacturing on
22 the inside of the barrel are impressed into the outer surface
23 of the bullet jacket.

24 And by microscopically comparing the bullets that
25 I know are fired from this gun because I fired them, to the

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1 evidence bullet, to State's Exhibit Number 8 here, I was able
2 to find sufficient agreement in those microscopic marks that
3 are basically imperfections in the tool marking, to conclude
4 that -- that this bullet in my opinion was fired from this
5 gun.

6 Q. And I apologize. What makes you believe that the
7 shell casing came from that gun? Or what ---

8 A. Based on the unique markings that were left on the
9 -- the area around the -- the breach -- what we call the
10 breach face.

11 As I said earlier, there are five places that we
12 look at on a cartridge case. In this case I only had to go as
13 far as the firing pin and the breach face.

14 I'm talking about markings that are on the -- the
15 backside of the cartridge case, if any of you have fired a
16 weapon or seen one fired, there -- there are two things that
17 happen; a loud noise and then there's recoil or a kick when
18 you -- when you touched off a cartridge.

19 That is caused by the firing pin striking the
20 little circle in the middle, the primer, which therefore
21 causes the powder charge inside of the cartridge case to
22 explode and push the bullet out at a high rate of speed.

23 Well, during that process, the recoil caused by
24 that explosion impresses the tool marks that are left in the
25 area around the firing pin, which is right here at the back

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1 end of the -- of the breach area.

2 And that's stamping of those individual markings
3 is microscopically visible. And, by comparing the marks left
4 on State's Exhibit 12 and the tests that I fired in State's
5 Exhibit 11, I was able to find sufficient agreement there.

6 Q. Thank you.

7 MR. CUDE: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 MR. CUDE: Your Honor, I don't have any other
10 questions for Mr. Parnell.

11 THE COURT: Mr. Thompson, your witness.

12 MR. THOMPSON: May it please the Court?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION by MR. THOMPSON: 10:09 A.M.

15 Q. Mr. Parnell, you seem extremely knowledgeable
16 about firearms. It's impressive. Would you consider that a
17 perfect science on the -- on that?

18 A. Absolutely not.

19 Q. Okay. And can you give us some degree of the
20 accuracy that -- just based on your opinion and in your
21 professional experience here?

22 A. Are you looking for a number?

23 Q. I guess, yes, sir.

24 A. I don't have one to offer you. We -- we strive to
25 have a -- a hundred percent (100%) accuracy in our work. And

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1 we have a hundred percent (100%) micro verification at our
2 laboratory, meaning that it's not just what I see, it's what
3 one of my co-workers also sees independently of me.

4 And, if -- if we should ever have a disagreement
5 or a -- or I guess an inconclusive versus a positive type of a
6 discussion, then -- then we bring in a third examiner.

7 So, in this case, the markings were prominent
8 enough and -- and completely visible enough to where there was
9 really no question in my mind or my micro verifier's mind that
10 the markings were sufficient in this case to -- to make an
11 identification in both cases, the bullet and the cartridge
12 casing.

13 Q. Okay. Now, when you received this bullet, was it
14 intact? And I -- or ---

15 A. Yes, sir.

16 Q. --- was it a full bullet? It was?

17 A. Yes, sir.

18 Q. So, I mean, the autopsy described it as a
19 fragment. Is that just another word for bullet?

20 A. I think that's probably a medical term. But the
21 bullet was in -- in really good condition compared to some
22 that we see.

23 It was not damaged much at all visibly. It -- it
24 -- it looks like a bullet. It's not even misshapen.

25 So it's -- it's in good condition. And the

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1 surface was not marked or scratched in any -- in any way other
2 than by the firearm barrel.

3 MR. THOMPSON: Okay. I have no further questions.

4 Thank you.

5 THE WITNESS: Yes, sir.

6 THE COURT: Mr. McCarty?

7 MR. MCCARTY: May it please the Court?

8 THE COURT: Yes, sir.

9 CROSS EXAMINATION by MR. MCCARTY: 10:12 A.M.

10 Q. Mr. Parnell, the weapon you're holding there is --
11 is a Ruger 9 millimeter; am I correct?

12 A. Yes, sir, it is.

13 Q. And that's a commercial gun which you can buy at
14 most retailers that sell firearms; sporting goods stores or
15 otherwise, hunting stores; am I correct?

16 A. You're correct.

17 Q. What makes that weapon unique to this specific
18 case? Would not all Ruger 9 millimeters carry those same
19 characteristic that you found on this bullet and this
20 cartridge as long as they're manufactured in the same facility
21 with the same machines?

22 A. You would think so, but that's not the case.

23 Q. Okay.

24 A. Many, many studies have been done, not necessarily
25 by me but by others, and we've read them and studied them.

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1 And what happens is that, although most, if not
2 all, Ruger 9 millimeter pistols, such as State's Exhibit 11-
3 here, have six lands and grooves, which I described a little
4 earlier, and they have a right directional twist, and the size
5 of those lands and grooves are the same ---

6 Q. Uh-huh (affirmative).

7 A. --- from one Ruger to the next, or as close as
8 they can manufacture them, what happens is, is when the --
9 when the actual barrel blank is drilled, by a -- a spinning
10 drill, that drill leaves marks that cannot be duplicated.

11 It just can't be done. And the -- the spinning of
12 the drill is what actually causes the totally unique markings
13 on the inside of almost any gun barrel that's rifled in that
14 fashion.

15 So, while it does have class characteristics,
16 similarities, to any other Ruger, the individual markings that
17 there are impressed into a fired bullet jacket are -- are
18 unique to each firearm if that -- if the evidence bullet is in
19 good enough condition that they can generally be associated
20 with a firearm.

21 Q. So no two weapons are alike?

22 A. Not that I've come across or read about, sir.

23 MR. MCCARTY: Thank you.

24 THE COURT: Redirect?

25 MR. CUDE: Yes, Your Honor.

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1 REDIRECT EXAMINATION by MR. CUDE:

10:14 A.M.

2 Q. Mr. Parnell, when you were being cross examined by
3 Mr. Thompson, you mentioned that sometimes you have
4 inconclusive results; is that -

5 A. Uh-huh (affirmative) yeah.

6 Q. I mean can you give me an example? Can you
7 elaborate on that of what -- what circumstances come about for
8 you to have inconclusive result?

9 A. An inconclusive is -- is where -- in most cases
10 it's where a -- a bullet is -- is badly damaged or the gun is
11 in poor condition and the markings are just not consistent
12 enough to -- to form a positive or a negative conclusion.

13 In other words, as to whether you can identify a
14 fired component to the gun or you can eliminate a fired
15 component as having not been fired in a gun.

16 Where there's not enough markings or there's
17 damage or there's circumstances that -- that cause
18 inconsistencies in the tests that we fire for examination,
19 that is generally where an inconclusive comes into play.

20 Where we have maybe a part of the land impression
21 that is -- is like the gun that we're checking and it's
22 similar on the evidence bullet, one to the other, then -- then
23 -- then we can say -- we can't say it wasn't fired in it, but
24 we also can't say that it was fired in it.

25 That was not the case in this particular instance.

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1 The gun was in good condition. The evidence was in good
2 condition. And the evid -- the firearm was very consistent in
3 its markings.

4 So we were -- we were able to conclude in our
5 opinions that the bullet in State's Exhibit 8 cartridge case
6 and State's Exhibit 12 were -- were both fired in State's
7 Exhibit 11.

8 Q. So just to be -- so do you have -- did you get a
9 conclusive result on this case?

10 A. Yes, sir.

11 MR. CUDE: Thank you.

12 THE COURT: Mr. Thompson?

13 MR. THOMPSON: Briefly, Your Honor.

14 THE COURT: Yes, sir.

15 RECROSS EXAMINATION by MR. THOMPSON: 10:16 A.M.

16 Q. Now you -- you indicated that you test it and,
17 then, you run those results by an examiner, correct?

18 A. Yes, sir, in addition to me.

19 Q. Okay. So you do that under a microscope, right?

20 A. That's correct.

21 Q. And you just -- you compare those side-by-side or
22 is it like a fingerprint where you place one on top of the
23 other?

24 A. No, sir. It's side-by-side comparison. You're
25 looking through a single eyepiece with a split optical bridge

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1 where you're looking at two items at the same time through the
2 same set of eyepieces with a dividing line in the middle.

3 And you can move the dividing line out and back to
4 see whether the markings follow from one item to the next.

5 And that's -- that's what we did in this case and in all
6 cases.

7 Q. And you don't really do any measurements or any
8 -- the unit that you'd use to measure that would have to be
9 microscopic, very small?

10 A. We do measurements as far as establishing land and
11 groove widths. What -- what kind measurements are -- are you
12 talking about?

13 Q. I didn't know if you measured the -- the groove
14 for the depth.

15 A. Not depth. The only -- the only -- only
16 laterally; width wise. And the only reason we do that type of
17 measurement is to -- in -- in cases where we do not have a
18 firearm submitted and the submitting agency is looking for
19 maybe some help in what kind of gun they're looking for.

20 Then we'll measure the land and groove impressions
21 and plug that into a program that is computerized and is put
22 out by the FBI. It's a reference program.

23 And then that way we can give them maybe a list of
24 possible firearms.

25 Q. Okay. And, then, that's where you formulate your

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1 opinion as to the match, correct, is once you do those
2 comparisons?

3 A. Well the -- the -- our opinion of whether
4 identified or -- or not identified, are based on mag --
5 microscopic comparisons side-by-side of ---

6 Q. Right.

7 A. --- evidence versus test.

8 MR. THOMPSON: Okay. Thank you, sir.

9 THE COURT: Mr. McCarty?

10 MR. MCCARTY: Nothing, Your Honor. Thank you.

11 THE COURT: Sir, you may step down. Thank you very
12 much.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Any objection to the witness being
15 excused?

16 MR. CUDE: No, Your Honor.

17 THE COURT: Mr. Thompson?

18 MR. THOMPSON: None.

19 MR. MCCARTY: No, Your Honor.

20 THE COURT: All right. You're free to go if you'd
21 like, sir. Thank you very much.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Are all of our exhibits still in place?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. Thank you very much.

1 THE WITNESS: You're welcome.

2 THE COURT: The State may call its next witness.

3 MR. CUDE: Thank you, Your Honor. The State calls
4 Stephanie Stanley. Actually, Your Honor, may I approach
5 the bench just to secure the evidence?

6 THE COURT: Yes, sir. You may want to do that. I
7 know those have been moved around some and I want to put
8 them back in shape and back in our possession.

9 (Brief Pause)

10 (Brief pause while the witness is summoned.)

11 THE COURT: Come forward, please, ma'am, to my left
12 and be sworn, please.

13 (Witness complied with the Court's request.)

14 (Whereupon,

15 STEPHANIE STANLEY

16 first being duly sworn, testified as follows:)

17 THE COURT: Ma'am, once you're seated, I'd ask that
18 you state your name, please.

19 THE WITNESS: My name is Stephanie Stanley, S-T-A-N
20 -L-E-Y.

21 THE COURT: Mr. Cude, your witness.

22 MR. CUDE: Thank you, Your Honor. Before we began,
23 can Defense Counsel and I approach the bench?

24 THE COURT: Yes, please, do.

25 (Whereupon, a bench conference was had with all

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1 attorneys present.)

2 THE COURT: Ladies and gentlemen of the jury, we're
3 going to take a short break before we start with this
4 witness. And so I'm going to ask you to step back to
5 your jury and for just a moment.

6 As always, I'm going to ask you not to discuss the
7 case in any manner until I've asked you to do so. Thank
8 you very much.

9 (The jury exited the Courtroom at 10:23 a.m.)

10 (Off-the-Record Comments)

11 THE COURT: We'll be in recess for five (5) or ten
12 (10) minutes. I'll instruct the witness not to discuss
13 her testimony with anyone during the break, but you may
14 move about the courtroom. Thank you very much.

15 (Whereupon, a recess was taken from 10:25 a.m.
16 until 10:40 a.m.)

17 THE COURT: Mr. Cude, is the State ready to go
18 forward?

19 MR. CUDE: We are. Your Honor, actually can I
20 approach for one more housekeeping matter real quick?

21 THE COURT: Sure. Come on up, gentlemen.

22 (Whereupon, a bench conference was had with all
23 attorneys present.)

24 THE COURT: All right. Is the Defense ready to
25 proceed, Mr. Thompson?

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1 MR. THOMPSON: (No response)

2 THE COURT: Are you ready to go forward?

3 MR. THOMPSON: Yes, Your Honor.

4 THE COURT: Mr. McCarty?

5 MR. MCCARTY: We are, Your Honor.

6 THE COURT: Let's bring the jury in.

7 (The jury was summoned and entered at 10:43 a.m.)

8 THE COURT: All right. The record will reflect the
9 jury has returned to the courtroom. And, at this time,
10 Mr. Cude, you may proceed with this witness.

11 MR. CUDE: Thank you, Your Honor.

12 DIRECT EXAMINATION by MR. CUDE: 10:44 A.M.

13 Q. Please repeat your name for the jury.

14 A. My name is Stephanie Stanley.

15 Q. How are you employed?

16 A. I'm employed by the South Carolina Law Enforcement
17 Division, which is commonly referred to as SLED.

18 Q. What is your position there?

19 A. I am a forensic scientist assigned to the DNA case
20 work department.

21 Q. And can you tell me generally what your duties
22 are?

23 A. I receive evidence samples and those standards
24 from law enforcement agencies across the State of South
25 Carolina.

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1 I'm responsible for trying to identify body
2 fluids; usually blood, semen and saliva, attempting to develop
3 a DNA profile from those items and compare that DNA profile to
4 the DNA profile of known standards to see if they match.

5 I'll generate a report based on my findings and
6 testify in court as needed.

7 Q. What is your educational background?

8 A. I have a Bachelor of Science degree in Biological
9 Sciences from Clemson University.

10 Q. Do you have any specialized training in this area?

11 A. I do.

12 Q. And can you tell us something about that?

13 A. I was trained under the supervision of a court
14 qualified analyst at SLED, where I learned evidence handling,
15 serology, DNA analysis, DNA interpretation, report writing,
16 statistics as it relates to DNA analysis, courtroom testimony.

17 I've also retrieved -- excuse me -- received
18 training at Marshall University (phonetic), Applied
19 Biosystems, and the National Forensic Science Technology
20 Center.

21 Q. Have you ever been qualified as an expert witness
22 in forensic DNA analysis in this state?

23 A. I have.

24 Q. Do you remember about how many times?

25 A. I believe it was approximately sixteen (16).

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1 MR. CUDE: Your Honor, we would offer Ms. Stanley
2 as an expert in the field of forensic DNA analysis at
3 this time.

4 THE COURT: Mr. Thompson, any objection?

5 MR. THOMPSON: None, Your Honor.

6 THE COURT: Any objection, Mr. McCarty?

7 MR. MCCARTY: No, Your Honor.

8 THE COURT: All right. This witness, then, will be
9 qualified as an expert within that field. And you may
10 proceed.

11 MR. CUDE: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 Q. (By Mr. Cude) What is DNA, Ms. Stanley?

14 A. DNA is -- is an abbreviation. It stands for
15 deoxyribonucleic acid. It's a chemical that's found in all of
16 our cells with the exception of red blood cells.

17 Half of your DNA comes from your mother and half
18 of your DNA comes from your father. Most DNA is the same
19 among individuals, but in forensics, we are interested in the
20 very small portion of our DNA that is different. It allows us
21 to tell individuals apart.

22 In our lab we look at fifteen (15) of these
23 locations. And the information from these locations combined
24 gives us what is known as a DNA profile.

25 No two people will have the same DNA profile with

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1 the exception of identical twins.

2 Q. And let me -- if -- if DNA samples are submitted
3 to you, are certain controls followed?

4 A. Yes.

5 Q. And did you perform DNA test -- I'm sorry, DNA
6 testing on any items in this case?

7 A. I did.

8 MR. CUDE: May I approach the witness?

9 THE COURT: You may, Mr. Cude.

10 Q. Ms. Stanley, I'm handing you State's Exhibits 18
11 through 22. Can you please look at those?

12 (Witness complied with the request.)

13 Q. And ---

14 A. May I refer to my chain of custody?

15 Q. Yes.

16 (Brief pause while the witness retrieves document.)

17 Q. Do you recognize those items?

18 A. I do.

19 Q. How do you recognize them?

20 A. This is a heat sealed pouch that would have been
21 submitted with evidence. It is sealed at SLED. I recognize
22 this pouch. This is my laboratory case number (indicating)
23 that's assigned to this case.

24 This is a container number and this one
25 corresponds with "F." And inside of here are items that I

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1 would have analyzed.

2 I have written my case information, my item
3 number, my initials and the date that I would have made the
4 cuttings from the evidence.

5 Q. Can you tell us how many items are in that pouch?

6 A. I believe it's eight -- items 18 through items 22.

7 Q. Is that your -- is that a SLED assigned number?

8 A. Yes, those are SLED item numbers.

9 Q. Okay. Let me -- did you make any markings on the
10 individual envelopes?

11 A. I did.

12 Q. And what kind of marks did you -- you make on
13 those envelopes?

14 A. On the envelopes themselves would have my case
15 number, which would correspond to this case number up here,
16 the item number for the individual item, my initials, and the
17 date.

18 Q. And when you received those, within a container,
19 were they in a pouch or something along those lines?

20 A. When I received them, they would have been in the
21 sealed heat sealed pouch.

22 Q. Was there any sign of tampering or damage to the
23 pouch when you received it?

24 A. No, there's not.

25 Q. Would you -- what would you have done if you had

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1 seen signs of tampering?

2 A. I would not have started my analysis.

3 Q. Did you tamper with or alter any of these swabs in
4 any way when they were in your custody?

5 A. I would have made some cuttings from the swabs for
6 DNA testing.

7 Q. Okay. All right. Do you ever -- do you ever
8 receive any -- any swabs or any biological materials that
9 aren't submitted in a heat sealed pouch for testing?

10 A. Most of the evidence that I receive is in a heat
11 sealed pouch. Every now and then there would be an item
12 that's in a sealed envelope for SLED evidence only.

13 But most items are placed in a heat sealed pouch.

14 Q. And did you perform any testing on those swabs?

15 A. I did.

16 Q. Okay. Can you tell us just what kind of tests,
17 just what manner of tests, you performed on those?

18 A. I performed DNA analysis on those where I would
19 have taken a cutting and attempted to develop a DNA profile.

20 (Brief pause while Mr. Cude retrieves exhibits.)

21 MR. CUDE: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 Q. Ms. Stanley, I'm handing you State's Exhibits 23,
24 6, 16, 15, and 14. Can you look at those and tell me if you
25 recognize those?

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1 (Brief pause while witness examines exhibits .)

2 A. I recognize all of them.

3 Q. And how do you recognize them?

4 A. Again, I'm looking for my case identifiers, the
5 item number to correspond with my chain of custody. This is
6 where I have sealed this package.

7 This is my initials and the date that I would've
8 made that seal.

9 On the inside, you can see on the bottom of item
10 17, which is State's Exhibit 6, my case number, my item
11 number, my initials, and the date.

12 Q. Were all of those items in a heat sealed pouch when
13 you received them?

14 A. Yes, they were.

15 Q. Was there any sign of tampering?

16 A. No, there wasn't.

17 Q. Let me -- when you're done with testing these
18 items, do you secure them in any way?

19 A. I would place them back into the packaging it came
20 in, be it an envelope, a box. I place it back inside of the
21 heat sealed pouch and make my own seal and sign it.

22 Q. And -- and, again, just those -- those items I
23 just handed you, did you make any marks on the envelope
24 inside the pouch on those items?

25 A. I did.

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1 Q. And just generally what did you mark on there?

2 A. I would have marked my case number, my item
3 number, my initials, and the date.

4 Q. And can you tell -- can you tell me what those
5 items that I've handed you are supposed to be?

6 A. These corresponded to my item 13, a buccal swab
7 from Lauri Hollis; my item 14, a buccal swab from Feishunti
8 Clark;

9 My item 15 is a buccal swab from Charles Anderson;
10 my item 16, is a buccal swab from Quartez Lyles. And my item
11 17, a buccal swab from Charles Jackson, Jr.

12 MR. CUDE: Your Honor, may I approach the witness
13 to recover those at this time?

14 THE COURT: Yes, you may.

15 (Mr. Cude retrieves exhibits.)

16 MR. CUDE: Actually, Your Honor, at this time I
17 like to move State's Exhibit 23 into evidence. I don't -
18 - I don't think that it's previously been moved in.

19 THE COURT: Is it in evidence?

20 COURT REPORTER: It is.

21 THE COURT: We have it in.

22 MR. CUDE: I'm sorry, Your Honor. Again, if I may,
23 I'd like to move State's Exhibit 6 in if it was not
24 previously been moved in.

25 COURT REPORTER: I have 6 in.

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1 THE COURT: We have 6 in.

2 MR. CUDE: I apologize, Your Honor.

3 Q. (By Mr. Cude) And did you analyze the buccal
4 swabs that you just looked at?

5 A. Yes. The items that you just handed me I would've
6 done DNA analysis.

7 Q. And what do you do when you analyze these buccal
8 swabs?

9 A. I take a small cutting and attempt to get a DNA
10 profile from those items and compare that to the DNA profile
11 of evidence.

12 Q. Okay. And did you analyze these gun swabs I
13 previously handed to you?

14 A. Yes, I did.

15 (Brief pause while Mr. Cude retrieves exhibits.)

16 Q. All right. Did you analyze the swab from the
17 trigger, did you analyze the swab from the trigger?

18 A. The swab from the trigger is my item 19, and yes,
19 I did.

20 Q. Okay. What was your finding?

21 A. The partial DNA profile developed from item 19
22 matches the DNA profile of Charles Anderson. The probability
23 of randomly selecting an unrelated individual having a DNA
24 profile matching this item is approximately one (1) in 200
25 million.

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1 Q. Can you explain to me what that number means?

2 A. There's approximately 6 ½ billion people on the
3 planet. There is approximately a little over 300 million in
4 the United States.

5 So, I'm saying that the probability of randomly
6 selecting an individual that would have a DNA profile matching
7 the partial DNA profile that I developed, is one in 200
8 million.

9 Q. Okay. And just to be clear, what was -- where did
10 you get the source of -- where did you get this DNA profile
11 for Charles Anderson that you developed?

12 A. The buccal swab that I used was my item 15. And
13 it was buccal swabs from Charles Anderson.

14 Q. And was that in this group that I handed to you?

15 A. Yes, I believe it was.

16 Q. Okay.

17 (Brief Pause)

18 Q. And did you analyze a swab from the grip? I
19 believe that -- would that be your item 20?

20 A. Yes, I did. Swabs from the grip, my item 20.

21 Q. Okay. What was your finding in that?

22 A. The DNA profile developed from item 20 is a
23 mixture of at least three individuals. Charles Anderson
24 cannot be excluded as a possible contributor to this mixture.

25 The probability of randomly selecting an unrelated

1 individual that could contribute to this mixture is
2 approximately one in three.

3 Lauri Hollis, Feishunti Clark, Quartez Lyles, and
4 Charles Jackson, Jr. are excluded as possible contributors to
5 the mixture.

6 Q. And just -- just to be clear, what was your source
7 of information for excluding those others; Lauri Hollis,
8 Feishunti Clark, Quartez Lyles?

9 A. Those were the buccal swabs that I received, my
10 items 13, 14, 15, 16, and 17.

11 Q. And what does it mean to say Mr. Anderson can't be
12 excluded from the DNA sample on the grip?

13 A. It may help if I explain a mixture first. A DNA
14 mixture just means there's more than one person's DNA on an
15 item.

16 If we're saying that somebody cannot be excluded,
17 there's enough of their DNA profile there that I'm not able to
18 say they definitely did not contribute. And then we assign a
19 statistic just to give weight so to determine, if it is a
20 match, how it's significant.

21 Q. And did you examine a swab from -- said to be from
22 a magazine release that would be your item 22?

23 A. Yes, I did. The magazine release is my item 22.

24 Q. Okay. And what were your results?

25 A. The partial DNA profile developed from item 22 is

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1 a mixture of at least two individuals. No conclusive
2 statement can be made regarding the inclusion or exclusion of
3 Charles Anderson as a possible contributor to this mixture.

4 Lauri Hollis, Feishunti Clark, Quartez Lyles, and
5 Charles Jackson Jr. are excluded as possible contributors to
6 this mixture.

7 Q. Did you analyze item 21? Can you tell us what
8 item 21 is?

9 A. My item number 21 is swabs from a magazine.

10 Q. Okay. And what was the finding of that?

11 A. The partial DNA profile developed from item 21 is
12 from a second unidentified male individual.

13 Q. Okay. And just to be clear, that would not be Mr.
14 Anderson?

15 A. No, it would not.

16 Q. And it would be any of the other swabs entered
17 into evidence?

18 A. No. I would have made a comparison and this is an
19 unidentified profile.

20 Q. And just to be clear, we've been talking about a
21 lot of swabs. The analyses that you performed, were they all
22 based on these swabs that have been submitted into evidence?

23 A. Yes, they are.

24 Q. Okay. Can I ask: And how likely is it that a
25 person can handle an item like a firearm and leave DNA? Is it

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1 possible to handle it and not leave DNA?

2 A. It depends on the person, their circumstances, if
3 they are sweating, if they're shedding skin cells.

4 When we're talking about touch DNA, it's the skin
5 cells that you would leave behind after handling an item.

6 So, if I'm touching this bench, I may or may not
7 leave DNA behind. The person before me could have left DNA.
8 The person after me could leave DNA.

9 So it just depends on the person; if they're
10 sweating, some different environmental factors such as that.

11 Q. And just briefly, ma'am, your item 19, can you
12 just remind us what that is a swab from?

13 A. My item 19 is swabs from the trigger.

14 Q. And did you find a mixture on that item, on the -

15 A. I did not. The partial DNA profile developed from
16 item 19 matched the DNA profile of Charles Anderson.

17 MR. CUDE: Thank you. And, Your Honor, just out
18 sake of caution, I believe it's all been entered in, but
19 I would like just to be sure I've entered State's
20 Exhibits 18 through 22.

21 THE COURT: Why don't you step over to the Court
22 reporter and check to see if anything that's missing.

23 (Mr. Cude complied with the Court's suggestion.)

24 MR. CUDE: Thank you, Your Honor. Your Honor, I
25 don't have any other questions for Ms. Stanley.

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1 THE COURT: Mr. Thompson, your witness.

2 MR. THOMPSON: May it please the Court, Your Honor?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION by MR. THOMPSON: 10:59 A.M.

5 Q. Ms. Stanley, it would be safe for me to say that the
6 DNA would be the building block for all of our -- our -- our
7 genetic makeup, correct?

8 A. Yes.

9 Q. Okay. And, then, that would include -- when --
10 when you swab you're basically taking cells from the inside of
11 an individual's cheek; is that right?

12 A. For a buccal swab?

13 Q. Yes.

14 A. Yes. A buccal swab is collected using taking two
15 sterile swabs rubbing the inside of a person's cheek to
16 collect DNA.

17 Q. All right. So -- and basically you're taking
18 cells, the cells of the -- is it the cells of the individual;
19 is that what you're studying or...?

20 A. Yes.

21 Q. Okay. And DNA is part of that, correct?

22 A. Uh-huh (affirmative), yes, sir.

23 Q. Now you indicated that by touching something I
24 could leave my DNA or -- or maybe not, correct?

25 A. That is correct.

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1 Q. You indicated that on -- I think it would be
2 transmitted through body fluid; is that correct?

3 A. Generally what you're leaving behind are
4 epithelial cells or skin cells.

5 Q. Okay. Okay. And probably the -- the -- the most
6 prevalent area of skin cells would be someone's clothing or
7 the bed where they lay, right?

8 A. Skin cells could be transferred from -- directly
9 from a person's skin. It could be transferred to clothing.

10 It can be transferred by sitting in, you know, the
11 same chairs or handling the same objects as well.

12 Q. Okay. So, if I sit in a chair that's got someone
13 else's DNA on it, there's a risk that it will get all onto my
14 clothing or something?

15 A. It could.

16 Q. Okay. Now -- so -- so you agree that it's
17 transferable?

18 A. Yes.

19 Q. Okay. And, then, are there -- what preventive
20 measures are there to keep me from transmitting my -- or
21 transferring my DNA to someone else?

22 A. In what aspect?

23 Q. Let's say I want to conceal my touching this
24 podium. How -- how would I do that ---

25 A. Ah ---

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1 Q. --- to keep my DNA from being attached to that?

2 A. What we do in the laboratory, we wear lab coats.
3 We have gloves that we change often to keep DNA from
4 spreading. We would change between items, between cases for
5 sure.

6 We're cleaning our surfaces. So before I'm going
7 to put out any sort of evidence, I would wipe down the
8 surface. I want to make sure I'm cleaning instruments in
9 between.

10 If I did not want to leave DNA on the podium, I
11 would not touch the podium. I would clean the podium and I
12 would probably wear gloves.

13 Q. Okay. So the coats basically prevent it from --
14 your skin from getting in contact with something? That would
15 be a barrier between your cells touching that item, correct?

16 A. Yes. It keeps us from touching the evidence, but
17 it also keeps biologicals away from us.

18 Q. Okay. And, then, you say you clean the items or
19 you wipe them down. What do you clean them with?

20 A. We use just a common cleaner or a ten percent
21 (10%) bleach solution.

22 Q. Okay. Now I think yesterday we had an officer
23 testify this gun was probably twenty (20) years old. Now
24 throughout the twenty (20) years, there has to have been
25 several handlers.

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1 How would -- how -- how does not all that DNA show
2 up?

3 A. It depends on if a person has left DNA, number
4 one. Just because a new person has picked up an item or
5 touched an item, it doesn't erase the fact that other people
6 have touched it they have left DNA.

7 You can think of DNA as an additive effect. The
8 more people that handle it, the more DNA you should expect.
9 But it's going to depend on if those individuals are leaving
10 skin cells.

11 Q. And -- but is -- is it your testimony that it
12 could be cleaned over -- over the process of time? And it
13 gets -- a gun gets cleaned and wiped down or oiled, that type
14 of thing. Could that erase the DNA? Is that where that DNA
15 goes?

16 A. It could wipe DNA off of it surely until the next
17 time that it is touched.

18 Q. All right. And, then, normally the easiest way to
19 detect the DNA would be a person -- the last person who would
20 be in contact with it maybe?

21 A. Not necessarily. It depends on if that person
22 left skin cells, if the people before that person left skin
23 cells. It could be a DNA mixture or we could get a multiple
24 source profile.

25 Q. Is it possible to touch a gun or -- or handle

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1 something -- if I take these precautions you're discussing, is
2 it possible I could not leave my DNA on that gun if I
3 transferred it to someone else?

4 A. If you're wearing gloves and a mask and a coat,
5 you know, I wouldn't think -- if your gloves are clean and you
6 handed the gun off, you should not leave DNA.

7 Q. And, then, I believe you linked Charles Anderson
8 to the trigger swab; is that correct?

9 A. The trigger swab was my item 19 and I developed a
10 partial DNA profile that matches the DNA profile of Charles
11 Anderson.

12 Q. Okay. When you say a partial profile, what does
13 that mean?

14 A. We test fifteen (15) locations on our DNA. And I
15 was not able to get a result at every location. So I had some
16 partial information.

17 Q. And, then, I think the grip you said you --
18 indicated three people?

19 A. The grip is my item 20 and the DNA profile
20 developed from item 20 is a mixture of at least three
21 individuals.

22 Q. And you said Charles Anderson could not be
23 excluded as a possible contributor, correct?

24 A. Correct. Charles Anderson cannot be excluded as a
25 possible contributor to this mixture.

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1 Q. Okay. But -- so, you can verify that three --
2 there are three profiles on that, correct? On that grip,
3 correct?

4 A. The DNA that I obtained would have come from at
5 least three individuals.

6 Q. All right. And, then, but you -- you can't make a
7 solid finding on 20 -- 20 as you did on 19? Would that be
8 accurate?

9 A. Twenty (20) is a mixture. Sometimes with mixtures
10 we're able to pull out a major contributor who contributed
11 more DNA or a minor contributor, who contributed less DNA.

12 In this case I was not able to do that. I'm just
13 seeing a DNA mixture. And I was not able to exclude Charles
14 Anderson as a possible contributor.

15 Q. Okay. And, then, your item 22 is the magazine
16 release?

17 A. Yes, my item 22 is a magazine release.

18 Q. Two individuals involved with that?

19 A. The partial DNA profiles developed from item 22 is
20 a mixture of at least two individuals.

21 Q. And, then, no statement can be made regarding
22 inclusion or exclusion of my client, Charles Anderson,
23 correct?

24 A. No conclusive statement can be made regarding the
25 inclusion or exclusion of Charles Anderson as a possible

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1 contributor to this mixture.

2 Q. And, then, I think you went onto your -- 21 is the
3 magazine, right?

4 A. My item 21 were swabs from a magazine.

5 Q. Okay. And that was -- you didn't tie that to Mr.
6 Anderson, did you?

7 A. No, I did not. The partial DNA profile developed
8 from item 21 is from a second unidentified male individual.

9 Q. When you say a second identified -- unidentified
10 male, you mean there's two DNA profiles on there?

11 A. Just earlier in the report I would have had
12 another profile that was from a different unidentified.

13 Q. Okay. And -- and you went on and you -- you got a
14 Minute Maid bottle also that you analyzed; is that correct?

15 A. The Minute Maid bottle was my item 7.

16 Q. Okay. Right. And that was -- matched the victim,
17 Mr. Means, correct?

18 A. The DNA profile developed from Item 7
19 matches -

20 MR. CUDE: Objection. We're getting in an area
21 that hadn't been introduced into evidence. Can we
22 approach, Your Honor?

23 THE COURT: Yes, you may.

24 (Whereupon, a bench conference was had with all
25 attorneys present.)

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1 THE COURT: You may proceed, Mr. Thompson.

2 MR. THOMPSON: Thank you, Your Honor.

3 Q. (By Mr. Thompson) Ms. Stanley, the Minute Maid
4 bottle, can you tell us?

5 A. The DNA profile developed from item 7 matches the
6 DNA profile of Stephen Means. The probability of randomly
7 selecting an unrelated individual having a DNA profile
8 matching this item is approximately 1 in 63 quadrillion.

9 Q. Okay. Now why would you be given a cup? That
10 would be basically a cup from the crime scene, correct?

11 A. It should have been an evidence item, correct.

12 Q. And, then, there is also a -- a cup -- I mean, a
13 -- the Minute Maid bottle was at the crime scene. And there's
14 also a cup at the scene that you analyzed as well, right?

15 A. I have two (2) cups.

16 Q. Okay. And the first cup, your item 6 ---

17 A. My item 6 were swabs from a Styrofoam cup.

18 Q. Yes. And what were your results on that?

19 A. The DNA profile developed from item 6 is a mixture
20 of at least two individuals. The DNA profile developed from
21 the major contributor is from an unidentified male individual.

22 The partial DNA profile developed from the minor
23 contributor is insufficient for reliable interpretation.

24 Q. That's probably where that first male came in
25 whereby you referenced a second male?

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1 A. Yes, sir, it is.

2 Q. Okay. So that cup has two people's DNA on it.
3 okay. Do you recall what that cup was made of?

4 A. My item 6 are swabs from a Styrofoam cup, labeled
5 number six (6).

6 Q. Okay. And, then, you had an item 5 was another
7 cup; is that correct?

8 A. Yes. My item 5 results from a Styrofoam cup
9 labeled item number five (5).

10 Q. Okay. And, then, you had an item 18 that you
11 analyzed; and what was that?

12 A. My item 18 were swabs from a de-cocking lever and
13 a hammer.

14 Q. And that was from the same gun, correct?

15 A. I believe so. According to my notes, it has the
16 same serial number.

17 Q. Okay. And what was your finding on 18, the de --
18 the -- the lever?

19 A. The partial DNA profile developed from item 18 is
20 insufficient for reliable interpretation.

21 Q. Okay. So -- but there is DNA there?

22 A. There is DNA there, I'm just not able to make an
23 interpretation based on it.

24 Q. Okay. So, that concluded all of your -- all those
25 items? I think you had 1.11 and, then, you had 5, 6, 7, 13,

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1 14, 15, 16, 17, 18, 19, 20, 21, 22. That -- you've got
2 everything in there except for I think you said no analysis
3 was performed on 1.1 or 3 or 4?

4 A. No analysis was performed on 1.1, my item 3, and
5 my item 4.

6 Q. Okay. So there was a swab taken from the
7 sidewalk?

8 A. Yes that is -- it corresponds with my item Number
9 3.

10 Q. Okay. And -- and did you just not test it or was
11 it insufficient? What was -- what was ---

12 A. It was not tested.

13 Q. And why was that not being analyzed?

14 A. I don't remember in this particular case. I would
15 have to check my notes. Sometimes it's per a request. We
16 don't analyze all items that are submitted to us.

17 Sometimes it is if there's -- if it's not
18 probative evidence it wouldn't be. Sometimes it's just on my
19 packing slip a request that it wouldn't be. I don't remember
20 particularly in this case.

21 Q. So that was one from the sidewalk and one from the
22 grass. And I assume that would be body fluids? I mean, I
23 don't know. Do you know -- do you recall?

24 A. I didn't test it, so, I can't say that it is or
25 not.

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1 Q. Okay. And, then, so -- so I leave DNA behind, we
2 agree -- we determined it can be transferred from my hand to
3 this -- to my -- let's say my chair at home?

4 And, then, if my child sits in my chair he could
5 take some of my cells with him and that DNA can be transferred
6 in that manner, correct?

7 A. It can be transferred. He would more than likely
8 pick it up on his clothing.

9 Q. Okay. And the -- is it -- but now it's got to be
10 either body fluid or cells; is that correct?

11 A. Yes.

12 Q. Okay. And, then ---

13 MR. THOMPSON: No more questions. Thank you.

14 THE COURT: Mr. McCarty, your witness.

15 MR. MCCARTY: May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS EXAMINATION by MR. MCCARTY: 11:12 A.M.

18 Q. Ms. Stanley, when you are developing these
19 profiles, is there a difference between a man's and woman's
20 DNA profile, something readily apparent?

21 A. Yes, there is.

22 Q. Based on chromosomes?

23 A. What we're seeing, if I'm developing a female
24 profile, I will get an X. If I'm developing a male profile,
25 the result would have an X and a Y.

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1 Q. So, anything where you have an unidentified person
2 -- and I've -- I've got a copy of your report. And I'm going
3 to reference item number 6 in your results section. You have
4 an unidentified male in item number 6.

5 A. Yes.

6 Q. You can tell, even though you don't know who that
7 belongs to, that it is a man; am I right?

8 A. I can tell that there is male DNA. In that one I
9 was able to pull out the major contributor and that would have
10 been from a male individual.

11 Q. So there is a difference that you can -- under
12 your scientific experience, knowledge, training, and
13 experience, tell the difference between a man and woman as far
14 as DNA is concerned?

15 A. We can tell a difference. We go a little bit
16 conservative on our reports.

17 Q. Uh-huh (affirmative).

18 A. If it is only an X, we would not say it's
19 necessarily from a female individual, just in case for
20 mutations and that sort of biological matter. But, if it has
21 an X and a Y, it would be from a male individual.

22 Q. I understand. And, when you create these
23 profiles, of course you had item number 13, which is Lauri
24 Hollis's buccal cell swab.

25 That's a one hundred percent (100%) DNA profile to

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1 develop; am I correct? You get all your fifteen (15) points
2 out of that usually?

3 A. We can on buccal swabs. Sometimes there is
4 something wrong with standards. In this case, I was able to
5 develop a full profile.

6 Q. So you had a full profile for her. And, in all of
7 your results, whether it's the swab from the trigger, the --
8 anything related to this weapon, her profile, either partial
9 or full, does not appear on any of that; am I correct?

10 A. For the mixtures, I was able to exclude her. I
11 don't have anything matching her on any of the items that
12 we've talked about today.

13 Q. Thank you. Just one more question: This is an
14 item you haven't been asked, but an item that was submitted to
15 SLED was actually item number 10 in SLED's report. It's
16 State's Exhibit Number 7 here. It's a purple shirt. That's
17 not in your report, is it?

18 A. No, it's not.

19 Q. You weren't asked to test that, were you?

20 A. No.

21 Q. So you can't form any opinion or basis as to
22 whether not that shirt was ever worn by, has cells, DNA,
23 whatever, has anything related to Lauri Hollis, can you?

24 A. I did no analysis on that shirt, so, I can't make
25 any interpretations.

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1 MR. MCCARTY: Thank you. Nothing further of Ms.
2 Stanley. Thank you.

3 THE COURT: Mr. Cude, you may redirect.

4 MR. CUDE: Thank you, Your Honor.

5 THE COURT: Yes, sir.

6 REDIRECT EXAMINATION by MR. CUDE: 11:15 A.M.

7 Q. Ms. Stanley, Mr. Thompson asked you about a number
8 of items, swabs from a Styrofoam cup and swabs from a Minute
9 Maid bottle. Are those your items 5, 6, and 7?

10 A. Yes. The Styrofoam cups are 5 and 6. And seven
11 is the Minute Maid bottle.

12 Q. Do you have information whether those were
13 submitted to you separately from the gun swabs?

14 A. I would have to check my chain of custody to see
15 which container they were in.

16 Q. Do you have that with you?

17 A. I do.

18 (Brief pause while witness examines document.)

19 A. Items 5, 6, and 7 would have been located in
20 container "B." And the other items from the gun were located
21 I believe in container "F."

22 Q. Does that indicate -- were they submitted to you
23 at different times?

24 A. Not necessarily. I would have to check that.

25 (Brief pause while witness examines document.)

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1 A. I picked up container "B" and container "F" on
2 April 30th of 2012.

3 Q. Okay. And they were -- do they have the same SLED
4 lab number?

5 A. Yes, they would.

6 Q. And does that indicate just they were assigned as
7 part of the same case?

8 A. All evidence that is part of one case comes in
9 under one lab number.

10 Q. Okay. Mr. Thompson asked you if the gun in
11 question is twenty (20) years old, you know, he asked you
12 about how many handlers that gun might have had leaving DNA.

13 Do -- do you -- you don't know yourself how old
14 the gun is, do you?

15 A. I never saw the gun.

16 Q. And you don't -- you have -- you don't have any
17 idea how many handlers this gun may or may not have had, do
18 you?

19 A. I do not.

20 Q. Okay. Now there were questions on cross-
21 examination just about whether certain items were tested. I
22 mean, does SLED have a policy about how many submissions
23 they'll take from an agency?

24 A. We do. We go by guidelines. Generally, in
25 property crimes cases, we would analyze two (2) items.

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1 Homicide or violent crimes we would analyze five (5). And in
2 sexual assaults we would analyze sexual assault kits and the
3 pair of panties that is submitted with the kit.

4 Q. And, I mean, will you all exceed that limit if
5 you're asked to by an law enforcement agency?

6 A. Yes, we will.

7 Q. But let me ask: Just in your experience, have you
8 ever questioned the law enforcement agency or the prosecutor
9 just about whether it's necessary on your end? I mean, do you
10 all have guidelines about whether it's necessary or advisable
11 to test certain items?

12 A. We would call and find out more information about
13 items, but it's really their evidence and we're just trying to
14 develop DNA profiles.

15 Q. There were questions on cross-examination just
16 about whether a person could pick up DNA from sitting in a --
17 could pick up another person's DNA from sitting in a chair.
18 Is -- do you remember that question?

19 A. I do.

20 Q. Well, let me ask again: Hypothetically, if my DNA
21 profile was found on a swab from a trigger of the gun, I mean,
22 is it possible that was from my holding the gun and pulling
23 the trigger?

24 A. It could be.

25 MR. CUDE: Okay. Thank you. That's all have, Your

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1 Honor.

2 THE COURT: Mr. Thompson, anything further?

3 MR. THOMPSON: Just briefly, Your Honor.

4 THE COURT: Yes, sir.

5 RECROSS EXAMINATION by MR. THOMPSON 11:18 A.M.

6 Q. Ma'am, it'd be possible for my DNA to be on that
7 trigger if I spit on it, wouldn't it?

8 A. It could be.

9 Q. Okay. So, if I had some dead cells in my bed and
10 I put that gun in my bed, and my skin cells were there, would
11 that transfer to that trigger possibly?

12 A. It could be. And it's -- it's ---

13 Q. Okay.

14 A. --- transferable.

15 Q. Okay. And when we go to item 6 and 5, those are
16 those cups, correct?

17 A. Yes. Items 5 and 6 are the Styrofoam cups.

18 Q. Okay. So -- and those -- those came to you on the
19 same day as the gun -- the gun items, correct?

20 A. Yes, they did.

21 Q. So, when you -- when you indicate on item 6
22 there's two people in the DNA profile developed and a major
23 contributor is from an unidentified male, does that mean that
24 you've got good DNA, you just don't have a swab that matches
25 that?

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1 A. Item 6 was a mixture of at least two individuals.
2 The DNA profile developed from the major is from an
3 unidentified male.

4 I would have compared all the standards that I had
5 available to see if it could have originated from one of those
6 individuals. And, in this case, it's still an unidentified
7 profile.

8 Q. All right. Okay. So it didn't match Charles
9 Anderson?

10 A. No.

11 Q. And it didn't match Ms. Hollis?

12 A. No.

13 Q. To Feishunti Clark, Quartez Lyles, or Charles
14 Jackson, correct?

15 A. Correct.

16 Q. Those are the five subjects you had?

17 A. Yes.

18 Q. Okay. So that cup, those two cups and that Minute
19 Maid bottle have no DNA that linked my client to either of
20 those items, correct?

21 A. No, they don't.

22 MR. THOMPSON: Thank you, ma'am.

23 THE COURT: Mr. McCarty?

24 MR. MCCARTY: Briefly.

25 RECROSS EXAMINATION by MR. MCCARTY:

11:20 A.M.

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1 Q. Ms. Stanley, you said that typically you do five
2 (5) items in a homicide case. Here I see there's eight (8);
3 am I correct?

4 A. Yes, there's eight (8).

5 Q. Okay. And it's the State who makes those requests
6 for you; am I right?

7 A. If the State is the one that submitted the
8 evidence; whoever submits the evidence.

9 Q. In this case the Spartanburg City Police
10 Department submitted the evidence from what we've learned in
11 this trial. But they're the ones that request you to test
12 these items; am I right?

13 A. Yes.

14 Q. You don't have a dog in the fight as to what's
15 tested, where it came from, or what the results are; am I
16 correct?

17 A. I do not.

18 Q. But no one requested that you test that shirt; am
19 I right?

20 A. I did not test that shirt.

21 MR. MCCARTY: Thank you. Nothing further.

22 THE COURT: Mr. Cude, anything further?

23 MR. CUDE: Nothing further, Your Honor.

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

25 Thank you very much.

1 THE WITNESS: Thank you.

2 THE COURT: Any objection to the witness being
3 excused from the State?

4 MR. CUDE: None from the State, Your Honor.

5 THE COURT: Any from the Defense?

6 MR. THOMPSON: No, Your Honor.

7 MR. MCCARTY: (Shakes head negatively.)

8 THE COURT: Ma'am, you're free to go. Thank you
9 very much.

10 THE WITNESS: Thank you.

11 (Witness complied with the Court's request.)

12 THE COURT: The State may call its next witness.

13 MR. GRAY: The State calls Investigator Stokes.

14 THE COURT: Come forward, sir, to my left and be
15 sworn.

16 (Witness complied with the Court's request.)

17 (Whereupon,

18 INVESTIGATOR BRIAN STOKES

19 first being duly sworn, testified as follows:)

20 THE COURT: Once you're seated, sir, state
21 your name.

22 THE WITNESS: Douglas Brian Stokes.

23 THE COURT: Your witness, Mr. Gray.

24 MR. GRAY: Thank you, sir.

25 DIRECT EXAMINATION by MR. GRAY:

11:24 A.M.

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1 Q. Investigator Stokes, how long have you worked for
2 Spartanburg City?

3 A. Approximately twenty-five (25) years.

4 Q. And is that the extent of your law enforcement
5 experience?

6 A. Yes, sir.

7 Q. What have you done in that twenty-five (25) years?

8 A. I've been assigned to uniform parole. I've been
9 assigned to a stake-out squad, a housing complex unit, been a
10 member of the SWAT team and been a member of the criminal
11 investigation division.

12 Q. What are your duties and responsibilities now?

13 A. Criminal investigation division.

14 Q. And you were the lead investigator on this case?

15 A. That is correct.

16 Q. How did you get assigned to this case?

17 A. I was working second shift on April the 7th, 2011
18 and received a call from our records division stating that
19 there was a -- a shooting at Oakview Apartments. And I
20 responded to that -- that incident and arrived at
21 approximately 1902 hrs.

22 Q. Were you ---

23 A. That's -- that 7:02.

24 Q. Were you the senior person at that time?

25 A. Yes. I was the senior investigator at -- at the

1 scene.

2 Q. All right. When you got there, what did you do?

3 A. Once I got to the scene, we -- of course, we tried
4 to -- the victim was already gone by the time I get to the
5 scene.

6 The crime scene is already marked up with caution
7 tape. And, of course, we start trying to identify witnesses.

8 Q. All right. Based upon your investigation, did you
9 develop any possible suspects?

10 A. Yes, we did. Suspects or...?

11 Q. Suspects.

12 A. At the initial arrival at the scene, we had to --
13 we had been given brief descriptions of -- or possible
14 description of people who had left -- who may have left the
15 scene. But no indication as to whether or not they were
16 actually the shooters.

17 You know, there was -- naturally, when the -- when
18 the -- when someone started shooting, there was chaos and
19 people running.

20 Q. Okay. So initially no snap judgment who shot Mr.
21 Means or...?

22 A. No. Like I said, we started canvassing the area,
23 went door-to-door knocking on doors, leaving our business
24 cards. In those kinds of situations, people don't want to be
25 seen talking to the police directly.

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1 So we offer our business cards. We also printed
2 flyers. The next day we distributed those.

3 But, like I said, that night we went door-to-door
4 passing out business cards in the hope that -- that people
5 would call back at a later date where they had some kind of
6 level of security, away from the sight of everybody else
7 talking to the police.

8 Q. So your goal is not to establish possible wit --
9 defendants, but to establish possible witnesses?

10 A. Both at that time.

11 Q. All right.

12 A. As far as we knew, there were no defendants on the
13 scene. So naturally we were -- we're focusing on the
14 potential witnesses.

15 Q. All right. Did you develop potential witnesses?

16 A. Yes. We talked to some people that were
17 positioned in a car outside when the shooting occurred. We
18 also talked to the victim's sister, Ms. Means, but she
19 indicated that she wasn't -- she didn't phys -- physically
20 view the incident; she only heard the shot and responded
21 outside.

22 Q. All right. You also talked to I believe Ms.
23 Bogan?

24 A. Ms. Bogan, yes, I did. I spoke to Ms. Bogan and
25 also with Latrica Miller -- I'm sorry, Latrica Martin.

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1 Q. At that time, did you develop a -- a list of
2 possible suspects?

3 A. We did. A Romero Ramirez, a Damien Ramirez, a
4 Alice Faye Carroll, a Perry Cr -- Perry Crain, Molly Bogan,
5 and Latrica Martin.

6 Q. Those were possible witnesses?

7 A. Possible witnesses.

8 Q. Okay.

9 A. Was that --

10 Q. That's all right.

11 A. Was that not your question?

12 Q. No, not exactly.

13 A. I'm sorry.

14 Q. You talked to them and other witnesses I'm
15 assuming?

16 A. Yes. We received numerous 911 calls and numerous
17 calls to my cell phone, Crime Stoppers, after we distributed
18 business cards and the -- and, of course, distributed the
19 fliers we made requesting information as to the potential
20 suspects in this crime.

21 Q. All right. Did you find a list of potential
22 defendants?

23 A. Yes.

24 Q. Okay.

25 A. Most of those -- all of those information tips we

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1 received named the people by nicknames.

2 Q. Nicknames?

3 A. Nicknames.

4 Q. All right.

5 A. No actual names just -- they only knew them as
6 nicknames.

7 Q. All right. Nothing on the birth certificates?

8 A. No, not the -- not their, as we referred to it as
9 their government name that's on their Social Security cards.

10 Q. All right. Once you got these nicknames, what did
11 you do?

12 A. We started developing potential suspects through
13 the nicknames and we started organizing photo lineups and
14 distribute to potential witnesses for identification purposes.

15 Q. All right. Did you ever -- did you continue to
16 talk to witnesses?

17 A. We did.

18 Q. Did you find about possible I guess government
19 names for potential defendants?

20 A. We did.

21 Q. All right. What were those names?

22 A. Feishunti Clark was a possible suspect. Charles
23 Anderson, Jr. was a possible suspect. And Lauri Danielle
24 Hollis was a possible suspect, Quartez Lyles and Kevin --
25 Charles Kevin Jackson, Jr.

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1 Q. All right. Did -- did you talk to any of these
2 individuals?

3 A. I talked to all the -- all of the defendants.

4 Q. All right. After talking to them, and to
5 witnesses, did your arrest anybody?

6 A. Yes.

7 Q. Who did you arrest?

8 A. We arrested -- the first person to be arrested was
9 Feishunti Clark. He came in. He was -- he was extremely
10 cooperative. And, through our investigation, it was
11 determined that he was not involved.

12 And -- but based on those interviews, Ms. Hollis
13 was -- was the next one. She came and turned herself in once
14 it was -- once the information was put out to the news media
15 who we were seeking for the -- for the crime. And Ms. Hollis
16 was the first to come turn herself in.

17 Q. All right.

18 A. Mr. Anderson was arrested and brought to City
19 Hall. And Mr. Lyles was next brought to City Hall. And it
20 was several days later before Mr. Jackson turned himself in.

21 Q. All right. We've had a lot of testimony here
22 about I guess some CSI stuff in this case. Would you be the
23 one to direct what officers to go out and collect these swabs
24 and other things?

25 A. Myself and investigator Guthro were -- were at the

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1 scene. And all the items that were recovered were recovered
2 -- recovered as a course of action.

3 We don't -- we weren't there when the shooting
4 happened, so, we don't know if the Minute Maid bottle is part
5 of the crime.

6 We assume the shell casing is part of the crime
7 because we know we're working a shooting and there's a shell
8 casing at the scene. So naturally we're going to recover it.

9 There -- the two (2) cups were actually recovered
10 at the scene because they're in close proximity. We don't
11 know if a potential suspect had those. So it's took -- it's
12 taken under the normal course of action ---

13 Q. All right.

14 A. --- during the investigation because we can't --
15 we can exclude it, but at that time we don't have evidence
16 that it's involved. But we don't want to lose that.

17 Q. That's understandable. What about the search of
18 Mister -- Ms. Hollis's home?

19 A. I wasn't present during the search of Ms. Hollis's
20 home.

21 Q. Okay.

22 A. That was done by officers of the victim -- the
23 violent crime task force assigned to the Spartanburg Public
24 Safety Department.

25 Q. What about these clothes that were taken from Ms.

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1 Hollis's car -- Ms. Hollis mother's car? Excuse me.

2 A. They were taken -- they were given to -- it's my
3 understanding they were given to the officers on the scene at
4 Cemetery Street voluntarily.

5 Q. As -- as Ms. Hollis's clothing?

6 A. As Ms. Hollis's clothing.

7 Q. Including the purple shirt?

8 A. That's correct.

9 Q. All right. Let's talk about Mr. Anderson's search
10 of his home. Did you authorize that or request that in any
11 way?

12 A. Yes.

13 Q. I guess from getting some leads or some tips or
14 some other things?

15 A. Once -- once he was brought to City Hall, once he
16 was arrested and brought to City Hall to be interviewed, then,
17 we requested consent to search his -- his room at this house.

18 Q. Okay.

19 MR. GRAY: One moment, Your Honor.

20 THE COURT: Yes, sir.

21 (Off-the-Record Discussion)

22 Q. (By Mr. Gray) Let me show you what's been marked
23 as item -- State's Exhibit Number 3 and ask you if you
24 recognize this.

25 A. I do.

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1 Q. What is that, sir?

2 A. This is a consent to search from Spartanburg
3 Public Safety Department for the address at [REDACTED]
4 [REDACTED], Spartanburg, South Carolina, the room of Charles
5 Anderson.

6 Q. All right. Did you write that up?

7 A. I did.

8 Q. The room of Charles Anderson, does that document
9 show where it's located?

10 A. It does. The -- the -- there's a section here for
11 a description of -- for the premises being searched. And I
12 have -- I have listed "[REDACTED] Hillandale Road, Spartanburg, South
13 Carolina, the room of Charles Anderson."

14 Mr. Anderson intercalated -- indicated, while I was
15 talking to him, that his room was the last room on the right.
16 So I put a slash (/) mark at the end of "Charles Anderson's
17 draft -- "the room of Charles Anderson," a slash (/) mark, and
18 then put, "...last room on the right."

19 Q. And that's

20 A. And that was based on his -- his statement to me
21 that, that was his room.

22 Q. Okay. The gun was found in his house, his
23 mother's house, correct?

24 A. That is correct. A consent to search was also
25 obtained by his mother for the house.

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1 Q. And my understanding is she took the officers in
2 the house to his room?

3 A. They had -- that is correct. They told her they
4 wanted to search Charles' room, and he took her -- or she took
5 them to the -- to the last bedroom on the left.

6 Q. On the left?

7 A. On the left.

8 Q. But he told you it was the last room on the right?

9 A. That is correct.

10 Q. All right. Anyway, they found the gun in -- in
11 his room?

12 A. Yes, but it was definitely his room.

13 Q. All right. Was it on top of the bed, under the
14 bed?

15 A. Under the mattress.

16 Q. Under the mattress? Between the mattresses?

17 A. Yes.

18 Q. So it was not out for anyone to see?

19 A. No.

20 Q. And it was between the mattresses of Mr.
21 Anderson's bed?

22 A. Yes. They physically had to search for it.

23 Q. All right. Now the bullet that was tested by
24 SLED, did that come from the scene?

25 A. Are you talking about the -- the spent shell

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1 casing?

2 Q. No, not -- not the casing.

3 A. The actual projectile?

4 Q. Yes, sir.

5 A. Yes, it is taken by SLED.

6 Q. Okay. It was taken by SLED where? Where -- where
7 -- where did it come from?

8 A. From Mr. Means' body.

9 Q. From Mr. Means' body?

10 A. Yes, Stephen Means' body during the autopsy.

11 Q. And the shell casing?

12 A. Was from the scene.

13 Q. Three different locations -

14 A. Yes.

15 Q. --- the gun, the shell casing, and the spent
16 projectile?

17 A. Yes.

18 Q. They all went down to SLED together?

19 A. Yes.

20 Q. Was that at your direction?

21 A. Yes, it was.

22 Q. All right. What other types of test did you want
23 SLED to perform?24 A. We were told that we had to decide what was most
25 important to us due to the limited number of items they will

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1 test per ---

2 MR. THOMPSON: Well object to hearsay, Your Honor.

3 THE COURT: I haven't heard him quote anyone.

4 Overruled.

5 A. When we submit the items to SLED, they give us
6 direction on how many items they will take from the -- from a
7 specific case.

8 You may send down twenty (20), but they're only
9 going to test five (5) to six (6) of those items at one time.
10 You can submit them at a later date, but they -- they don't
11 want -- really they only want to test five (5) -- five (5) to
12 six (6) items, whatever is the most important items.

13 You know, they -- they collect items and test
14 items for the whole entire state and naturally they're
15 backlogged. So this is their way of trying to cut down on us
16 sending a hundred (100) items on one case to be tested.

17 Unfortunately, that's -- that puts us in a box
18 sometimes where it's -- it's initially hard to determine what
19 is the most important items that you need to be tested at one
20 time.

21 Q. I understand.

22 A. You just have to go with your gut feeling of what
23 you feel is the most important items to be tested.

24 Q. So you could send five (5) items in this case in
25 2011?

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1 A. Yes.

2 Q. And some more items maybe in two -- in 2012?

3 A. Yes.

4 Q. Now ---

5 A. You can -- you can submit as many items as you
6 want, but they're only going to test whatever -- whatever
7 those couple of items -- whatever their selection is; five
8 (5), six (6).

9 Once -- once they choose what they're going to do,
10 they're going to send everything else back.

11 Q. That wouldn't necessarily indicate a delay on your
12 part ---

13 A. No.

14 Q. --- would it?

15 A. You know, we -- we submit everything but, you
16 know, they decide what they're going to test. And -- and they
17 send back the rest.

18 Q. And you can't send any more items that you might
19 send until the first set of items has been tested and verified
20 and ---

21 A. Yes. There's -- there's no specific time limit on
22 when you're going to get those items back. You're at the
23 mercy of their backlog of when you get this items back, when
24 they have an opportunity to test them and send them back.

25 Q. And you can't send any more?

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1 A. No.

2 Q. All right.

3 (Brief Pause)

4 MR. GRAY: One moment, Your Honor.

5 Q. Now I want to ask you about the buccal swabs.

6 Were you present when the swabs were taken from Mr. Anderson
7 and Ms. Hollis?

8 A. Yes, also Feish -- Feishunti Clark. All of those
9 swabs were taken at the Spartanburg County detention facility
10 by Investigator/Forensic Tech Guthro. And I -- I accompanied
11 him to the jail to do those buccal swabs.

12 Q. And did he follow all the proper procedures?

13 A. He did. A consent to search form like this
14 (indicating) was filled out on each one. They submitted --
15 they -- they consented to the buccal swab being taken. And
16 one was taken by Investigator Guthro.

17 He donned gloves. He pulled out two Q-tips out of
18 a sterile pack, administered them between their cheek and gum
19 and took those and addressed -- initialed -- you know,
20 directly put those into a carton, sealed it up, put the
21 identifying marks on it, and put it into an evidence envelope.

22 Q. All right. And ---

23 A. And I -- and if I may add ---

24 Q. Sure.

25 A. --- the -- neither -- all three of them were done

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1 separately. Neither one of them were in -- were in the same
2 room at the same time. They were all three brought and
3 individually done.

4 Q. All right. Item 3, did Mr. Anderson sign that?

5 A. Mr. Anderson signed it and I -- and I also
6 witnessed it. And that was done on -- on April the 12th, 2011.

7 Q. The consent to search his home?

8 A. Yes, his home.

9 Q. His -- and his room I guess?

10 A. And his room.

11 Q. I see a lot of evidence is here, a lot of cases.
12 What was the theory of the case?

13 A. The theory of the case?

14 Q. Yes, sir.

15 A. There's been a couple of different motives for the
16 case -- for the -- for this case or for the crime.

17 Naturally robbery appears to be one because items
18 were taken from the victim. And we've been -- also been told
19 that it was as a result of Mr. Means' involvement as maybe a
20 potential witness in a previous crime.

21 MR. MCCARTY: Your Honor, if I may object at this
22 point based on prior motion that we had earlier in this
23 case before any of this testimony was elicited.

24 THE COURT: Ladies and gentlemen of the jury, at
25 this point in time, I'm going to ask you to step back to

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1 the jury room.

2 Again, as always, I'll ask you not to begin any
3 discussions until I've asked you to do so. Thank you
4 very much.

5 (The jury exited the Courtroom at 11:37 a.m.)

6 THE COURT: Mr. McCarty, if you want to fully state
7 your objection, please?

8 MR. MCCARTY: Your Honor, if it may please the
9 Court, I'm basing this objection on Mr. Stokes' testimony
10 as elicited by the solicitor's questions regarding the
11 theory of the case.

12 I was hearing it out because I thought we might be
13 talking about the hand of one/hand of all trying to
14 establish that and that line of thinking.

15 But in fact Investigator Stokes replied directly
16 with regard to the incident we discussed in pre-trial
17 motions under the 404(b) objection I made prior to
18 starting of
19 trial, relating to the 2009 shooting in which Jonathon
20 Gibson was convicted of and how it related to these facts
21 as pertain to this case.

22 THE COURT: Well there's already been testimony in
23 the case that allegedly your client made a statement that
24 -- something about a snitch or something to that effect.

25 That's already in the record and was not objected

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1 to. So that -- that much is in the record that would
2 substantiate that type of testimony it would seem.

3 I didn't hear him refer specifically to any other
4 prior crime, which is what I did exclude.

5 MR. MCCARTY: You're correct, but I wanted to
6 object before we got into that point. And you are, Your
7 Honor -- Your Honor, I agree with you;

8 Molly Bogan testified that apparently something was
9 said about a snitch, but nothing more was flushed out on
10 that subject about what did she mean by it. Did she
11 describe it further or anything like that.

12 So what was said is left for the jury's consider --
13 consideration on that point. But here I think we were
14 getting into the area of collaborating -

15 THE COURT: Well I'll -- I'll caution the witness
16 and I'll caution Mr. Gray not to elicit testimony
17 concerning the prior incident in which it was alleged
18 that the victim may have been a snitch.

19 MR. GRAY: Yes, sir.

20 THE COURT: Do you follow what I'm saying?

21 MR. GRAY: Yes, sir, I do.

22 THE COURT: In other words, we're not going to go
23 into what happened in that case ---

24 MR. GRAY: Yes, sir.

25 THE COURT: --- or how it happened. But there is

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1 testimony from a witness that's already in the record
2 that they were going to do something to Mr. Means because
3 he was a snitch.

4 MR. MCCARTY: Yes.

5 THE COURT: That's was all -- that's in the record.
6 And I'll allow him to comment on that because apparently
7 his investigation would have revealed at least that much
8 and would not violate my limiting ruling as to the prior
9 incident.

10 So I'll caution the witness in that regard not to go
11 into any prior incidences as to what may have happened or
12 who did what in those incidences.

13 However, I will allow you to testify concerning your
14 investigation and what a witness may have told you and
15 what effect that may have had on your investigation;
16 how that affected your view of the case. Do you
17 understand?

18 MR. GRAY: Yes, sir.

19 THE WITNESS: Yes, sir.

20 THE COURT: All right. Bring the jury in.

21 (The jury was summoned.)

22 (The jury entered the courtroom at 11:43 a.m.)

23 THE COURT: All right. The record will reflect the
24 jury has returned to the courtroom. While I have not
25 specifically ruled on the objection during our break, I

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1 have clarified a previous ruling that I've made. You may
2 proceed, Mr. Gray.

3 MR. GRAY: Thank you, Your Honor. The State has no
4 further questions at this time, Your Honor.

5 THE COURT: Mr. Thompson, your witness.

6 MR. THOMPSON: May it please the Court?

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION by MR. THOMPSON:

11:44 A.M.

9 Q. Officer Stokes, you'll agree that currently there
10 are four -- four people charged in this crime?

11 A. I do, sir.

12 Q. Okay. And did you -- did you testify that Ms.
13 Martin was arrested also?

14 A. No, I said she was a witness.

15 Q. She was a witness?

16 A. Latrica Martin?

17 Q. Yes. So she wasn't arrested on this -- on
18 anything related to this?

19 A. As related to this?

20 Q. Yes.

21 A. Yes.

22 Q. What was she charged with?

23 A. I think she was charged with accessory after-the-
24 fact.

25 Q. Okay. So -- now I'll show you a police report.

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1 You indicated, after speaking with various witnesses, you came
2 upon these five (5) suspects, correct?

3 A. That's correct.

4 Q. Okay. And -- and this is Officer Cheeks' report.
5 And -- but why would he list all of these people here? I
6 understand this is a suspect here, Charles Kevin Jackson,
7 right?

8 A. Uh-huh (affirmative).

9 Q. And, then, over here I've got Ms. Hollis is a
10 suspect?

11 A. Uh-huh (affirmative).

12 Q. And that's Mr. Crain. He was a witness?

13 A. That's correct.

14 Q. Now this is Kevin Foster. Where -- why would he
15 be in there? Was he ---

16 A. I don't know.

17 Q. Okay. And, then, there's a Jermaine Branson in
18 there.

19 A. Uh-huh (affirmative).

20 Q. Leroy Miller and there's Ms. Means.

21 A. Uh-huh (affirmative).

22 Q. There's Charles Anderson. Then Mr. Lyles,
23 Quartez Lyles ---

24 MR. GRAY: Excuse me, Your Honor -

25 Q. --- and Ms. Palmer -

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1 THE COURT: Just -- just one second. Yes, Mr.
2 Gray?

3 MR. GRAY: I'd like to object, Your Honor. That's
4 Officer Cheeks' report. I don't think that --

5 THE COURT: Did this officer produce that report?

6 MR. GRAY: This one?

7 THE COURT: Yes, sir.

8 MR. GRAY: No, sir.

9 MR. THOMPSON: Your Honor, he's testified to the
10 people interviewed. I'm trying to see if he recognizes
11 the names ---

12 THE COURT: Well I'm not going to let you read some
13 other officer's report into the record, so...

14 You can ask him about those individuals, if he did
15 any investigation of them, but I agree with Mister --
16 with Mr. Gray; We're not going to read that report into
17 the record.

18 MR. THOMPSON: Well I'm not ---

19 THE COURT: He's not the author of that report.

20 MR. THOMPSON: I'm reading a list of ---

21 THE COURT: You can ask him about those people.

22 MR. THOMPSON: Okay. Thank you, Your Honor.

23 THE COURT: I won't prevent you from doing that,
24 but we're not going to get into reading other officers'
25 reports into the record.

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1 This gentleman didn't author that report. But you
2 can ask him what involvement he had with those people if
3 you would like. That's perfectly fair. I'll sustain the
4 objection.

5 Q. (By Mr. Thompson) So did you have -- did you
6 discuss this case with Ms. Martin?

7 A. Yes, I did.

8 Q. How about Antoine Shields?

9 A. I did.

10 Q. Jasmine Palmer?

11 A. Yes, sir, I did.

12 Q. Quartez Lyles?

13 A. Yes, sir.

14 Q. Okay. And I think you said you spoke with Mr.
15 Anderson, right?

16 A. Yes, sir, I did.

17 Q. And you spoke with Ms. Means?

18 A. Yes, I did.

19 Q. And all these folks in here, did -- were these
20 just witnesses or suspects or do you know definitely if they
21 were?

22 A. All of those -- all those people are either
23 potential witnesses. It could -- I think there's a section
24 there for others.

25 You know, they could have just been bystanders and

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1 not actually saw anything. They could've been on the scene
2 without -- without being a -- a witness themselves.

3 Q. And -- okay. Now you had spoke with Molly Bogan,
4 correct?

5 A. That's correct.

6 Q. She testified here yesterday. Were you present
7 when she was here?

8 A. I was.

9 Q. Okay. Now did she not testify that Little Man was
10 one of the people around --

11 A. She did.

12 Q. --- the victim? But you said your investigation
13 determined that Little Man was not involved?

14 A. Yes.

15 Q. Okay. And, then, did you interview Mr. Lyles and
16 Ms. Hollis?

17 A. Yes, I did.

18 Q. Did you interview them before or after you
19 interviewed my client?

20 A. I know Ms. Hollis was first. As far as whether
21 Mr. Anderson was -- was second or third, I -- I don't remember
22 right offhand.

23 Q. Okay. And, then ---

24 A. But they were -- they were interviewed on the same
25 day, Mr. Anderson and Mr. Lyles.

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1 Q. Okay. And -- now this shooting occurred on a
2 Thursday; is that correct?

3 A. Yes, sir.

4 Q. It was the seventh (7th). And, then, I think Mr.
5 Anderson was arrested on the 12th; does that sound right?

6 A. If you'll give me a moment to reflect back to my
7 notes, I'll -- I'll confirm that for you.

8 (Brief pause while the witness examines document.)

9 A. Yes, on the 12th, April the 12th, 2011.

10 Q. Okay. And he was here in Spartanburg, right?

11 A. Yes, sir, he was.

12 Q. And you -- you didn't have to undertake any long
13 search for him or anything like that, correct?

14 A. No, sir.

15 Q. Now -- so, from Thursday to the 12th was a
16 Tuesday? A. I believe so.

17 Q. Okay. So from Thursday -- Friday, Saturday,
18 Sunday, Monday between those, so, four (4) or five (5) days.
19 At -- at -- at what point did you begin establishing this list
20 of suspects? Was it the same day of the shooting or the next
21 day?

22 A. Well the -- the warrants were signed on Sunday.
23 That's when all the suspects were identified.

24 And the warrants were signed on Sunday and our
25 powers to be decided to -- to release it to the news media the

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1 following -- that day. And Ms. Hollis turned herself in on
2 that Monday morning.

3 Q. Okay. And, then, Mr. Lyles and Mr. Anderson were
4 the next day, correct?

5 A. That's correct.

6 Q. And I think two weeks later maybe Mr. Jackson?

7 A. That's correct.

8 Q. Do you recall when Little Man was -- I think he's
9 Feishunti Clark?

10 A. Feishunti Clark.

11 Q. Do you recall when he was arrested?

12 A. He came up the -- that Monday morning as well. He
13 came to City Hall and turned himself in.

14 Q. Okay. Now do you recall what exactly led to his
15 not being charged?

16 A. He was charged, but due to the investigation, the
17 statements and interviews we did, he was ruled out as a -- as
18 a suspect.

19 (Brief Pause)

20 Q. And I think I went into this yesterday. Do you
21 recall making a comment that Mr. Crain was the main witness at
22 some point during the investigation?

23 A. That's what I was told.

24 Q. Okay. That's when you were interviewing Miss --
25 Ms. Hollis I believe? I think you wore a wire from room to

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1 room; do you recall that?

2 A. Yes. I had a -- a video recording device.

3 Q. Okay. And then -- so she --

4 A. Or an audio recording device.

5 Q. So that would've been on Monday, right?

6 A. Yes.

7 Q. Okay. So Molly's account and Mr. Crain's account
8 led to the arrest of these four people that were charged? Is
9 that -- is that a fair, nutshell assumption?

10 A. Yes.

11 Q. All right. And, then...

12 (Brief Pause)

13 Q. Now Mr. Anderson was picked up on the 12th,
14 correct?

15 A. That's correct.

16 Q. And when -- and then he signs a consent to search
17 and his mother consents to search?

18 A. That's correct.

19 Q. On the 13th or was that the 12th?

20 A. The 12th.

21 Q. Okay. And ---

22 A. That's during his interview.

23 Q. Okay. And would it be a fair assumption to say,
24 once that gun was found, you basically shut this investigation
25 down?