

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAURI DANIELLE HOLLIS,

APPELLANT

APPELLATE CASE NO. 2012-213139

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

BARRY BARNETTE
Solicitor, Seventh Judicial Circuit
Spartanburg County Courthouse
180 Magnolia Street, 3rd Floor
Spartanburg, SC 29306-2335
(864) 596-2575

Attorneys for Respondent

RECEIVED

FEB 20 2014

SC Court of Appeals

INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
OPENING STATEMENT BY MR. GRAY.....	13
OPENING STATEMENT BY MR. THOMPSON.....	15
OPENING STATEMENT BY MR. MCCARTY.....	18
TESTIMONY	
LIEUTENANT W.M.FOSTER	
Direct Examination by Mr. Gray.....	20
Cross Examination by Mr. McCarty.....	28
Redirect Examination by Mr. Gray.....	29
OFFICER ROBERT CHEEKS	
Direct Examination by Mr. Gray.....	30
Cross Examination by Mr. Thompson.....	32
Cross Examination by Mr. McCarty.....	36
OFFICER SHANE MORROW	
Direct Examination by Mr. Gray.....	38
Cross Examination by Mr. Thompson.....	40
MR. HARRY HILL	
Direct Examination by Mr. Gray.....	43
Cross Examination by Mr. Thompson.....	46
Cross Examination by Mr. McCarty.....	47
Redirect Examination by Mr. Gray.....	48
Recross Examination by Mr. Thompson.....	48
MS. NICOLE MEANS	
Direct Examination by Mr. Gray.....	49
Cross Examination by Mr. Thompson.....	56
Cross Examination by Mr. McCarty.....	62
Redirect Examination by Mr. Gray.....	64
Recross Examination by Mr. Thompson.....	65
MS. MOLLY BOGAN	
Direct Examination by Mr. Gray.....	66

Cross Examination by Mr. Thompson	76
Cross Examination by Mr. McCarty	89
Redirect Examination by Mr. Gray	96
Recross Examination by Mr. Thompson	97

MS. ALICE CARROLL

Direct Examination by Mr. Gray	99

MR. PERRY CRAIN

Direct Examination by Mr. Gray	105
Cross Examination by Mr. Thompson	106

MR. ANTHONY KELLY

Direct Examination by Mr. Gray	111
Cross Examination by Mr. McCarty	119
Redirect Examination by Mr. Gray	125

OFFICER JENNIFER WATSON

Direct Examination by Mr. Cude	126
Cross Examination by Mr. Thompson	128
Cross Examination by Mr. McCarty	131
Redirect Examination by Mr. Cude	132

INVESTIGATOR MATTHEW DAVIS

Direct Examination by Mr. Cude	133
Cross Examination by Mr. Thompson	137

INVESTIGATOR BRIAN STOKES

Direct Examination by Mr. Cude	139
Cross Examination by Mr. Thompson	145

MS. TONI MOORE

Direct Examination by Mr. Cude	149
Cross Examination by Mr. Thompson	152
Cross Examination by Mr. McCarty	154
Redirect Examination by Mr. Cude	159
Recross Examination by Mr. Thompson	159

DR. DAVID WREN

Direct Examination by Mr. Cude	165
Cross Examination by Mr. McCarty	183

SERGEANT MARK HILLERS

Direct Examination by Mr. Cude	185
Cross Examination by Mr. Thompson	188
Cross Examination by Mr. McCarty	189

OFFICER CHRISTOPHER LAYTON

Direct Examination by Mr. Cude	192

Cross Examination by Mr. Thompson	205
Cross Examination by Mr. McCarty	211
Redirect Examination by Mr. Cude	213
MS. ILA SIMMONS	
Direct Examination by Mr. Cude	215
Cross Examination by Mr. McCarty	223
Redirect Examination by Mr. Cude	226
Cross by Mr. Thompson	227
MR. IRA PARNELL	
Direct Examination by Mr. Cude	229
Cross Examination by Mr. Thompson	237
Cross Examination by Mr. McCarty	239
Redirect Examination by Mr. Cude	241
MS. STEPHANIE STANLEY	
Direct Examination by Mr. Cude	247
Cross Examination by Mr. Thompson	260
Cross Examination by Mr. McCarty	270
Redirect Examination by Mr. Cude	273
Recross Examination by Mr. Thompson	276
Recross Examination by Mr. McCarty	278
INVESTIGATOR BRIAN STOKES	
Direct Examination by Mr. Gray	280
Cross Examination by Mr. Thompson	298
Cross Examination by Mr. McCarty	309
Redirect Examination by Mr. Gray	314
Recross Examination by Mr. Thompson	317
Recross Examination by Mr. McCarty	319
OFFICER CHEEKS (RECALLED)	
Direct Examination by Mr. Thompson	334
MS. TERESA RICE	
Direct Examination by Mr. Thompson	338
Cross Examination by Mr. Gray	342
MOTION FOR DIRECTED VERDICT	322
CLOSING ARGUMENT BY MR. THOMPSON	348
CLOSING ARGUMENT BY MR. MCCARTY	358
CLOSING ARGUMENT BY MR. GRAY	368
CHARGE ON THE LAW	380

VERDICT	425
SENTENCING	430
INDICTMENT	434
CERTIFICATE OF COUNSEL.....	438

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-

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.

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

MR. ABEL GRAY, Esquire
MR. DANIEL CUDE, Esquire
Assistant Solicitors Appearing for the State

MR. CHRISTOPHER THOMPSON, Esquire
MR. RYAN MCCARTY, Esquire
Attorneys Appearing for the Defendants

VOLUME I

Pamela Faucette
Circuit Court Reporter

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

MOTIONS & MATTERS

Page 8

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.

MOTIONS & MATTERS

Page 9

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

PRE-TRIAL MOTIONS

Page 58

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).

PRE-TRIAL MOTIONS

Page 59

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

PRE-TRIAL MOTIONS

Page 60

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.

PRE-TRIAL MOTIONS

Page 61

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

PRE-TRIAL MOTIONS

Page 62

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.

PRE-TRIAL MOTIONS

Page 63

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?

PRE-TRIAL MOTIONS

Page 64

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."

PRE-TRIAL MOTIONS

Page 65

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.

MOTIONS & MATTERS

Page 93

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

OPENING STATEMENT - MR. GRAY

Page 114

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

OPENING STATEMENT - MR. GRAY

Page 115

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

OPENING STATEMENT - MR. THOMPSON

Page 116

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

OPENING STATEMENT - MR. THOMPSON

Page 117

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.

OPENING STATEMENT - MR. THOMPSON

Page 118

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

OPENING STATEMENT - MR. MCCARTY

Page 119

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.

OPENING STATEMENT - MR. MCCARTY

Page 120

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

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 121

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?

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 122

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

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 123

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

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 124

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.

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 125

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.

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 126

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

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 127

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

LT. W. M. FOSTER - DIRECT by MR. GRAY

Page 128

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.

LT. W. M. FOSTER - CROSS by MR. MCCARTY

Page 129

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

LT. W. M. FOSTER - REDIRECT by MR. GRAY

Page 130

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.

OFC. ROBERT CHEEKS - DIRECT by MR. GRAY

Page 131

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.

OFC. ROBERT CHEEKS - DIRECT by MR. GRAY

Page 132

1 Q. And where did you go?

2 A. I responded to [REDACTED], 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.

OFC. ROBERT CHEEKS - CROSS by MR. THOMPSON

Page 133

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.

OFC. ROBERT CHEEKS - CROSS by MR. THOMPSON

Page 134

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 ---

OFC. ROBERT CHEEKS - CROSS by MR. THOMPSON

Page 135

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

OFC. ROBERT CHEEKS - CROSS by MR. THOMPSON

Page 136

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.

OFC. ROBERT CHEEKS - CROSS by MR. MCCARTY

Page 137

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?

OFC. ROBERT CHEEKS - CROSS by MR. MCCARTY

Page 138

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.

OFC. SHANE MORROW - DIRECT by MR. GRAY

Page 139

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], 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

OFC. SHANE MORROW - DIRECT by MR. GRAY

Page 140

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 [REDACTED]. 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).

OFC SHANE MORROW - CROSS by MR. THOMPSON

Page 141

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 or 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?

OFC SHANE MORROW - CROSS by MR. THOMPSON

Page 142

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?

OFC SHANE MORROW - CROSS by MR. THOMPSON

Page 143

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.

MR. HARRY HILL - DIRECT by MR. GRAY

Page 144

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

MR. HARRY HILL - DIRECT by MR. GRAY

Page 145

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.

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

MR. HARRY HILL - DIRECT by MR. GRAY

Page 146

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.

MR. HARRY HILL - CROSS by MR. THOMPSON

Page 147

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

MR. HARRY HILL - CROSS by MR. MCCARTY

Page 148

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.

HARRY HILL - REDIRECT by MR. GRAY/RECROSS THOMPSON Page 149

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

MS. NICOLE MEANS - DIRECT by MR. GRAY

Page 162

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

MS. NICOLE MEANS - DIRECT by MR. GRAY

Page 163

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

MS. NICOLE MEANS - DIRECT by MR. GRAY
conversation?

Page 164

1

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 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 anything really on them.

10

11

Q. Anything special -- anything special about his necklace?

12

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 kind of click back closed. And my door didn't even close and I heard it go off.

21

22

Q. Heard what?

23

A. It sounded like a firecracker.

24

Q. All right. What did you do when you heard firecracker?

25

MS. NICOLE MEANS - DIRECT by MR. GRAY

Page 165

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?

MS. NICOLE MEANS - DIRECT by MR. GRAY

Page 166

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.

MS. NICOLE MEANS - DIRECT by MR. GRAY.

Page 167

- 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.

MS. NICOLE MEANS - DIRECT by MR. GRAY

Page 168

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.

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 169

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"?

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 170

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?

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 171

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).

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 172

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

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 173

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

MS. NICOLE MEANS - CROSS by MR. THOMPSON

Page 174

1 they chased him to -- in front of Apartment [REDACTED] [REDACTED]. 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?

MS. NICOLE MEANS - CROSS by MR. MCCARTY

Page 175

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.

MS. NICOLE MEANS - CROSS by MR. MCCARTY

Page 176

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.

MS. NICOLE MEANS - REDIRECT by MR. GRAY

Page 177

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?

MS. NICOLE MEANS - RECROSS by MR. THOMPSON

Page 178

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?

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 179

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?

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 180

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

MS. MOLLY BOGAN - DIRECT by MR. GRAY
Apartments?

Page 181

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

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.

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 182

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.

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 183

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?

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 184

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

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 185

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.

Page 186

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?

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 187

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?

MS. MOLLY BOGAN - DIRECT by MR. GRAY

Page 188

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

MS. MOLLY BOGAN - CROSS by MR. THOMPSON
questions the Defense may have.

Page 189

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)

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 190

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

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 191

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.

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 192

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.)

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 193

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?

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 194

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 ■■■, ■■■, 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.

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 195

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.

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 196

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.

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 197

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

MS. MOLLY BOGAN - CROSS by MR. THOMPSON
outside?

Page 198

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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)

MS. MOLLY BOGAN - CROSS by MR. THOMPSON

Page 199

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.

MS. MOLLY BOGAN - CROSS by MR. THOMPSON
(Brief Pause)

Page 200

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

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?

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 202

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?

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 203

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?

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 204

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.

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 205

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.

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 206

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

MS. MOLLY BOGAN - CROSS by MR. MCCARTY
correct?

Page 207

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

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.)

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

MS. MOLLY BOGAN - CROSS by MR. MCCARTY

Page 208

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.

MS. MOLLY BOGAN - REDIRECT by MR. GRAY

Page 209

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.

MS. MOLLY BOGAN - RECROSS by MR. THOMPSON

Page 210

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?

MS. MOLLY BOGAN - RECROSS by MR. THOMPSON

Page 211

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.)

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 212

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

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 213

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 206.

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.

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 214

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 heavyset -- 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.

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 215

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.)

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 216

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?

MS. ALICE CARROLL - DIRECT by MR. GRAY

Page 217

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,

MR. PERRY CRAIN - DIRECT by MR. GRAY

Page 218

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

MR. PERRY CRAIN - CROSS by MR. THOMPSON
see?

Page 219

A. Well, a man, he pulled -- he shot a man and turned around and walked up the street and turned back to the left and went down the road.

Q. You saw a man shoot another man?

A. Yeah.

Q. Do you see that man in the Courtroom today?

A. (No Response)

Q. You can look around the room.

A. I'm sorry, I couldn't recognize him now.

Q. You couldn't?

A. No.

Q. Why is that, sir?

A. I don't remember his face.

Q. You don't remember his face?

A. All I saw -- remember is he shot a man and the man fell dead.

MR. GRAY: Thank you, Mr. Crain. No further questions.

THE COURT: Mr. Thompson?

MR. THOMPSON: Briefly.

CROSS EXAMINATION by MR. THOMPSON:

11:24 A.M.

Q. Mr. Crain, I appreciate you being here today. Mr. Crain, are you from the Arcadia?

A. Huh?

MR. PERRY CRAIN - CROSS by MR. THOMPSON

Page 220

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

MR. PERRY CRAIN - CROSS by MR. THOMPSON

Page 221

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?

MR. PERRY CRAIN - CROSS by MR. THOMPSON

Page 222

1 A. He walked off.

2 Q. That's the one who shot the guy?

3 A. Right.

4 MR. THOMPSON: Okay. No further questions. Oh, I
5 got one more question. Sorry.

6 THE COURT: Okay. Go ahead.

7 Q. (By Mr. Thompson) You indicated in your statement
8 that you were sitting in a car; is that right?

9 A. Right.

10 Q. At ten (10) feet away?

11 A. I wouldn't say that close.

12 Q. Was about where we are right now?

13 A. Right.

14 Q. And that's how close you were?

15 A. We wasn't no farther than that, no.

16 MR. THOMPSON: Okay. Okay. Thank you, sir.

17 THE COURT: Now, Mr. McCarty, your witness.

18 MR. MCCARTY: No questions, Mr. Crain. Thank you.

19 THE WITNESS: Thank you.

20 THE COURT: Any redirect?

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

22 THE COURT: Mr. Crain, you may step down. You're
23 free to go.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you, sir.

MR. PERRY CRAIN - CROSS by MR. THOMPSON

Page 223

(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.

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 224

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.

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 225

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?

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 226

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

MR. ANTHONY KELLY - DIRECT by MR. GRAY
dental work?

Page 227

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

A. Yes. He had some top gold teeth and some bottom gold teeth.

Q. Top gold teeth and bottom gold teeth?

A. Uh-huh (affirmative).

Q. All right. Did they just push on or pull off?

A. Yes, push on/pull off.

Q. All right. After -- several days after this -- do you know Ms. Lauri Hollis?

A. Yes, sir.

Q. Have you seen her before?

A. Yes, sir. We were -- well basically when I first moved her, we moved to Oakview Apartments. And she used to play with my cousins and my little boy. And, you know, played basketball for awhile or whatever. She seemed like she was a decent person.

Q. Okay. Did you see her on a regular basis?

A. Yes, sir.

Q. All right. Before your cousin was murdered, what kind of hairstyle did she have?

A. Oh, she had like -- they was dreads -- dreadlocks and they wasn't real long, but they was long enough. But, you know, they were dreadlocks.

Q. All right. And -- and describe her body type basically.

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 228

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?

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 229

- 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?

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 230

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.

MR. ANTHONY KELLY - DIRECT by MR. GRAY

Page 231

1 Hollis?

2 A. Yes. As I -- I observed her I noticed she had a
3 necklace on that evening.

4 Q. What kind of necklace?

5 A. It was the same necklace that my cousin had on his
6 neck. The only way I recognized, really knowed that it was,
7 it was one of Stewie.

8 And -- and like I said, it was basically one-of-a-
9 kind. He had that -- he bought that and there wasn't no more
10 in that store. And that's the only person I knew with that
11 Stewie charm on his necklace.

12 Q. You say you went to the hospital afterwards?

13 A. Yeah.

14 Q. Did -- did you see that necklace anywhere around
15 Mr. Means?

16 A. Any -- anywhere around him? Well I didn't
17 actually see Mr. Means. After I got to the hospital, they
18 wouldn't let nobody else in because he was pronounced dead
19 already.

20 Q. I -- I understand. At the party you saw Mr.
21 Means' necklace?

22 A. Yes, I did.

23 Q. Because of Stewie?

24 A. Yes, just because of Stewie. I couldn't really
25 tell what the necklace actually looked like but that -- that

MR. ANTHONY KELLY - CROSS by MR. MCCARTY

Page 232

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

MR. ANTHONY KELLY - CROSS by MR. MCCARTY

Page 233

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.

MR. ANTHONY KELLY - CROSS by MR. MCCARTY

Page 234

- 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?

MR. ANTHONY KELLY - CROSS by MR. MCCARTY
or did he buy it from a jewelry store?

Page 235

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

A. I'm believing it was the jewelry store.

Q. Do you know which one he got it from?

A. I don't think it was around -- I'm not sure.

Q. Okay. Mr. Kelly, you were -- you stated that you were with your family eating dinner when you learned of Mr. Means being shot; am I correct?

A. Yes.

Q. Were you with Mr. Means that day?

A. No, I wasn't.

Q. Okay. So you don't have any firsthand knowledge of whether or not he had that chain on or not; am I correct?

A. Well I seen him earlier that day. I didn't see him right when the accident -- the accident actually happened.

Q. Earlier in the day you saw him?

A. Yes, yes.

Q. You saw him with that on?

A. Yes.

Q. But right before the shooting, you don't know whether or not he had it or not?

A. No.

Q. Okay. When he was transported to the hospital, do you have any firsthand knowledge of what type of clothing he had on at that time?

A. Huh-uh (negative), no. I didn't get to see him

MR. ANTHONY KELLY - CROSS by MR. MCCARTY

Page 236

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

MR. ANTHONY KELLY - CROSS by MR. MCCARTY

Page 237

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.

MR. ANTHONY KELLY - REDIRECT by MR. GRAY
REDIRECT EXAMINATION by MR. GRAY:

Page 238
11:54 P.M.

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

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.

OFC. JENNIFER WATSON - DIRECT by MR. CUDE

Page 239

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).

OFC. JENNIFER WATSON - DIRECT by MR. CUDE

Page 240

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.

OFC. JENNIFER WATSON - CROSS by MR. THOMPSON Page 241

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

OFC. JENNIFER WATSON - CROSS by MR. THOMPSON

Page 242

1 reports, correct, in this case?

2 A. Yes, I did.

3 Q. All right. And do you recall attending an
4 interview with Molly Bogan?

5 A. Yes, I do.

6 Q. Okay. And do you recall telling -- and stating in
7 your report that Molly's mother contacted you?

8 A. No, sir. I think we went up to Molly's residence
9 on the 8th I believe it was of April. And she said she would
10 bring her up there the following day.

11 Q. Okay. So, on the 9th she came up, correct?

12 A. Correct.

13 Q. And then -- well do you remember the statement you
14 put in your report that, "...she was going to tell the truth
15 this time or -- or the whole truth," something like that?

16 A. Something along those lines, yes.

17 Q. Okay. So basically it indicates she was not
18 truthful -- totally truthful the first time you interviewed
19 her, correct?

20 A. That she left some things out, yes.

21 Q. Okay. And do you recall on the 8th also you
22 accompanied Officer James and Lopez to provide photos
23 identification to Miss -- Mr. Crain, Ms. Ramirez, and Ms.
24 Carroll?

25 A. Correct.

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

OFC. JENNIFER WATSON - CROSS by MR. THOMPSON

Page 243

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.

OFC. JENNIFER WATSON - CROSS by MR. MCCARTY

Page 244

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.

OFC. JENNIFER WATSON - REDIRECT by MR. CUDE

Page 245

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.)

INV. MATTHEW DAVIS - DIRECT by MR. CUDE

Page 246

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, may 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?

INV. MATTHEW DAVIS - DIRECT by MR. CUDE

Page 247

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.

INV. MATTHEW DAVIS - DIRECT by MR. CUDE

Page 248

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?

INV. MATTHEW DAVIS - DIRECT by MR. CUDE

Page 249

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

INV. MATTHEW DAVIS - CROSS by MR. THOMPSON Page 250

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?

INV. MATTHEW DAVIS - CROSS by MR. THOMPSON

Page 251

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.

INV. BRIAN STOKES - DIRECT by MR. CUDE

Page 252

1 (Witness complied with the Court's request.)

2 (Off-the-Record Comments)

3 THE COURT: You may call your 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.

INV. BRIAN STOKES - DIRECT by MR. CUDE

Page 253

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

INV. BRIAN STOKES - DIRECT by MR. CUDE

Page 254

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

INV. BRIAN STOKES - DIRECT by MR. CUDE
evidence?

Page 255

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

A. Let me see if I can get it to where I can actually see it. I'll give you the exact date and time.

(Brief pause while the witness examines the exhibit.)

A. It was placed into the drop box in -- into evidence on April the 21st of 2011. And there's no time on the envelope.

Q. Well what is -- when you say "evidence room," can you tell us where -- what you mean?

A. It is a sealed place that only our -- our evidence technician has access to. No one in the agency outside of those two people have access to it.

Well there is -- there is one exception, the -- the major who is over technical support and services has access to it and the evidence technicians. But no one else outside of those three people have access to it. That is for the integrity of the evidence.

Q. And where is it located?

A. Inside the -- a locked -- you have to -- you have to have an access card to be escorted into the -- the police department and have access to it.

And then property and evidence is -- is within that -- the confines of the City of Spartanburg Police Department.

MR. CUDE: Your Honor, I beg the Court's indulgence.

INV. BRIAN STOKES - DIRECT by MR. CUDE

Page 256

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.

INV. BRIAN STOKES - DIRECT by MR. CUDE

Page 257

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 308 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 308 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)

INV. BRIAN STOKES - CROSS by MR. THOMPSON

Page 258

1 into evidence without objection.)

2 MR. CUDE: Your Honor, if I could consult for just
3 a moment.

4 (Off-the-Record Discussion)

5 MR. CUDE: Your Honor, that's all I have for
6 Investigator Stokes at this time, subject to possible
7 recall later.

8 THE COURT: I understand. Thank you. Mr.
9 Thompson, your witness.

10 MR. THOMPSON: May it please the Court, Your Honor.

11 CROSS EXAMINATION by MR. THOMPSON: 12:16 P.M.

12 Q. Officer Stokes, you've been here the entire time,
13 correct?

14 A. That is correct.

15 Q. Okay. And you recall at one point a very long
16 tape that you made when you interviewed Ms. Hollis -- do you
17 recall that tape?

18 A. I do.

19 Q. Okay. And do you recall Mr. Crain coming in here
20 and testifying today?

21 A. Yes.

22 Q. Do you recall on that audio from Ms. Hollis that
23 you told one of your colleagues that Mr. Crain was the main
24 witness in this case?

25 A. I knew that Mr. Crain had provided a statement,

INV. BRIAN STOKES - CROSS by MR. THOMPSON

Page 259

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.

INV. BRIAN STOKES - CROSS by MR. THOMPSON

Page 260

1 A. It also indicates that it's [REDACTED] 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

Page 261

1 the consent because it's her house.

2 And we explained to him that he was 18 years old
3 and that was his room and we were seeking his consent. And he
4 initially said that his -- his mother needed to sign.

5 And, then, I took the form away and he said, "Let
6 me have the form back. I'll sign."

7 Q. So he signed voluntarily, right?

8 A. That's correct.

9 Q. Okay. And -- and that was five (5) days after,
10 does that sound accurate? The shooting occurred on the
11 seventh (7th)?

12 A. Yes.

13 Q. And this was what, five (5) days later?

14 A. Yes, sir.

15 Q. Okay. And you had no evidence he had left town or
16 anything like that, right?

17 A. We had no evidence that he ---

18 Q. You -- you didn't have any evidence he altered his
19 appearance or anything like that, correct?

20 A. No, sir.

21 Q. Okay.

22 MR. THOMPSON: No further questions at this time.
23 I would -- I would request to call him.

24 THE COURT: In your case in chief?

25 MR. THOMPSON: Yes, Your Honor.

MS. TONI MOORE - DIRECT by MR. CUDE

Page 264

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 [REDACTED]?

24 A. Yes.

25 Q. Is that here in Spartanburg County?

MS. TONI MOORE - DIRECT by MR. CUDE

Page 265

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

Page 266

1 also covered searching the car.

2 Q. All right. But he said he would get another
3 search warrant unless you consented; is that what you're
4 saying?

5 A. No. What he said was, "You either let me in --
6 I'm not -- to the vehicle, or I'll -- you know, I'm going to
7 get in anyhow." So that's what he said. And I said,
8 "Well, it's not my vehicle."

9 Q. Let me ask you, Ms. Moore, was that -- was that
10 the vehicle you drove every day at that time?

11 A. At that time, yes, sir. I was driving it.

12 Q. Okay. Every day?

13 A. Not every day, but I -- I -- me and my daughter
14 did take turns driving the car.

15 MR. CUDE: May I approach the witness, Your Honor?

16 THE COURT: You may.

17 Q. (By Mr. Cude) Ms. Moore, I'm handing you State's
18 Exhibit 7. Do you recognize that?

19 A. No, sir.

20 Q. Okay. Thank you, ma'am. Let me ask: Did the
21 police -- did an officer take any clothes out of that vehicle
22 that day, the one that is titled in your daughter's name?

23 A. Yes, sir. He did take something out of the
24 vehicle.

25 Q. Okay. Do you remember what he took out of the

MS. TONI MOORE - CROSS by MR. THOMPSON

Page 267

1 vehicle?

2 A. I -- he didn't show me what he took out of the
3 vehicle.

4 Q. And you know whose clothes those were that he took
5 out of the vehicle?

6 A. No, sir.

7 Q. Isn't it true you told the officer, Sergeant Mark
8 Hillers, those were the clothes of your daughter Lauri Hollis?

9 A. No, sir, that is not true.

10 Q. Okay. Isn't it true you told Sergeant Hillard --
11 you didn't tell him that's what she was wearing when you
12 picked her up?

13 A. No, sir, I did not.

14 MR. CUDE: Your Honor, that's all I have for this
15 witness.

16 THE COURT: Mr. Thompson, your witness.

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

18 THE COURT: Yes, sir.

19 CROSS EXAMINATION by MR. THOMPSON: 12:31 P.M.

20 Q. Ms. Moore, you say you don't recognize that purple
21 shirt?

22 A. No, sir.

23 Q. It's not Lauri's shirt?

24 A. I don't recognize the shirt.

25 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?

Page 268

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

MS. TONI MOORE - CROSS by MR. MCCARTY
khaki shorts?

Page 269

1

2

A. No, sir, I did not.

3

Q. And a cartoon character with a large buckle?

4

A. No, sir, I did not.

5

Q. You didn't?

6

(Off-The-Record Comments)

7

Q. So, if an officer put that in a report, he's --
he's misleading us, right?

9

A. Yes, sir.

10

Q. So you're not misleading us, are you?

11

A. No, sir, I'm not.

12

Q. Ms. Moore, do you have some charges for fraudulent
checks in the past?

14

A. Yes, I have.

15

Q. Okay. And, if you've got a fraudulent checks,
that means you write a check and you don't have the money to
cover it in the bank, right?

18

A. That's exactly what it means.

19

Q. And that's not very honest, is it?

20

A. At that time it wasn't.

21

Q. Okay.

22

MR. THOMPSON: No further questions.

23

THE COURT: Mr. McCarty?

24

CROSS EXAMINATION by MR. MCCARTY:

12:34 P.M.

25

Q. Ms. Moore, you're Danielle's mother; am I right?

MS. TONI MOORE - CROSS by MR. MCCARTY

Page 270

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

MS. TONI MOORE - CROSS by MR. MCCARTY

Page 271

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.

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

MS. TONI MOORE - CROSS by MR. MCCARTY

Page 272

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 --

MS. TONI MOORE - CROSS by MR. MCCARTY

Page 273

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

MS. TONI MOORE - REDIRECT/RECROSS THOMPSON

Page 274

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?

MS. TONI MOORE - REDIRECT/RECROSS THOMPSON

Page 275

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?

MS. TONI MOORE - REDIRECT/RECROSS THOMPSON

Page 276

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?

MS. TONI MOORE - REDIRECT/RECROSS THOMPSON

Page 277

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?

MS. TONI MOORE - REDIRECT/RECROSS THOMPSON

Page 278

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.

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 282

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 283

1 Carolina.

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,

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

DR. DAVID WREN - DIRECT by MR. CUDE

Page 284

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.

DR. DAVID WREN - DIRECT by MR. CUDE

Page 285

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 286

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?

DR. DAVID WREN - DIRECT by MR. CUDE

Page 287

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 288

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.

DR. DAVID WREN - DIRECT by MR. CUDE

Page 289

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 290

1 again just what -- what markings you made on the bullet,
2 Doctor?

3 A. I measured it with the Arabic number seven, which
4 is the last number of the autopsy, which was FA11-87. I also
5 labeled it with the Greek letter delta, which is easier to
6 make than -- than English letters.

7 It's a Greek letter. It's like a -- actually an
8 isosceles -- I mean an equilateral triangle is a delta mark.

9 And I forwarded it to Officer Ed Guthro who -- who
10 signed for it.

11 MR. CUDE: Can I consult for a moment, Your Honor?

12 THE COURT: Yes, sir.

13 (Off-the-Record Discussion)

14 MR. CUDE: May I approach the witness?

15 THE COURT: You may.

16 Q. (By Mr. Cude) Dr. Wren -- I beg the Court and
17 Doctor. I need to get this --

18 MR. CUDE: Well, I'm sorry, Your Honor.

19 Q. Would you mind opening this, Doctor?

20 (Brief pause while the witness tries to open
21 envelope.)

22 A. With what?

23 (Off-the-Record Comments)

24 A. And there's an evidence -- evidence transfer there
25 and another one that's -- this one is labeled "fired bullet."

DR. DAVID WREN - DIRECT by MR. CUDE

Page 291

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.

DR. DAVID WREN - DIRECT by MR. CUDE

Page 292

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 293

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

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

DR. DAVID WREN - DIRECT by MR. CUDE

Page 294

1 bullet it is.

2 This one was a -- a copper jacketed bullet. It
3 did not have any expanding tendencies as you would see when I
4 held it up.

5 So each time the heart beats it pushes some blood
6 out into that sac around the heart. And it tamponades it, so,
7 the next time the heart beats it can't expand quite as much as
8 it did the first time.

9 And each time thereafter, as soon as the blood
10 gets in that sac around the heart, it constricts both
11 ventricles as well as the atria of the heart, since the whole
12 heart is in the pericardial sac.

13 So each time it beats, more and more blood gets in
14 the sac around the heart. And the pericardial sac is like
15 dense scar tissue. And it does not -- it's not pliable. It
16 doesn't expand. It -- it stays the same size essentially.

17 So each time the heart beats, it puts a little bit
18 more blood out there. And so the heart itself doesn't have
19 room to expand as much as it normally does.

20 Then you have to contrast that with the fact that
21 also, when somebody is injured like this, their heart is going
22 to speed up. The pressure is going to go up some, and so, we
23 can't tell that is.

24 But -- but, at any rate, he put out probably about
25 -- in a normal situation, the heart, each time it contracts,

DR. DAVID WREN - DIRECT by MR. CUDE

Page 295

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 296

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

DR. DAVID WREN - DIRECT by MR. CUDE

Page 297

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

DR. DAVID WREN - DIRECT by MR. CUDE
probably.

Page 298

And he could have been on the ground with the person behind him standing over him shooting. The other person could have been a little bit lower than he was, or had his arm lower and shot up at him or he could have leaned over.

There's just innumerable ways that he could have been shot and the position he could have been in. Which you can't tell just by doing an autopsy.

You can just say that it went in, was going up, was going to his left side from back to front.

Q. Doctor, did you examine the victim's mouth as part of this autopsy?

A. Well most people have -- have rigor mortis and we can't get their mouth open because the jaw is so stiff, but I do externally check the lips, internal lips to where you can -- as much as you could see or -- or pull the mouth open.

But I didn't view in behind his teeth.

Q. Did you find anything unusual on -- on his teeth?

(Brief pause while witness reviews document.)

A. Well I said the teeth in moderate state of repair, although there are deformities of the incisors bilaterally and a gold colored grille on the lower teeth.

There are no mucosal lesions, meaning I did not see any bruises/lacerations, bite marks, or anything like that.

DR. DAVID WREN - DIRECT by MR. CUDE

Page 299

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

DR. DAVID WREN - CROSS by MR. MCCARTY

Page 303

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.

DR. DAVID WREN - CROSS by MR. MCCARTY

Page 304

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.

SGT. MARK HILLERS - DIRECT by MR. CUDE

Page 305

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 [REDACTED]

[REDACTED] 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.

SGT. MARK HILLERS - DIRECT by MR. CUDE

Page 306

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

Page 307

1 if you remember?

2 A. It was a black in color 1998 Ford Expedition with
3 tag 637 3 BG.

4 Q. Okay. And where was it parked relation to the
5 house?

6 A. It was in the driveway of the house at [REDACTED]
7 [REDACTED] Street.

8 MR. CUDE: May I approach the witness?

9 THE COURT: You may.

10 Q. I'm handing you what has been marked as State's
11 Exhibit 7. Do you recognize this?

12 A. I do.

13 Q. How you recognize it?

14 A. That is the purple shirt I just testified to that
15 was inside the 1998 Ford Expedition.

16 Q. And do you know what became of this after -- after
17 you -- after she brought it out of the vehicle?

18 A. Yes. That item was transport -- transferred from
19 Ms. Toni Moore to another officer named Chris Layton who
20 recovered the items and placed them into evidence.

21 Q. Did you handle it yourself in any way?

22 A. No, I did not.

23 Q. Did you take any other items from the vehicle or
24 any other items of clothing?

25 A. I didn't take any items. I was -- my attention

SGT. MARK HILLERS - CROSS by MR. THOMPSON

Page 308

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

SGT. MARK HILLERS - CROSS by MR. MCCARTY

Page 309

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

SGT. MARK HILLERS - CROSS by MR. MCCARTY

Page 310

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.

SGT. MARK HILLERS - CROSS by MR. MCCARTY

Page 311

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.)

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 312

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 [REDACTED] Street as part of that
25 investigation?

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 313

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.

OFC. CHRIS LAYTON - DIRECT by MR. CUDE
Moore's vehicle.

Page 314

1
2 Q. Do you -- do you know -- do you know who -- who
3 provided it to you?

4 A. Ms. Moore did.

5 Q. Okay. Do you know where it came from
6 specifically?

7 A. She stated that it was her daughter's.

8 Q. Okay. Do you know where she obtained it?

9 A. I would assume from her daughter.

10 (Brief Pause)

11 Q. Well, was it inside the house? Was the shirt
12 inside the house?

13 A. No, sir. It was inside of a Ford Expedition.

14 Q. Did you take any other items into evidence or did
15 you take any other items into evidence?

16 A. Yes, sir. A pair of khaki shorts and a belt.

17 Q. And did you do anything to secure the purple shirt
18 when you took it into evidence?

19 A. I placed it in a -- a paper -- a brown paper
20 basically grocery bag. And then submitted it into evidence at
21 City Hall.

22 Q. Was -- was that secured in any way?

23 A. It was. It was secured with me.

24 Q. Okay. Did you do anything to secure the bag?

25 A. Put a evidence label and bio-hazard sticker on it.

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 315

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.

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 316

THE COURT: Yes, sir.

(Off-the-Record Discussion)

Q. (By Mr. Cude) Officer Layton, did you execute --
I'm sorry. Did you go to [REDACTED] Road on April 12th -

A. Yes, sir, I did.

Q. --- of last year? And, again, what county is that
in?

A. That's in Spartanburg County.

Q. Was there anyone else -- did any other officer
accompany you?

A. Yes, sir, another member of my team, Officer
Cauldin (phonetic).

Q. And why did you go there?

A. Went there because a consent to search the room of
Mr. Anderson was obtained at City Hall. And I was instructed
to go there.

Once arriving there, I spoke with his mother and
got a consent to search the house because the room is located
inside of her house.

Q. And what is her name?

A. Mildred Mallory.

MR. CUDE: May I approach the witness?

THE COURT: You may.

Q. Can you tell me if you recognize ---

MR. CUDE: I'm sorry, Your Honor. I need this

OFC. CHRIS LAYTON - DIRECT by MR. CUDE
marked for ID.

Page 317

(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?

Page 318

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."

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 319

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] [REDACTED] 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] [REDACTED] 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?

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 320

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?

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 321

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.

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 322

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

OFC. CHRIS LAYTON - DIRECT by MR. CUDE
Hall.

Page 323

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

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.

OFC. CHRIS LAYTON - DIRECT by MR. CUDE

Page 324

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,

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON

Page 325

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?

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON

Page 326

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.

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON

Page 327

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?

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON

Page 328

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

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON

Page 329

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

OFC. CHRIS LAYTON - CROSS by MR. THOMPSON
into evidence.

Page 330

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

Q. For the gun and all? And -- and -- and you do that with all guns I would imag -- assume?

A. Not with all guns, no, sir.

Q. Okay.

A. In this type of situation, yes.

Q. Well you would've ---

A. I would not have -- I would not have messed with the weapon in any way.

Q. And you said you were gloves when you handled this ---

A. Whenever all of the --

Q. --- this weapon?

A. Whenever all the evidence was collected, I would have been wearing gloves, yes, sir.

Q. And how long have you been a -- a -- working as a police officer?

A. A little over six (6) years.

Q. Six (6) years? So, throughout your six (6) years of experience, it's your experience that you can prevent DNA being put on a gun by wearing those gloves? Is that accurate?

A. That's what I feel. I mean, I -- I wouldn't want to touch something like that without gloves on.

Q. Okay. So, that's part of your standing operating procedure is to wear gloves when you handle something like

OFC. CHRIS LAYTON - CROSS by MR. MCCARTY

Page 331

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.

OFC. CHRIS LAYTON - CROSS by MR. MCCARTY

Page 332

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?

Pamela Faucette, CVR Home: 864-574-9534 Cell: 336-260-2864

OFC. CHRIS LAYTON - REDIRECT by MR. CUDE

Page 333

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.

OFC. CHRIS LAYTON - REDIRECT by MR. CUDE

Page 334

1 A. Yes, sir.

2 Q. Why did you -- which bedroom did you go to in the
3 house?

4 A. The back left bedroom of the residence, sir.

5 Q. And why did you go to that bedroom?

6 A. Because that was Mr. Anderson's room, it's what
7 Ms. Mallory told me.

8 MR. CUDE: That's all I have, Your Honor.

9 THE COURT: Any follow-up, Mr. Thompson?

10 MR. THOMPSON: Nothing further, Your Honor.

11 THE COURT: And Mr. McCarty?

12 MR. MCCARTY: No, Your Honor.

13 THE COURT: You may step down, sir. Thank you very
14 much.

15 THE WITNESS: Yes, sir.

16 (Witness complied with the Court's request.)

17 THE COURT: The State may call its next witness.

18 MR. CUDE: Your Honor, the State calls Ed Guthro.

19 (Brief pause while the witness is summoned.)

20 THE COURT: Come forward, sir, to my left and be
21 sworn right over here (indicating).

22 (Witness complied with the Court's request.)

23 (Whereupon,

24 OFFICER ED GUTHRO

25 first being duly sworn, testified as follows:)

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 20

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?

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 21

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.

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 22

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 it 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

Page 23

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.

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 24

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

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 25

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?

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 26

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

MS. ILA SIMMONS - DIRECT by MR. CUDE

Page 27

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

MS. ILA SIMMONS - CROSS by MR. MCCARTY

Page 28

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.

MS. ILA SIMMONS - CROSS by MR. MCCARTY

Page 29

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

MS. ILA SIMMONS - CROSS by MR. MCCARTY

Page 30

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.

MS. ILA SIMMONS - REDIRECT by MR. CUDE

Page 31

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,

MS. ILA SIMMONS - CROSS by MR. THOMPSON

Page 32

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.

MS. ILA SIMMONS - CROSS by MR. THOMPSON

Page 33

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.

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 34

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

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 35

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

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 36

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,

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 37

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.

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 38

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,

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 39

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.

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 40

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

MR. IRA PARNELL - DIRECT by MR. CUDE

Page 41

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

MR. IRA PARNELL - CROSS by MR. THOMPSON

Page 42

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

MR. IRA PARNELL - CROSS by MR. THOMPSON

Page 43

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

MR. IRA PARNELL - CROSS by MR. MCCARTY

Page 44

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.

MR. IRA PARNELL - CROSS by MR. MCCARTY

Page 45

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.

MR. IRA PARNELL - REDIRECT by MR. CUDE

Page 46

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.

MR. IRA PARNELL - RECROSS by MR. THOMPSON

Page 47

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

MR. IRA PARNELL - RECROSS by MR. THOMPSON

Page 48

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

MR. IRA PARNELL - RECROSS by MR. THOMPSON

Page 49

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

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?

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 52

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.

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).

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 54

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 55

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 56

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 57

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?

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 58

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.

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 59

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.

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 60

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.

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 61

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 62

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 63

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

MS. STEPHANIE STANLEY - DIRECT by MR. CUDE

Page 64

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.

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON

Page 65

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.

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON Page 66

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 ---

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.

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON Page 68

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

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.

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON Page 70

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

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON

Page 71

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.)

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON

Page 72

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?

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,

MS. STEPHANIE STANLEY - CROSS by MR. THOMPSON Page 74

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.

MS. STEPHANIE STANLEY - CROSS by MR. MCCARTY

Page 75

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.

MS. STEPHANIE STANLEY - CROSS by MR. MCCARTY

Page 76

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

MS. STEPHANIE STANLEY - CROSS by MR. MCCARTY Page 77

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.

MS. STEPHANIE STANLEY - REDIRECT by MR. CUDE

Page 78

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.)

MS. STEPHANIE STANLEY - REDIRECT by MR. CUDE

Page 79

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.

MS. STEPHANIE STANLEY - REDIRECT by MR. CUDE

Page 80

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

MS. STEPHANIE STANLEY - RECROSS by MR. THOMPSON Page 81

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?

MS. STEPHANIE STANLEY - RECROSS by MR. THOMPSON Page 82

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.

MS. STEPHANIE STANLEY - RECROSS by MR. MCCARTY Page 83

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.

MS. STEPHANIE STANLEY - RECROSS by MR. MCCARTY Page 84

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 85

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 86

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 87

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 88

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 89

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 90

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 91

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 92

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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 93

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 Road, 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] 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.

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 94

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 95

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 96

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?

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 97

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?

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 98

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 99

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 100

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 101

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

INV. BRIAN STOKES - DIRECT by MR. GRAY

Page 102

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

INV. STOKES - CROSS by MR. THOMPSON

Page 103

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.

INV. STOKES - CROSS by MR. THOMPSON

Page 104

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 --

INV. STOKES - CROSS by MR. THOMPSON

Page 105

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.

INV. STOKES - CROSS by MR. THOMPSON

Page 106

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

INV. STOKES - CROSS by MR. THOMPSON

Page 107

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.

INV. STOKES - CROSS by MR. THOMPSON

Page 108

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

INV. STOKES - CROSS by MR. THOMPSON

Page 109

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

INV. STOKES - CROSS by MR. THOMPSON

Page 110

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?

INV. STOKES - CROSS by MR. THOMPSON

Page 111

1 A. No, sir.

2 Q. Okay. Well we'll follow up, but, I mean, you sent
3 everything to SLED, right?

4 A. We sent the initial items that we could -- that we
5 could submit at one time to SLED.

6 Q. These -- these witnesses that you had; Mr. Crain,
7 Ms. Carroll, Ms. Ramirez and Ms. Bogan, did you have any new
8 witnesses after finding that gun?

9 A. We didn't determine if there -- there were any --
10 any further witnesses past that.

11 Q. And you shut investigating down, right? You
12 basically shut it down then, right?

13 A. We don't -- we don't classify an investigation
14 closed until the end of the court proceedings.

15 Q. Okay.

16 (Brief Pause)

17 Q. And I think Mr. Cude or Mr. Gray -- Mr. Gray made
18 the issue about what -- what room he said he was in?

19 A. Yes. There was some discrepancy. Your client
20 indicated to me -- I'm sorry -- yeah, your client indicated to
21 me, when I -- while filling out the consent to search form,
22 that his room was the last room on the right.

23 And his mother showed the officers the last room
24 on the left and stated that was -- that was Charles' room.

25 Q. Did you search the last room on the right? Do you

INV. STOKES - CROSS by MR. THOMPSON

Page 112

1 recall if the last room on the right was searched?

2 A. I wasn't there. I was there interviewing Mr.
3 Anderson. Officers from the violent crime task force went to
4 that address.

5 Q. And was it determined to be the last room on the
6 right -- the right or left?

7 A. On the consent to search form?

8 Q. Uh-huh (affirmative).

9 A. Yes. During -- during the time I was filling this
10 out, Mr. Anderson requested to put on there which room it was.
11 And he told me it was the last room on the right. So I added
12 it to the -- to the consent to search form.

13 Q. The consent -- was he Mirandized at that time?

14 A. Yes, sir, he was.

15 Q. Is -- is that in the reporting?

16 A. Yes, sir, it is. Also initially he decided he
17 didn't want to sign it, and I actually -- and I actually took
18 the consent form back.

19 And, then, a few minutes later he asked for the
20 consent form back and signed it.

21 Q. You went into that yesterday I believe. You -- I
22 believe you went into that yesterday about the consent form,
23 did you not?

24 A. Just trying to clarify for you.

25 Q. Okay.

INV. STOKES - CROSS by MR. THOMPSON

Page 113

1 (Brief Pause)

2 Q. Now you indicated you don't send everything to
3 SLED. Is that a funding issue or ---

4 A. We send as much as we can. They will only test a
5 certain number of -- of items.

6 Q. Okay.

7 A. That's their procedure; it's not ours.

8 Q. Okay. So you can maybe prioritize a lot?

9 A. Unfortunately, you know, you're trying to do it
10 off-the-cuff, to try to determine what is the most important
11 item to be tested. Unfortunately, that's the box we get put
12 into that we have no control over.

13 Q. And was it your testimony you don't know if that
14 bottle and cup came from the scene?

15 A. No. The -- the cup, the Styrofoam cup? Is that
16 what you're asking, Mr. Thompson?

17 Q. Yes, Your Honor -- I mean yes, yes sir. Yes, sir.

18 A. Yeah, the Styrofoam cups were in close proximity
19 to the scene where Mr. Means was found. And -- and they were
20 photographed and recovered by Investigator Guthro as a normal
21 course of action.

22 (Brief Pause)

23 MR. THOMPSON: No further questions.

24 THE COURT: Mr. McCarty?

25 CROSS EXAMINATION by MR. MCCARTY:

11:55 A.M.

INV. STOKES - CROSS by MR. MCCARTY

Page 114

1 Q. Investigator Stokes, I -- I ask this question here
2 and I don't mean to be flippant by asking it, but you arrest
3 first and then investigate?

4 A. No, sir.

5 Q. Is how it typically works?

6 A. No, sir.

7 Q. Isn't that how you described the Feishunti Clark
8 or Little Man incident? That he was arrested on these charges
9 -- and I'm -- I'm suggesting what he was charged with, but I'm
10 assuming something similar at least to what Ms. Hollis and Mr.
11 Anderson were charged with; am I correct?

12 A. Typically we go from witnesses and that's how he
13 was developed as a witness -- from a witness' testimony.

14 Q. But, after he was arrested, you stated you
15 continued your investigation and cleared him; am I right?

16 A. Through statements of other people involved, yes.

17 Q. And those statements weren't taken before his
18 arrest?

19 A. (No Response)

20 Q. Those statements from these other people were not
21 taken before his arrest?

22 A. I'm talking specifically about statements from co-
23 defendants.

24 Q. Okay. Let me ask you this: You spoke with Ms.
25 Means, she was there on the scene, but she couldn't provide

INV. STOKES - CROSS by MR. MCCARTY

Page 115

1 any information as to what had occurred or was seen out there
2 according to what your report states; am I right?

3 A. She indicated to me that she was inside her
4 apartment.

5 Q. And -- and I believe that's what she testified to
6 hear yesterday or the day before. What about Mr. Kelly, did
7 you ever talk to him during the course of your investigation?

8 A. No, sir.

9 Q. All right. He never came forward to you with any
10 information regarding seeing Ms. Hollis wearing a chain that
11 may have belonged to the victim?

12 A. No, sir.

13 Q. Investigator Stokes, when you met with Molly
14 Bogan, how many times would you guess that you met with her in
15 interviews, either assisting or conducting?

16 A. I was present either at City Hall or at her house
17 on three (3) separate occasions. I didn't actually sit in on
18 every interview with her.

19 Q. Would you agree with me, though, that on those
20 three (3) occasions in which you met with her, her story
21 changed or altered with each telling?

22 A. The only one I would say changed was the initial
23 statement we took from her. And I think she was under the
24 influence of --

25 Q. Well I'm not asking you to speculate --

INV. STOKES - CROSS by MR. MCCARTY

Page 116

1 A. Okay.

2 Q. --- of what you thought that was. But you would
3 say that it changed from the time you initially spoke with
4 her ---

5 A. Yes.

6 Q. --- and when you met with her again? Do you recar
7 -- do you recall meeting with her on the 11th at her home?

8 A. Yes, I do.

9 Q. Do you recall specifically inquiring of her what
10 color the shirt was that -- or what colored clothing Ms.
11 Hollis was wearing that night?

12 A. Not exactly.

13 Q. All right. You remember an audio recording that
14 interview though; do you not?

15 A. Yes, sir.

16 Q. And -- and that's a tape recorder you either had
17 laid out on the table or carried in your pocket; am I right?

18 A. Yes, sir.

19 Q. Do you recall asking her -- and it's around the
20 thirty-five (35) minute mark into this interview with her --
21 what Ms. Hollis was wearing? Do you recall whether or not
22 Molly said a dark-colored T-shirt, it may of been black or
23 some kind?

24 A. I'm -- I'm sure I asked her, but I don't recall
25 her answer.

INV. STOKES - CROSS by MR. MCCARTY

Page 117

1 Q. You don't recall her replying black?

2 A. No, sir.

3 Q. You don't recall asking her whether or not it was
4 a purple shirt and her denying that it was and stating that it
5 was black or dark blue?

6 A. No, sir.

7 Q. Okay. But you're not denying that, that was a
8 recording of which you made of that interview; am I correct?

9 A. Yes, sir.

10 Q. And Investigator Stokes, once this purple shirt
11 came into the possession of the City Police Department, came
12 into your custody, it was submitted to SLED for analysis; am I
13 correct?

14 A. That's correct.

15 Q. Okay. And you later on -- and this is all after
16 Ms. Hollis has been arrested?

17 A. That's correct.

18 Q. You later on learned that trace evidence had
19 determined that somehow gunshot residue is on a portion of
20 this shirt some place; am I right?

21 A. That is correct.

22 Q. And your allegation, of course, is that this is
23 her shirt?

24 A. Based on testimony of her mother, yes.

25 Q. Okay. Of which you have no first-hand knowledge

INV. STOKES - CROSS by MR. MCCARTY

Page 118

1 of; am I right?

2 A. No, sir.

3 Q. Okay. But, once you learned that an item has
4 potential evidentiary value, like something like gunshot
5 residue on it, and you stated you're allowed to resubmit an
6 item back down to SLED, why was this item not resubmitted to
7 SLED for further analysis?

8 A. It's just an oversight on our part.

9 Q. Okay. When Ms. Hollis -- and you stated she
10 turned herself in on the 11th; am I correct?

11 A. That's correct.

12 Q. So this happened on the 7th; the 8th, the 9th, the
13 10th, and Monday morning, the 11th, she turned herself in; am I
14 right?

15 A. That's correct.

16 Q. Freely and voluntarily? She wasn't brought in by
17 a black-and-white in handcuffs or anything like that; am I
18 correct?

19 A. That's correct.

20 Q. When -- when she did that -- and I'm assuming she
21 was arrested at that time on these charges?

22 A. That's correct.

23 Q. And, then, you began to continue -- like you say,
24 continue with your investigation and trying to determine
25 anything that may be developed from this.

INV. STOKES - REDIRECT by MR. GRAY

Page 119

1 But, once she was arrested, do you know from your
2 report anything that was received either from her, on her, or
3 in her property as it relates to this case, such as the gun,
4 gold jewelry, necklaces?

5 A. She didn't have anything.

6 Q. She had nothing related to this?

7 A. She didn't have any kind of jewelry on.

8 Q. Okay.

9 MR. MCCARTY: Your Honor, if I may have just one
10 brief moment, please.

11 THE COURT: Yes, sir.

12 (Off-the-Record Discussion)

13 MR. MCCARTY: Nothing further, Your Honor. Thank
14 you.

15 THE COURT: Mr. Gray, you may redirect.

16 MR. GRAY: Thank you.

17 REDIRECT EXAMINATION by MR. GRAY: 12:06 P.M.

18 Q. As you testified, this case wasn't shut down after
19 the arrests, was it?

20 A. No, sir. Like I said if we had had witnesses
21 starting at or the beginning of this trial, we would be re-
22 interviewing them now and trying to get them into this case.

23 Q. So as late as March or April of this year, you
24 were still submitting items to SLED?

25 A. That's correct.

INV. STOKES - REDIRECT by MR. GRAY

Page 120

1 Q. And the purple shirt, that is Ms. Hollis's shirt
2 as far as you know?

3 A. I'm sorry?

4 Q. The purple shirt ---

5 A. I didn't understand your question.

6 Q. --- that is Ms. Hollis a shirt?

7 A. That's my understanding.

8 Q. All right. You said you had talked to Molly Bogan
9 on at least three (3) occasions. What was her demeanor?

10 A. The night of -- the night of the shooting, she was
11 extremely upset and she was scared. And that's -- that's --
12 that's our experience, that people, when they're scared and
13 under a traumatic thing, they don't want to get involved.

14 You know, they don't want to be seen talking to
15 the police right -- right then and there. That's the whole
16 purpose for us giving out our business cards and sending out
17 the flyers. That way we can be contacted later and -- and
18 hopefully get some -- some information that's beneficial to us
19 during our investigation.

20 Q. Now you've heard defense counsel talk about Little
21 Man in this case. And Mr. Anderson also had a nickname too.
22 Don't tell me what it was, but he had a nickname also?

23 A. Everyone involved had nicknames.

24 Q. Right. And that's how you connected Mr. Anderson
25 is because of his nickname?

1 A. Yes, sir, that's correct.

2 Q. Okay. And as far as Ms. Hollis, during your
3 initial investigation, between that initial investigation and
4 the time she turned herself in, did she change her appearance
5 in any way?

6 A. She did.

7 Q. How so?

8 A. It's my understanding she -- she cut her --

9 MR. MCCARTY: Objection, Your Honor. He
10 speculating. He said, "it's my understanding."

11 THE COURT: Well, then, let's see if there's a
12 foundation for his understanding. I'll ask you to go
13 further in your foundation.

14 MR. GRAY: Yes, sir.

15 THE COURT: To that extent, I sustain the
16 objection.

17 MR. GRAY: Yes, sir.

18 Q. (By Mr. Gray) Did you interview witnesses that
19 knew the Defendant Ms. Hollis?

20 A. Yes, we did.

21 Q. You one of those was Ms. Molly Bogan?

22 A. Yes.

23 Q. Did she describe the Defendant to you?

24 A. She did, including her hairstyle.

25 Q. Including her hairstyle, which was what?

INV. STOKES - RECROSS by MR. THOMPSON

Page 122

1 A. Dreadlocks.

2 Q. When you saw Ms. Hollis, on the day she turned
3 herself in, did she have the same hairstyle?

4 A. She did not. I also talked to her on...

5 (Brief pause while witness reviews document.)

6 A. She came up before her name was ever put into the
7 paper as a suspect. She came up and wanted to talk to
8 officers.

9 And Investigator Porter and I spoke to her on
10 April the 8th, 2011. She instructed -- or she instructed us
11 that she had heard her name in the newspaper that -- that she
12 was a suspect in this case and also word on the street and she
13 wanted to come up and talk to us.

14 Q. What was the change to her?

15 A. She had a close haircut with somewhat of a Mohawk,
16 but it was extremely -- it was real close on the sides and
17 slightly higher on the top, but it was in a Mohawk style.

18 MR. GRAY: Thank you, sir. No further questions.

19 THE COURT: Mr. Thompson, any other questions?

20 MR. THOMPSON: Briefly -- briefly, Your Honor.

21 THE COURT: Yes, sir.

22 RECROSS EXAMINATION by MR. THOMPSON: 12:07 P.M.

23 Q. You -- you indicated the Ms. Molly Bogan was
24 extremely upset the night of the shooting?

25 A. Yes.

1 Q. Okay. And about how long after the shooting was
2 that?

3 A. We talked to her immediately upon arriving on the
4 scene she was taken to City Hall given a -- given a few
5 minutes to -- to sit down. And Investigator Porter I believe
6 took a statement from her as to what she was -- what she saw.
7 And I took a statement from -- from another witness.

8 Q. Okay. So, when did she do a photo lineup?

9 A. I'm not sure when she saw the first photo lineups.

10 Q. You weren't present for that?

11 A. No, sir.

12 Q. Okay.

13 A. I know she came back to City Hall with her mother
14 stating that she was scared the night it happened and she was
15 indicating she wanted to tell us what happened.

16 Q. Was that the same night or ---

17 A. No.

18 Q. --- the second?

19 (Brief pause while witness reviews document.)

20 A. She came on the 9th with her mother to City Hall.

21 Q. And then later on you went to her house -- her
22 home, right?

23 A. Yeah, to show her photo lineups.

24 Q. Oh, did -- did she do two photo lineups?

25 A. She -- I couldn't tell you exactly how many phone

INV. STOKES - RECROSS by MR. MCCARTY

Page 124

1 lineups she seen right off the top of my head.

2 Q. Okay. And you indicated your first knowledge of
3 any of these folks was based upon nicknames, right?

4 A. We were given nicknames initially for all the
5 suspects, that's correct.

6 Q. And I keep using Little Man, and I shouldn't do
7 that, but ---

8 MR. THOMPSON: Thank you. No further questions.

9 THE COURT: Yes, sir, Mr. McCarty, your -- your
10 witness.

11 RECROSS EXAMINATION by MR. MCCARTY:

12:08 P.M.

12 Q. Investigator Stokes, you keep talking about Molly
13 being scared the night of the shooting and -- and I think we
14 flushed out yesterday that she gave an interview with
15 Investigator Porter about an hour after this was initially
16 called out; an I right?

17 A. That's correct.

18 Q. And you've been in here from the very beginning,
19 right?

20 A. That's correct.

21 Q. And I think he's Lieutenant Foster now; am I
22 right?

23 A. Yeah.

24 Q. He came in and testified about being first on and
25 we watched the in-car video of this?

1 A. That's correct.

2 Q. And it was his dash cam video that we watched.
3 They were off to the side, but out in front was that black
4 Mercedes SUV driven by Molly Bogan; am I right?

5 A. That's correct.

6 Q. And Molly, you saw her testify here yesterday.
7 She's a white woman, a young girl?

8 A. That's correct.

9 Q. Did you see her, based upon your three (3)
10 interviews with her and your watching the video and watching
11 her testify, did you see her in that video yesterday?

12 A. Yes, I did.

13 Q. I saw her walking around; is that the same thing
14 you saw?

15 A. I saw her at the back of the SUV. It appeared
16 that she got something out of it and then -- then walked
17 outside of camera.

18 Q. Did she run?

19 A. No. But there were police officers on the scene.

20 Q. She was walking with another lady named Latrica
21 Martin?

22 A. Yes, sir.

23 Q. They were walking around, right?

24 A. Yes, and the police are on the scene.

25 Q. It's seen on the dash cam video, correct?

INV. STOKES - RECROSS by MR. MCCARTY

Page 126

1 A. Yes.

2 Q. All right. At this is just moments after the
3 shooting has occurred there at that point; am I right?

4 A. There are several officers on the scene.

5 Q. Well I mean at the time this camera recording was
6 made, this was just moments after the shooting had occurred,
7 not an hour later like when she gave her interview; am I
8 right?

9 A. I'm not sure of the exact time line on the -- on
10 the video. And she might have ---

11 Q. And I'm not trying to pin you down to minutes; I'm
12 just saying moments generally speaking?

13 A. When he first pulls in, I don't see her on the
14 video when I saw it yesterday.

15 Q. That you saw her come into camera range -- camera
16 view?

17 A. Yes, I did.

18 Q. And you could observe her demeanor there; could
19 you not?

20 A. I saw her walking from the back to the SUV and she
21 walked away.

22 Q. walking?

23 MR. MCCARTY: Thank you.

24 MR. GRAY: Nothing further from the State, Your
25 Honor.

MOTIONS & MATTERS

Page 130

1 MR. MCCARTY: Yes, sir, Your Honor.

2 THE COURT: All right. I indicated that. when we
3 came back, I would entertain any motions that the Defense
4 might wish to raise. Mr. Thompson, any motions from Mr.
5 Anderson's perspective?

6 MR. THOMPSON: Your Honor, only on the armed
7 robbery. I don't know that the State met their burden on
8 that. But, now, Mr. McCarty is going to argue the same
9 motion. And he's been doing a little better than me on
10 this oral arguments, so, I don't know -

11 THE COURT: All right. Well let's hear about that,
12 Mr. McCarty.

13 MR. MCCARTY: If it may please the Court, Your
14 Honor?

15 THE COURT: Yes, sir.

16 MR. MCCARTY: Again, on behalf of Ms. Hollis, and
17 from my understanding for Mr. Anderson too as well, we'd
18 ask that the Court grant a directed verdict motion in
19 favor of the Defendants for the lack of evidence the
20 State failed to put forth in its case in chief with
21 regard to the charge of armed robbery.

22 As the Court is aware, the armed robbery is the
23 taking and carrying away of another personal property
24 with the intent to deprive them while armed with a deadly
25 weapon.

MOTIONS & MATTERS

Page 131

1 In the case they presented was circumstantial at
2 best. There was no direct testimony identifying anybody
3 having seen either of these two individuals placing a gun
4 or doing anything like that with regard to the victim,
5 Mr. Means, in this situation.

6 In fact, the testimony, Mr. Crain couldn't identify
7 anything regarding the robbery. Ms. Carroll
8 unfortunately couldn't identify anybody in here.

9 The only testimony relating to what occurred around
10 this supposed robbery was that of Molly Bogan's. And she
11 said she looked down at her GPS unit in her car, heard
12 the shot, and looked back up.

13 But she testified did not see anyone removing
14 anything from Mr. Means, taking or carrying away anything
15 or doing anything like that.

16 The evidence that the State's put forth is no
17 physical evidence to say this was recovered, it was the
18 victim's, and this is whose possession it was found in.

19 But rather it was the testimony of an individual who
20 saw Ms. Hollis supposedly at a party three (3) or four
21 (4) days later wearing what he identified as the victim's
22 jewelry.

23 And -- and I don't believe that, that is evidence
24 sufficient enough to go forward to the jury and support
25 the charge on the armed robbery.

MOTIONS & MATTERS

Page 132

1 If the Court would like to entertain that first, I
2 would also, on Ms. Hollis's behalf, make a further motion
3 with regard to the murder charge under the State's theory
4 of the hand of one is the hand of all.

5 If you'd like to -- I don't know if you want me --

6 THE COURT: You can go ahead and argue that if
7 you'd like.

8 MR. MCCARTY: Thank you. Your Honor, with regard
9 to the hand of one is the hand of all, as the Court knows
10 on -- and I'm referencing the *Franklin* (phonetic) case
11 from 1989, a State Supreme Court case, but in that
12 they're talking about the prior knowledge of a crime.

13 Even if you know that it's going to be committed,
14 without more it's not sufficient to make a person guilty
15 of that crime.

16 "Mere knowledge that another person is going to
17 commit a crime, even if they are present when the crime
18 is committed, is not sufficient to convict them as a
19 principal.

20 "Guilt as a principal must be shown by actual,
21 constructive presence at a scene as a result of a prior
22 arrangement. Therefore, a finding of a prior
23 arrangement, plan, or common scheme, is necessary to find
24 guilt as a principal."

25 Your Honor, in this case -- and, again, I -- what I

MOTIONS & MATTERS

Page 133

1 read there was a -- a request for charge that I had which
2 came out of the request for charge publication that they
3 submit throughout the bar and we're able to purchase.
4 And that's quoting the *Franklin* case from 1989.

5 But, in this situation here as well, Your Honor, I
6 don't know that the State again has put forth and met its
7 burden of proof as far as satisfying every element of the
8 crime to -- of murder under the accomplice liability
9 theory to show to submit it to the jury for
10 consideration, in that, they have established that
11 there's no prior arrangement;

12 That there is no theme or motive or anything like
13 that which places her there and even participated and
14 helped set it up or, by prior arrangement, be there.

15 The only testimony that Molly Bogan provided was
16 that apparently or supposedly Ms. Hollis said to her
17 something about they are going to get Mister -- or
18 they're going to get the victim something about a snitch,
19 to that effect.

20 That doesn't denote a prior arrangement as to her
21 reason for being there. It doesn't denote anything as
22 far as her being part of a scheme or a plan to execute
23 this.

24 And, therefore, I think the State has failed to meet
25 its burden of proof regarding the elements of this

MOTIONS & MATTERS

Page 134

1 offense to charge her under accomplice liability as the
2 hand of one is the hand of all.

3 THE COURT: Anything further, Mr. Thompson?

4 MR. THOMPSON: Well, again, I think my client would
5 be included in that same motion as far as the no common
6 scheme nor plan and all that argument he went into.

7 I don't think the State has shown that -- that --
8 that the hand of one is the hand of all is applicable
9 here.

10 THE COURT: Mr. Gray, are you going to argue this?

11 MR. GRAY: Yes, sir. Your Honor, in this case, Ms.
12 Hollis initiated this action. There was a common scheme
13 or plan. It doesn't matter if it was one minute
14 beforehand or twenty-four (24) hours beforehand.

15 She talked to Ms. Bogan. She said, "Yeah,"
16 basically, "...there he is, that snitch." She sets
17 things in motion. Mr. Anderson comes, two other men
18 come; they surround the victim in this case.

19 Mr. Anderson shoots him. She takes jewelry from
20 him. So brazen is that taking by force or violence, she
21 wears that jewelry to a party on a Sunday night, where
22 she's identified in court by someone -- one who saw her.

23 Armed robbery, taking by force or violence with a
24 deadly weapon, a pistol in this case, with the intent to
25 permanently deprive the owner of that property.

MOTIONS & MATTERS

Page 135

1 What's more permanent than death in this situation,
2 Your Honor? She took it. She meant -- meant to keep it.

3 Lastly, Your Honor, the murder -- the murder
4 situation, Mr. Anderson was there. The victim was there
5 near his sister's house.

6 She knew -- excuse me, Ms. Hollis knew, saw him
7 walking, called out about a snitch, said it to Ms. Bogan
8 also. And that's when they surrounded this victim, Mr.
9 Means.

10 If she hadn't initiated this action, made any
11 statements whatsoever, Mr. Means may well still be alive.
12 But the Defendant Mr. Anderson, was put on alert. The
13 other two gentlemen came up and that's when they
14 engaged ---

15 THE COURT: Now the testimony I believe, Mr. Gray,
16 was that the statement that was made -- allegedly made by
17 Ms. Hollis was made to Ms. Bogan.

18 I don't recall if there was anyone else present to
19 hear that comment. I didn't hear that from the
20 testimony. Did I miss something?

21 MR. GRAY: No, sir, no, sir. You didn't. But my
22 point is that she stated that, turned around, and in that
23 enclosed area, as you can see on the videotape as small
24 as it is, it took Mr. Anderson and the other two seconds
25 to come upon Mr. Means, along with Ms. Hollis, when she

MOTIONS & MATTERS

Page 136

1 recognized him.

2 THE COURT: Well the case that Mr. McCarty is
3 referring to I believe -- I haven't read it in full, but
4 I've read some snippets during lunch, talks about the
5 fact that, if someone is present at the scene of a crime,
6 and even if they know a crime is about to be committed,
7 to get to the hand one/hand of all you've got to prove
8 some alert act done in the furtherance of the crime.

9 MR. GRAY: Yes, sir.

10 THE COURT: Is that the way you read the case, Mr.
11 McCarty?

12 MR. MCCARTY: Your Honor, that's the way I read the
13 case. The *Franklin* case, as I understand it, involved
14 the robbery of a -- I could be misquoting here, but I
15 believe it was a -- a motel or a hotel, something like
16 that.

17 And I could be wrong as to who was robbed, but it
18 involved that, yes, sir, Your Honor. And there were four
19 people actually charged in that case as well.

20 And as to whether not being there or knowing about
21 it was sufficient enough to establish either just mere
22 presence or knowledge, which as the Court knows, are two
23 principles of law which can be charged to the jury
24 anyway, mere presence and knowledge, where the facts
25 support that.

MOTIONS & MATTERS

Page 137

1 And here there is at least the indication that she
2 was present, you know, at least for the Court to consider
3 whether or not to charge mere presence. But I'm not
4 going to argue that at this point.

5 But in this circumstance -- and again, I understand
6 Mr. Gray's and the State's theory of their case. Okay?

7 And that's why Ms. Hollis sits here. But my
8 argument to you is that I don't believe that they've met
9 the elements necessarily to establish accomplice
10 liability to, then, place her in the position of a
11 principal for the prosecution of this case.

12 And, even if she had knowledge she communicated to
13 that -- to Ms. Bogan, according to Ms. Bogan's testimony,
14 I don't mean to misquote him, but I don't believe Ms.
15 Bogan ever said that she announced it to any other
16 individual out there.

17 And I also don't believe that Ms. Bogan testified
18 that she saw her -- I guess -- I'm -- I'm not exactly
19 sure how it played out without checking my notes, but I
20 don't believe that Ms. Bogan testified to what she
21 actually -- or that she even saw anything rather once the
22 shot occurred, who was around, and where everyone went.

23 THE COURT: well, again, the -- the question I have
24 though -- I -- I think to -- to prove hand of one/hand of
25 all there has to be some showing of some act done in

MOTIONS & MATTERS

Page 138

1 furtherance of the conspiracy.

2 MR. GRAY: Yes, sir, Your Honor. And, in this
3 case ---

4 THE COURT: And I'm asking you what that is.

5 MR. GRAY: When she was by the car with Ms. Bogan,
6 she left there to help surround the victim in this case,
7 Mr. Stephen Means. That in and of itself is a
8 furtherance of that act.

9 Four -- four people surrounded him, restricting his
10 movements. At that point is where anything could have
11 happened.

12 And what happened was, Mr. Anderson fired a shot.
13 She robbed this gentleman of -- of his jewelry. And they
14 left the scene I guess in four different directions.

15 You heard the SLED expert testify that lead balls,
16 particles, four (4) to five (5) feet away from the
17 principal shooter; in this case, Mr. Anderson.

18 Her being there, her mere presence, would have been
19 at Ms. Bogan's door or just talking to her about
20 whatever. She spoke to Ms. Bogan and she acted on it.

21 THE COURT: You're saying the fact that she may
22 have gone over and help surround this individual ---

23 MR. GRAY: Yes, sir.

24 THE COURT: --- or restrict his movements ---

25 MR. GRAY: Yes, sir.

MOTIONS & MATTERS

Page 139

1 THE COURT: --- would constitute an overt act?

2 MR. GRAY: Yes, sir.

3 THE COURT: Mr. McCarty?

4 MR. MCCARTY: Your Honor, with regard to that,
5 again, I don't know that there is enough testimony to
6 establish that, that was a -- a proven element to the
7 Court.

8 THE COURT: Well, the question is not if there is
9 enough, the question is if there is any.

10 MR. MCCARTY: Well if there was any I guess. But
11 -- and to be honest I don't recall what that testimony is
12 that we're referring to there.

13 My -- my primary concern is that Ms. Hollis lived
14 there. Her presence there, she's a resident of Oakview
15 Apartments.

16 And one of the other witnesses for the State
17 testified that she knew she resided there, had seen her
18 there before and actually saw her outside when she
19 arrived home, which I believe according to the testimony
20 was around 4:30 that afternoon, approximately two (2)
21 hours before the shooting.

22 So -- and -- and she didn't at that time identify
23 that the victim was present there as well. So for Ms.
24 Hollis [sic] to say that she was there because of some
25 scheme or plan or design, I don't think that they've

MOTIONS & MATTERS

Page 140

1 established that beyond the fact that she resided there;
2 that she had every right to be at Oakview where she was
3 living.

4 THE COURT: Well, and as to the armed robbery, I
5 think that there's -- there's case law in the state to
6 the effect that, if someone is in possession of recently
7 stolen goods, that, that's an evidentiary fact of
8 circumstantial evidence, that could be taken into
9 consideration.

10 And that it can be used as evidence that the goods
11 were, in fact, taken by that person. That's -- that's
12 for the jury to decide, what weight to give to that.

13 But there is sufficient evidence I think on the
14 question of the armed -- of the robbery.

15 My concern is any overt acts in connection with the
16 murder. And I'm going to get the court reporter to
17 review the evidence with me on that point. And then I'll
18 make a ruling once I've had a chance to take a look at
19 that.

20 We'll be in recess for a few minutes while she takes
21 care of that. I'm going to remain on the bench. If
22 anyone wishes to leave the courtroom, you can do so.

23 But, Mr. Ruth, if you'll see that the group on the
24 one side has the right to leave if they want to. The
25 rest can stay. And then do the same for the left side.

MOTIONS & MATTERS

Page 141

1 we're in short recess.

2 (Off-the-Record Comments)

3 (whereupon, the requested testimony was listened to
4 by the Court in chambers.)

5 (Off-the-Record Comments)

6 THE COURT: I've had an opportunity to review the
7 testimony of Ms. Bogan. And I find that the testimony is
8 sufficient to indicate that the Defendant, Ms. Hollis,
9 may have participated in an effort to restrict the
10 movements of the victim allegedly.

11 And there is efficient evidence or circumstantial
12 evidence to justify the case going to trial -- or going
13 to the jury both on the charge of murder and armed
14 robbery in both cases. Anything further?

15 MR. MCCARTY: Nothing, Your Honor.

16 THE COURT: At this time I'm going to inquire of
17 your clients concerning their right to -- to testify in
18 this case. I'd ask that the clerk, please, swear both
19 defendants. If you would, please stand and raise your
20 right hands.

21 (Whereupon,

22 CHARLES ANDERSON AND LAURI DANIELLE HOLLIS

23 first being duly sworn, testified as follows:)

24 THE COURT: Ms. Hollis, did you take the oath?

25 THE DEFENDANT: Yes, sir, I did.

OFC. CHEEKS - DIRECT by MR. THOMPSON

Page 148

1 Cheeks with the Spartanburg City Police Department.

2 THE COURT: All right. Sir, if you'll come
3 forward.

4 (The witness complied with the request.)

5 THE COURT: Officer Cheeks, I will remind you that
6 you have been placed under oath in this trial already and
7 that oath still applies to this testimony. Do you
8 understand and agree?

9 THE WITNESS: Yes, sir.

10 THE COURT: Have a seat, please.

11 (The witness complied with the request.)

12 THE COURT: Mr. Thompson, your witness.

13 MR. THOMPSON: May it please the Court?

14 DIRECT EXAMINATION by MR. THOMPSON: 2:05 P.M.

15 Q. Officer Cheeks, I apologize for getting you back
16 out here.

17 MR. THOMPSON: May I approach, Your Honor?

18 THE COURT: You may.

19 Q. Officer Cheeks, I want to ask you: Is that the
20 report you filled out when you responded April 7th, 2011? And
21 maybe just the first page is what I'm going to look at.

22 A. It appears to be, yes, sir.

23 Q. Okay. So -- and that's -- is that standard that
24 you would do that, make a report for when you -- when you come
25 upon a scene?

OFC. CHEEKS - DIRECT by MR. THOMPSON

Page 149

1 A. Yes, sir.

2 Q. Okay. And that's just the -- that's the policy of
3 -- of the office, correct?

4 A. Yes, sir.

5 Q. Okay. Now can you read what you put in here? Is
6 this what you're -- I mean, that's basically you're typing
7 that up; is that right?

8 A. Yes, sir.

9 Q. Okay. Can you read to the jury what you put in
10 that report?

11 A. Just the part you highlighted or the entire --

12 Q. Yeah, just the whole thing.

13 A. Okay. "On April 7th, 2011, at 1835 hours, Officer
14 Cheeks was dispatched to [REDACTED], which is Oakview
15 Apartments, in reference to a shooting.

16 "Upon my arrival at 1839 hours, I observed a black
17 male laying on the ground between Apartments [REDACTED] and two oh --
18 [REDACTED] being assisted by EMS.

19 "I then observed a black female crying and
20 screaming. I later established this to be -- established that
21 this was the victim's sister, Nicole Means.

22 "Ms. Means stated that a group of unknown black
23 males wearing white T-shirts and unknown other clothing had
24 chased her brother to the front of Apartments [REDACTED] and [REDACTED], at
25 [REDACTED] Street

OFC. CHEEKS - DIRECT by MR. THOMPSON

Page 150

1 "When she leaned out of her apartment, she heard a
2 single gunshot and seen her brother lying on the ground. Ms.
3 Means stated she stood over her brother -- over her brother's
4 body and yelled for someone to call 911."

5 (Brief Pause)

6 A. "Ms. Means later stated that she had seen the same
7 group of black males in the area earlier today in a tan or
8 gold Ford. Ms. Means did not give a vehicle license plate nor
9 did she see the direction of travel for the vehicle.

10 "After speaking with people in the area, an
11 unknown black female approached me and stated that..." ---

12 Q. All right. Could -- can you stop there because
13 that's hearsay up -- up there. Ms. Means has testified, and
14 she indicated to you, when you first got there, that her
15 brother was chased by these young men in white shirts,
16 correct?

17 A. That was her initial story, yes.

18 Q. Okay. And, then, you arrived there I believe at
19 what time?

20 A. I believe it was -- I believe it was six -- 6:39.

21 Q. Six, thirty-nine (6:39)? And that was shortly
22 after the shooting, correct?

23 A. Yes, sir.

24 Q. Okay. And, then, there was a little confusion
25 hear that -- that she did say chased by these guys in white

OFC. CHEEKS - DIRECT by MR. THOMPSON

Page 151

1 shirts, correct?

2 A. Yes, sir. As far as I remember, yes, sir.

3 Q. Okay. And, then, further in your report you list
4 several different people, and each of the --

5 THE COURT: I'm going to ask the attorneys to
6 approach for just a minute.

7 (Whereupon, a bench conference was had with all
8 attorneys present.)

9 THE COURT: You may proceed, Mr. Thompson.

10 Q. (By Mr. Thompson) This report, how -- how long
11 did it take you to compile this -- this report? Is that done
12 in that single -- that same day or do you -- is that over a
13 period of time?

14 A. Yes, sir, it was -- I completed my portion of the
15 report before I left the scene.

16 MR. THOMPSON: Okay. No further questions. Thank
17 you.

18 THE COURT: Any questions in follow-up, Mr.
19 McCarty?

20 MR. MCCARTY: Nothing, Your Honor.

21 THE COURT: Mr. Gray?

22 MR. GRAY: No questions, Your Honor.

23 THE COURT: All right, sir. You may step down.

24 (The witness complied with the request.)

25 THE COURT: Mr. Thompson, you may call you next

MS. TERESA RICE - DIRECT by MR. THOMPSON

Page 152

1 witness.

2 MR. THOMPSON: Your Honor, I'd call Teresa Rice.

3 THE COURT: Is she outside?

4 MR. THOMPSON: She may be. She was -- I think she
5 left.

6 THE COURT: Would you step out, Mr. Ruth, and get
7 her.

8 THE BAILIFF: Yes, sir.

9 THE COURT: Thank you.

10 (Brief pause while witness is summoned.)

11 THE COURT: Ma'am, if you would come forward to my
12 left to be sworn.

13 (The witness complied with the Court's request.)

14 THE COURT: Right over here, ma'am. Right here
15 (indicating).

16 (Whereupon,

17 TERESA RICE

18 first being duly sworn, testified as follows:)

19 THE COURT: Once you've had a seat, ma'am, state
20 your name, please.

21 THE WITNESS: Teresa Ann Rice (phonetic).

22 THE COURT: Thank you. Mr. Thompson, your witness.

23 MR. THOMPSON: Thank you, Your Honor.

24 DIRECT EXAMINATION by MR. THOMPSON: 2:12 P.M.

25 Q. Ms. Rice, do you know Charles Anderson?

MS. TERESA RICE - DIRECT by MR. THOMPSON

Page 153

1 A. Yes, sir.

2 Q. What's your relationship with Charles?

3 A. That's my nephew.

4 Q. So you've known him his -- his whole life?

5 A. Yes, sir.

6 Q. Okay. Is he your sister's child or ---

7 A. My sister's.

8 Q. Okay. Now do you recall Charles was arrested in
9 April of 2011?

10 A. Yes, sir.

11 Q. Okay. And do you ever visit Charles home?

12 A. I always come over there every -- about every day.

13 Q. Every day almost?

14 A. Uh-huh (affirmative).

15 Q. Okay. How -- how close do you live?

16 A. How close to I live? From Labada Street

17 (phonetic).

18 Q. Okay. Is it within walking distance or...?

19 A. No, riding distance.

20 Q. Okay. And, in -- in April of 2011, were you going
21 over there every day?

22 A. Yes, sir, almost every day.

23 Q. Okay. Do you know anybody else that's charged
24 with this same crime?

25 A. Quarteiz.

MS. TERESA RICE - DIRECT by MR. THOMPSON

Page 154

1 Q. Quartez? What's his last name?

2 A. (No Response)

3 Q. Do you know his last name?

4 A. Lyles, I think Quartez Lyles.

5 Q. You think it's Lyles? Okay. When was last time
6 you remember seeing Quartez?

7 A. It was on a Saturday at -- at Dren's (phonetic)
8 house, at Charles' mother's house.

9 Q. Is that where Charles lived?

10 A. Yes, sir.

11 Q. And what -- what -- again, what Saturday?

12 A. What Saturday?

13 Q. Yes, ma'am, do you recall?

14 A. No, I can't recall. I know it was on Saturday
15 after all of this incident had happened.

16 Q. After the shooting?

17 A. The shooting had happened.

18 Q. But was it before -- before Charles got arrested
19 or after?

20 A. After.

21 Q. Okay. Was Charles home when Quartez came over?

22 A. Yes. He knocked at the door.

23 Q. Okay.

24 A. And I went back there and told Charles, "Come to
25 the door." So, when Charles came to the door, I said Charles,

MS. TERESA RICE - DIRECT by MR. THOMPSON

Page 155

1 -- well, I didn't say Charles, I say, "Doo Doo now you know
2 what's going on in the street, the words on the street saying
3 you all did something."

4 He said, "I didn't did nothing." And I said,
5 "okay. Now -- now you know ---

6 Q. Okay.

7 A. -- what's going on."

8 Q. Okay. But, now, did you recognize Quartez? Had
9 you seen him before that day?

10 A. Well, I used to him all the time with Doo Doo.

11 Q. Okay. Okay. And what did Charles and Quartez do
12 once Charles came to the door?

13 A. They went straight back to the bedroom.

14 Q. To the back room?

15 A. On the left-hand side, Doo Doo's room.

16 Q. Okay. That's Charles' room?

17 A. Yes.

18 Q. Okay. And how long was Quartez there?

19 A. Oh, they were there for a pretty good while.

20 Q. Okay. And, then, did Charles and Quartez leave
21 together or ---

22 A. They left together.

23 Q. They did?

24 A. Uh-huh (affirmative).

25 Q. Okay. And you're pretty sure this was the

MS. TERESA RICE - CROSS by MR. GRAY

Page 156

1 Saturday after the shooting and -- but -- but before Charles
2 was arrested ---

3 A. Yes, sir.

4 Q. --- the following Tuesday or Wednesday?

5 A. Yes.

6 MR. THOMPSON: I have no further questions.

7 THE COURT: Mr. McCarty?

8 MR. MCCARTY: No questions for Ms. Rice.

9 THE COURT: Mr. Gray, you may cross examine.

10 MR. GRAY: Thank you.

11 CROSS EXAMINATION by MR. GRAY:

2:15 P.M.

12 Q. Ms. Rice, when was Doo Doo arrested?

13 A. I don't know what date he was arrested. He was
14 arrested on a Monday. This right here happened on the
15 weekend.

16 Q. What happened on the weekend?

17 A. When the -- when I talked to Doo Doo.

18 Q. Okay. So --

19 A. It was a Saturday or Sunday I was over there. And
20 he got arrested on a Monday, and I said, "I just talked to
21 that boy."

22 Q. Okay. What about Mr. Lyles, when was he -- when
23 was he arrested?

24 A. Quarteiz Lyles?

25 Q. -- Yes, ma'am.

MS. TERESA RICE - CROSS by MR. GRAY

Page 157

1 A. Oh, I don't know when he was arrested.

2 Q. Weren't he and Charles arrested -

3 A. They were not arrested together. They -- they
4 got ---

5 Q. They were not arrested together?

6 A. No. They got Doo Doo on a Monday. I don't know
7 when they got Quartez.

8 Q. Would it surprise you to -- to know they were
9 arrested the same day?

10 A. No, sir.

11 Q. They weren't?

12 A. No, sir.

13 Q. You're sure?

14 A. I -- I -- I don't know because they got Doo on a
15 Monday when Doo Doo went to see his probation. I talked to
16 Doo Doo and Quartez on a Saturday or Sunday.

17 MR. GRAY: Thank you, ma'am.

18 THE COURT: Anything further, Mr. Thompson?

19 MR. THOMPSON: No, Your Honor.

20 THE COURT: Mr. McCarty?

21 MR. MCCARTY: No, Your Honor.

22 THE COURT: You may step down, ma'am.

23 THE WITNESS: Thank you.

24 (The witness complied with the Court's request.)

25 THE COURT: Mr. Thompson, you may call you next

MS. MILDRED MALLORY - DIRECT by MR. THOMPSON

Page 161

1 Q. Okay. How old is Charles?

2 A. Nineteen (19).

3 Q. And how far did he go in school?

4 A. Ninth (9th).

5 Q. Okay. All right. At any time during Charles'
6 life, has he ever grown his hair out and worn dreadlocks?

7 A. No.

8 MR. THOMPSON: I have no further questions.

9 THE COURT: Do you wish to ask any questions, Mr.
10 McCarty?

11 MR. MCCARTY: No, Your Honor.

12 THE COURT: Mr. Gray?

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

14 THE COURT: All right, ma'am, you may step down.
15 Thank you very much.

16 (The witness complied with the request.)

17 THE COURT: Mr. Thompson, would you like to step
18 outside and check on that other witness?

19 MR. THOMPSON: I will, Your Honor. Thank you.

20 THE COURT: Thank you.

21 (Brief pause while Mr. Thompson stepped out of the
22 courtroom.)

23 THE COURT: Mr. Thompson, has the witness appeared?

24 MR. THOMPSON: She's not here, Your Honor. Mistr
25 -- I'll rest as to Mr. Anderson.

MOTIONS & MATTERS

Page 162

1 THE COURT: All right. This case -- that case has
2 been rested. Mr. McCarty, do you wish to call any
3 witnesses?

4 MR. MCCARTY: Your Honor, respectively, we would
5 rest Ms. Hollis's case.

6 THE COURT: All right. Does the State wish to call
7 any witnesses in reply?

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

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, that completes the presentation of -- of evidence
11 in this matter.

12 At this time there are matters that I have to take
13 up with the attorneys before we proceed to the next stage
14 of the trial. It shouldn't take but just a few minutes.

15 I'll ask that you return to the jury room. And,
16 again, don't begin any discussions until I've asked you
17 to do so. Thank you very much.

18 (The jury exited at 2:54 p.m.)

19 THE COURT: All right. Anything from the State at
20 this time?

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

22 THE COURT: Anything from the Defense, Mr.
23 Thompson?

24 MR. THOMPSON: No, Your Honor.

25 THE COURT: Mr. McCarty?

CHARGE CONFERENCE

Page 163

1 MR. MCCARTY: Your Honor, just we would
2 respectfully request you to reconsider our motions we
3 made at the end of the State's case in chief at this
4 time.

5 THE COURT: All right. I -- I -- I have
6 reconsidered those and my rulings would be the same.
7 I'll allow the case to go to the jury. Specific requests
8 for charge from the State?

9 MR. GRAY: Hand of one/ hand of all, Your Honor.

10 THE COURT: All right. Any specific requests for
11 charge from the Defense, Mr. Thompson?

12 MR. THOMPSON: No, Your Honor.

13 THE COURT: Mr. McCarty?

14 MR. MCCARTY: I have some, Your Honor, and I was
15 looking them over because I didn't know how the case
16 would play out. I didn't bring a copy,

17 But it would fall under the hand of one/hand of all
18 as it related to the *Franklin* case which I was inquiring
19 of earlier.

20 THE COURT: Is that the one that requires an overt
21 act?

22 MR. MCCARTY: Prior knowledge of a crime not being
23 committed. I have it is number two (2) here. I'd be
24 happy to e-mail Abel and Chris and your law clerk.

25 THE COURT: well, I'd be glad, if you would like to

CHARGE CONFERENCE

Page 164

1 -- why don't we take a short break. We'll go back to
2 chambers and I'll go over with you what I do intend to
3 charge.

4 MR. MCCARTY: Yes, sir.

5 THE COURT: And see if it's covered in that.

6 MR. MCCARTY: Thank you, Your Honor.

7 THE COURT: All right. We'll take a short recess.
8 I'll ask the attorneys to meet me in my chambers.

9 (Off-The-Record Comments)

10 (Whereupon, a recess was taken from 2:55 p.m. until
11 3:10 p.m.)

12 THE COURT: Thank you very much. You may be
13 seated. I'd ask the attorneys to approach briefly.

14 (Whereupon, a bench conference was had with all
15 attorneys present.)

16 THE COURT: All right. After a review of our
17 scheduling, I think we're going to adjourn and start again
18 in the morning with closing and charging. Let's bring
19 the jury in, so, I can dismiss them for the evening.

20 (The jury was summoned and entered the courtroom at
21 3:12 p.m.)

22 THE COURT: The record will reflect the jury has
23 returned to the courtroom.

24 All right, ladies and gentlemen, I've gone over with
25 the attorneys our schedule for the remainder -- the

CLOSING ARGUMENT - MR. THOMPSON

Page 168

1 THE COURT: It appears that all have been able to
2 comply with the Court's instructions.

3 When we broke yesterday afternoon, the evidence in
4 this case had been presented to you. And at this time
5 the attorneys will be allowed to make their closing
6 arguments are statements to you.

7 And at this time, Mr. Thompson for Mr. Anderson,
8 will be going first. You may proceed, Mr. Thompson.

9 MR. THOMPSON: Thank you, Your Honor. May it
10 please the Court?

11 THE COURT: Yes, sir.

12 (Mr. Thompson's closing argument began at 9:03
13 a.m.)

14 MR. THOMPSON: Ladies and gentlemen, it has been a
15 long week and I know you guys have missed your jobs and
16 are also missing time with your family. I appreciate
17 your service this week.

18 It's incredibly serious stuff. My client is charged
19 with the most serious crime you can be charged with, and
20 that's murder and armed robbery.

21 In my opinion, when they found that gun, Officer
22 Stokes just shut everything down. He stopped
23 investigating. I'm asking you to pick it up here today.

24 Weigh this evidence. Consider that testimony right
25 there on the stand and pick this -- pick this

CLOSING ARGUMENT - MR. THOMPSON

Page 169

1 investigation up in that jury room. That's what I'm
2 asking you to do.

3 Let's go back over everything that went on this
4 week. First I want to talk about the witnesses in this
5 case.

6 Perry Crain, the older gentleman, sat here
7 (indicating). I stood here (indicating). He said, "I'm
8 ten (10) feet away, I see the shooter, the guy had
9 dreads."

10 Alice Carroll, she was very nervous, but she said
11 the shooter had dreads as well. Okay? That doesn't
12 match my -- my client's description at all.

13 I'll tell you little bit about Ms Crain -- Mr. Crain
14 and Ms. Carroll. They're not tied to anybody in this
15 case.

16 They're bystanders. They're there and this takes
17 place in front of them. They don't have a dog in the
18 fight is what I like to say.

19 They're neutral. All they did was get up here and
20 they're going to tell the truth. And that's what they
21 did. They saw a guy with dreads shoot Stephen Means. It
22 happened right in front of them.

23 The other witness, Miss -- Nicole, Stephen Means'
24 sister, verified through Officer Cheeks that she told him
25 some guys in white T-shirts chased her brother right

CLOSING ARGUMENT - MR. THOMPSON

Page 170

1 before she shut -- the door didn't even close and she
2 heard the shot. She tried to -- you know, she -- her
3 memory is probably bad over nineteen (19) months ago.

4 But the day of it, she told this officer they chased
5 my brother, those guys in white T-shirts.

6 The State's alleging this is what my client had on
7 (picks up black overalls), okay? They took it into
8 evidence because it matched the description of what he
9 had on that day.

10 It's not a white T-shirt. It's not even close.
11 That's his haircut right there (indicating). That's the
12 way he always wears his hair; not even close to dreads.
13 I'm asking you to take that into account right here.

14 We'll move on through the other things. Molly Bogan
15 sat up here. She told you she had two times -- my client
16 was produced in photo lineups. Neither time did she pick
17 him out. In fact, one time she picked another guy; can't
18 identify my client..

19 She's on the driver's side. There's another person
20 on the passenger side. Supposedly, my client is over
21 here (indicating) with a gun in his hand. She says she
22 -- she recognizes him now. Of course she does.

23 She picks him out in the courtroom because no one
24 else is sitting over there other than Ms. Hollis. And
25 she knows Ms. Hollis.

CLOSING ARGUMENT - MR. THOMPSON

Page 171

1 Ms. Bogan has no credibility. Officer Stokes told
2 you she came in three different times. This is her
3 fourth time. Is she telling the truth finally? I doubt
4 it. Because why? Because she's tied to somebody else
5 who's charged in this, Latrica Martin.

6 She goes to Latrica's house every day. She visits
7 with Latrica's child. She makes her own sandwiches at
8 Latrica's house.

9 I don't know what her motivation is, who she's
10 protecting, what she's doing; she's not credible. She's
11 supposedly so upset she can't remember.

12 State's Exhibit 5, that horrible scene where we see
13 Mr. Means' body taken to the ambulance, watch State's
14 Exhibit 5.

15 You'll see Ms. Bogan. And you'll see Latrica
16 Martin. They're walking around casually. They're not
17 bothered at all. There's no trauma in those folks.

18 Look at that (indicating). Now that's them, isn't
19 it? That looks like a normal day. They're walking
20 around the car.

21 There's no fear in their eyes. They're not crying.
22 Is just not true; they're not traumatized.

23 I'm asking you to judge her credibility and -- and
24 determine her motive and what she's -- what she's
25 connected to and who she's connected to and compare that

CLOSING ARGUMENT - MR. THOMPSON

Page 172

1 to the other witnesses in this case.

2 weigh those and I'll think you'll see the neutral
3 witnesses. Mr. Crain and Ms. Carroll, and Ms. Means all
4 have a better recall of what happened and they're more
5 credible, especially Ms. Carroll and Mr. Crain. They
6 don't have a dog in the fight like I said.

7 Who's not here today? Who was not here all week?
8 For one, nobody come through this door or sat on that
9 stand that could identify my client.

10 Nobody picked him out. There's two other people
11 charged, Charles Jackson. He's gone for two weeks on the
12 run I think Mr. Stokes said.

13 Quartez Lyles, he's not here. You need to ask
14 yourself why are those folks not here?

15 The main thing you need to ask yourself is why is
16 Latrica Martin not here? Why is the person that was
17 supposedly sitting on the passenger seat with my client
18 right outside the window, why is she not here?

19 Why would she not sit UP there and say "Yeah, he was
20 standing right outside the door there"? Probably because
21 she couldn't.

22 And think about Ms. Bogan's testimony too. I said,
23 "Ms. Bogan, were you -- you said you were looking down at
24 your phone," and she corrected me, "It was GPS."

25 "Well, if you're looking at that and you said you

CLOSING ARGUMENT - MR. THOMPSON

Page 173

1 saw my client, well how long was it from the time you saw
2 him and the gunshot?" "I don't know." "Was it ten (10)
3 seconds, was it five (5) minutes?" "I don't know, I
4 can't remember." Was it an hour?

5 Again, she's not credible. My client arrested here
6 in Spartanburg where he's supposed to be. He's not on
7 the run. He's not altering his appearance, okay?

8 How -- how did they get my client? Officer Stokes
9 said they went off a nickname. That's how they
10 originally got started with everybody.

11 And I think he even threw Little Man around. How
12 many Little Mans did they have? I don't know, but
13 nicknames is what got us started on this thing.

14 Let's talk about the evidence now, the gun. I told
15 you at the beginning I got to get you past the gun.

16 No doubt the gun is in my client's home. It's found
17 there. My client's aunt testified Quartez Lyles came
18 over. Quartez Lyles probably had that gun with him.

19 My client's mom told you he's got a eighth-grade
20 education. He's easy pickings for Quartez Lyles.

21 Quartez has got to get rid of that weapon. Charles
22 Jackson has run off to Gaffney or North Carolina
23 somewhere. He can't get Charles involved.

24 Charles Anderson is easy pickings. And that's what
25 he does.

CLOSING ARGUMENT - MR. THOMPSON

Page 174

1 Think about the DNA, okay? Officer Guthro, a 20-
2 year veteran, the SLED expert, both told you this DNA is
3 transferable. It's under my guy's mattress. It's got to
4 have his DNA on it. His mattress has got dead cells all
5 in it.

6 So it stands to reason there would be D -- DNA from
7 my client on that gun because it's in his bed.

8 But about the main thing Sergeant -- or Officer
9 Guthro said, the best evidence, even better than DNA is
10 what? It's fingerprints. No fingerprint from my client
11 on that gun.

12 I think one of the State's attorneys tried to say,
13 "well, wouldn't that DNA get on there by him touching
14 that trigger? Well, a finger print would or a palm
15 print. Nothing, no prints.

16 Go back to your eyewitnesses again. Mr. Crain, no
17 dog in the fight. I stood here beside Ms. Faucette and
18 he said, "That's how close I was." "That's how close I
19 was and the guy had dreadlocks." or "The shooter had
20 dreadlocks." Ms. Carroll reinforced what Mr. Crain said.

21 Think about the DNA evidence on the bottle and the
22 cups. And my client wasn't tied to the scene there. The
23 only thing tying my guy to the scene is Molly Bogan,
24 whose credibility is minimal at best.

25 She got up here and we know it was at least the

CLOSING ARGUMENT - MR. THOMPSON

Page 175

1 fourth story she told. Officer Stokes brings her in
2 three (3) different times. Officer Stokes told you, he
3 -- he agreed with me that he was informed Mr. Crain was
4 the best witness. I think he is.

5 I think Mr. Crain saw everything. "That boy got
6 shot." He said he saw the guy get shot. And the guy
7 with dreadlocks shot him.

8 But also think about Molly Bogan. She said Little
9 Man; Little Man is one of them.

10 Officer Stokes dropped the charges on Little Man.
11 Molly's credibility with Little Man not good, but it is
12 with my client? I don't think so.

13 Like I say, he found that gun and he shut this
14 investigation down. I'm asking you guys to pick it up.
15 Look at everything, guys. Look at this (indicating).

16 The shooter is in white -- I mean, "People in white
17 T-shirts chased my brother down."

18 This is not a white shirt. The shooter had dreads.
19 He don't have dreads.

20 My client is charged with murder and robbery. He's
21 not charged with having a firearm in his possession or a
22 firearm in his home. If he were, it would be a much
23 stronger case.

24 The gun's at his house. There's no denying that.
25 The gun has got the DNA on it. We're not denying that.

CLOSING ARGUMENT - MR. THOMPSON

Page 176

1 But DNA is transferable. Quartez Lyles came over.

2 Like I say guys, Ms. Bogan, Latrica's friend, said
3 she visits every day, visits with her child, okay? Well,
4 like I say, I don't know what her motivation is or who
5 she's protecting. I don't know, okay?

6 I know that her credibility is very minimal. And I
7 know Perry Crain's and I know Alice Carroll's credibility
8 is very strong. They were right there; eyewitnesses.

9 And I leave you with the fact that Latrica Martin is
10 not here. Bogan -- Ms. Bogan told you, she was in the
11 passenger side.

12 Supposedly my client would have been right there
13 beside her. That would have been a great witness for the
14 State to call unless she didn't say the same thing Molly
15 said.

16 Too many unanswered questions. And Judge couch is
17 going to charge you on beyond a reasonable doubt. And
18 this case is chock-full of reasonable doubt.

19 When you go in there and ask yourself these
20 questions, and weigh this evidence, you'll come back with
21 a not guilty verdict. You've got too many unanswered
22 questions.

23 He'll tell you that -- what reasonable doubt is. I
24 won't go into it. He'll do a much better job of
25 explaining it than I can. But guys there too many

CLOSING ARGUMENT - MR. THOMPSON

Page 177

1 unanswered questions.

2 The State's got that gun, that's their foundation.
3 But then they start piling up box on top of box and
4 eventually that case crumbles.

5 They -- they got the gun. I've got -- we've got
6 eyewitnesses that say the shooter had dreadlocks. We've
7 got eyewitnesses that say guys in white T-shirts chased
8 the victim down.

9 That's the crime scene. That's -- that's just
10 minutes after it happened, shortly thereafter. That's
11 when people's memories are best, not nineteen (19) months
12 later, not two (2) weeks later. Right when something
13 happens, that's -- that's when you remember.

14 When you leave here today, you'll remember what
15 color suit I had on. Two weeks from now, you probably
16 won't remember.

17 Think about that. Think about Ms. Martin -- I mean
18 Ms. Means. She saw people in white T-shirts chase her
19 brother. Officer Cheeks reinforced that.

20 And consider those other eyewitnesses, put them here
21 (indicating); put Ms. Bogan here (indicating). And
22 you'll see that their credibility far outweighs her
23 credibility.

24 And also they have no connection to the case other
25 than Ms. Means and her -- her brother is the victim.

CLOSING ARGUMENT - MR. MCCARTY

Page 178

1 Consider all of this, guys. Consider my client's
2 attire that day supposedly. Consider those eyewitnesses
3 and I think you'll get past the gun.

4 You'll realize that, that's the only thing that got
5 my client in this thing. And the only reason he's here
6 is that Sergeant Stokes or Officer Stokes found that gun
7 and he shut this thing down.

8 Mr. McCarty had a great question yesterday: Did he
9 arrest first and then investigate later? I believe
10 that's what's happened here.

11 I'm asking you guys to pick up this investigation
12 and come back with a not guilty verdict. Thank you.

13 THE COURT: Mr. McCarty?

14 MR. MCCARTY: May it please the Court?

15 THE COURT: Yes, sir.

16 (Mr. McCarty's closing began at 9:17 a.m.)

17 MR. MCCARTY: The hand of one is not always the
18 hand of all. And Lauri Hollis had no hand in this case.

19 The State is proceeding on the prosecution of her,
20 charging her with crimes of murder and armed robbery,
21 under the theory that the hand of one is the hand of all.

22 Now in order to proceed under that theory of
23 prosecution -- the judge will tell you about this in his
24 charge -- but the State is going to have to show to you
25 that Lauri Hollis was at the scene of this crime by some

CLOSING ARGUMENT - MR. MCCARTY

Page 179

1 prior arrangement;

2 That she was acting in concert with at least one or
3 more persons, that they had devised some type of scheme
4 or plan or devised whatever it may be, and that they had
5 the intent to act on those when this occurred.

6 It is the State's job to bring forth witnesses, to
7 provide evidence which supports their theory of the case.
8 And the State has not met that burden to prove that case
9 against Lauri Hollis.

10 The State has brought forth, as Mr. Thompson has
11 told you, five (5) people who are what we call lay
12 witnesses as attorneys.

13 Those are all -- those are people who come off the
14 street, who don't have the technical experience like law
15 enforcement or the folks from SLED or Dr. Wren, who's a
16 pathologist. They're just everyday folk who happened to
17 be at, near, or around, who can tell you what they saw.

18 Well, what did they see? Four of the five (5)
19 people couldn't tell you really anything that occurred.
20 Mr. Thompson just explained to you what Mr. Crain said
21 and what Ms. Carroll said, but you saw Ms. Carroll.

22 When asked to say who was here, boy, she craned all
23 the way around this courtroom, looked all out through
24 that gallery looking for everybody she could see. In
25 fact, she said to the solicitor, "who should I pick?"

CLOSING ARGUMENT - MR. MCCARTY

Page 180

1 So what did she provide about this crime? She
2 certainly didn't pick out Ms. Hollis. And Mr. Crain said
3 it was a guy; again, not Ms. Hollis.

4 Ms. Means was inside at the time when this occurred.
5 So there's no testimony that anybody saw Ms. Hollis
6 participate in the shooting.

7 There's no evidence or testimony that anyone saw Ms.
8 Hollis participate in the robbery of the victim in this
9 case except one person, and that was Molly Bogan. And
10 the State is putting all of its eggs into that one
11 basket.

12 Their theory of hand of one is the hand of all rests
13 solely on whether you believe Molly Bogan.

14 Molly Bogan came in here and you saw her sit here.
15 You saw how she responded to not only my questions, Mr.
16 Thompson's questions, but to the State's own questions as
17 they were her witness -- or she was their witness. I'm
18 sorry.

19 How did she respond? She couldn't remember quite a
20 bit. "I don't recall." "I don't remember." Do you
21 believe her?

22 And certainly testimony from the officers led you -
23 led you to hear that they had concerns about whether they
24 believed her. Three (3) separate times they went and
25 spoke with her.

CLOSING ARGUMENT - MR. MCCARTY

Page 181

1 Now they wanted to shore that up and say, "well, it
2 was because she was scared." "She was worried." "She
3 was fearful."

4 Well, an hour after the shooting she's telling
5 Russell Porter she was inside the house. She didn't see
6 anything. Doesn't know anything about it.

7 But we see in the moments after the shooting that
8 she's outside walking around with whom Investigator
9 Stokes identified as Latrica Martin from his
10 investigation of this case.

11 But Molly does tell you that right before this
12 happened that she pulls in, Latrica Martin is in the
13 passenger seat of that black Mercedes SUV that she's got.
14 And allegedly Ms. Hollis comes over to her driver-
15 side window, leans in, and tells her they're about to get
16 somebody, something is about to go down; whatever it was
17 that she said.

18 And that's what the State is hanging their hat on
19 here. They want you to believe that, that is the plan.
20 That is the scheme. And that is the reason she's there.

21 Except there's another little problem with that.
22 If you'll recall from Ms. Means' own testimony, when she
23 got home that day prior to the shooting, earlier in the
24 day, she saw Ms. Hollis outside.

25 She confirmed Ms. Hollis lives in Oakview

CLOSING ARGUMENT - MR. MCCARTY

Page 182

1 Apartments, is a resident there. It's a place where
2 people hang out outside.

3 So was Ms Hollis there because of some prior
4 arrangement or was she there because she lived there?
5 This scheme or this plan, this intent, that she's talking
6 to with Molly Bogan, this is the point where you get to
7 apply probably the most -- or the best tool in this case,
8 and that's common sense.

9 Here's a common sense question for you: Does it
10 make sense, if you're involved in a case or if you're
11 involved in a plan or a scheme, or whatever it may be, to
12 potentially rob, possibly shoot and even kill someone and
13 you're acting with other people in part of this, why do
14 you go over and lean in the window and tell somebody,
15 "Hey, it's about to go down"?

16 And, if you do, do that, why does the person who
17 just got told that not a little more heightened, a little
18 more aware, a little bit more concerned about it?

19 "Geesh, I just got told something bad is about to
20 happen, better look around and sees what's happening out
21 here."

22 Because Molly Bogan told you she did not do that.
23 In fact, she did say, "well, in the moments before,
24 during, and right after, I was looking down at the GPS
25 unit in my car; don't know what happened. Looked up and

CLOSING ARGUMENT - MR. MCCARTY

Page 183

everybody's running away."

She didn't testify she saw a robbery. She didn't testify she even saw the shooting. Do you believe Molly Bogan?

I want talk a little bit about the armed robbery because that's another charge that Ms. Hollis sits here accused of. And, again, under this whole theory that the hand of one is the hand of all, that she acted in concert with these people;

There was a prior arranged plan for which she was there to help and intended to execute and commit this crime.

The only testimony about the armed robbery is this, and it comes from a person who waited five hundred and forty-four (544) days to come in and tell anybody about it.

That she was allegedly at a party three (3) nights after the shooting. She had on jewelry that apparently had belonged to the victim.

Well, what about that party? There were thirty (30) to forty (40) other people that were there. Who else did the State bring forward to collaborate that testimony, to say, "Yes, I was also at that party." "Yes, I also saw her." "I have no connection to this"?

CLOSING ARGUMENT - MR. MCCARTY

Page 184

1 They didn't provide that testimony. They didn't
2 provide that evidence.

3 But Mr. Gray's going to come up here and he's going
4 to tell you -- and I believe the judge will probably tell
5 you too in his argument -- that any evidence that someone
6 is in possession of property from someone who's recently
7 been robbed, is circumstantial evidence to at least infer
8 that you might be able to consider whether or not they
9 committed that robbery.

10 And that's it in a nutshell. The judge, he's going
11 to charge that and tell you a little bit more about it.

12 But I will tell you is the testimony that you have
13 here -- or the question I'll ask is: Is the testimony
14 that you have here enough to convict her of armed robbery
15 based upon that?

16 Because there is no eyewitness testimony that it
17 occurred. The only testimony concerns what occurred three
18 (3) days later.

19 The State forth brought -- brought forth a lot of
20 other witnesses, and they were the chain witnesses. And
21 boy, I'm telling you, that's excruciating.

22 It's boring; it is. And, if you've done enough
23 trials as I have, the solicitors have, and Mr. Thompson
24 has, everybody in here except you folks have gone through
25 that.

CLOSING ARGUMENT - MR. MCCARTY

Page 185

1 But it's a necessary part because it tells you how
2 did the State maintain, how did they control, what did
3 they do with a piece of evidence that they collected.
4 And ultimately, how it got down to SLED, who performed
5 their tests on it. But it's necessary to show you that.

6 And what did SLED come up here and testify to? SLED
7 came up here and told you number one, anything relating
8 to that gun there's nothing that forensically links her
9 to this crime.

10 Her DNA is not present on it. Her fingerprints are
11 not present on it. In fact, any of the evidence
12 collected from or around the crime scene has nothing to
13 do with Lauri Hollis.

14 She was excluded, excluded, and excluded on any of
15 those DNA samples.

16 Now I will admit that Ms. Simmons came here. She
17 talked to you about finding that gunshot residue on a
18 purple shirt. And I'm sure the State is going to make a
19 lot of hay about this purple shirt (indicating).

20 What did she tell you about the gunshot residue?
21 Yes, it was there. Was she able to tell you how it got
22 there? When it got there? Under what conditions it came
23 to arrive there?

24 She couldn't tell you any of that. All she could
25 testify to is that that shirt had the presence of gunshot

CLOSING ARGUMENT - MR. MCCARTY

Page 186

1 residue.

2 And what do we know about that shirt? It didn't
3 come into police custody until five (5) days later. It
4 came out of a vehicle belonging to someone else; not Ms.
5 Hollis's vehicle, at a location not even Ms. Hollis's
6 home or apartment, but someplace else.

7 There's been no account for how that shirt was
8 maintained, how it was handled, what it was exposed to.
9 We don't know any of that.

10 All we know is that, when it got to SLED and she did
11 her tests, yes, it had something on it. And the State is
12 going to say there's the linchpin; that links her to
13 this.

14 But, you know, even after the State had that purple
15 shirt in their possession, and they found out that it had
16 gunshot residue on it, they didn't even bother to send it
17 back down to SLED to confirm whether or not it belonged
18 or even had been worn by Lauri Hollis.

19 We talked a lot about that; touch DNA, the skin
20 cells which get on clothing. That was always the
21 example; clothing.

22 There's clothing. Why didn't they do anything with
23 it?

24 Another interesting thing is this: Throughout this
25 entire case there's not been one mention that Lauri

CLOSING ARGUMENT - MR. MCCARTY

Page 187

1 Hollis was wearing a purple shirt on the day of this
2 incident. No one; Molly Bogan, the investigators, none
3 of the four (4) or five (5) other witnesses they brought
4 up here; said anyone was wearing a purple shirt.

5 The police were not looking for a purple shirt. In
6 fact, Investigator Stokes didn't tell you anything at all
7 about having ever seeing her in a purple shirt.

8 She came to the police station on the 8th. You heard
9 that. He didn't tell you she was wearing a purple shirt
10 then.

11 When she turned herself in, after learning from the
12 news that she was a suspect, he didn't tell you that she
13 was wearing a purple shirt then.

14 But yet five (5) days after the shooting, they want
15 you to believe that "Ha ha, we found her shirt. That's
16 hers. It links her to this unequivocally without doubt."

17 Well that's your question: Is there doubt
18 concerning that shirt, its ownership, how that gunshot
19 residue got there, how the shirt was maintained?

20 Is there doubt in your mind about the sufficiency
21 and the weight of that evidence as it relates to being
22 able to convict her of either of these crimes, but
23 especially under the theory that she acted in concert
24 with other people, through some plan or scheme, to do
25 this?

CLOSING ARGUMENT - MR. MCCARTY

Page 188

1 I too am not going to talk to you too much about the
2 probable -- or proof beyond a reasonable doubt because
3 the judge has that in his jury charge. But I will tell
4 you that proof beyond a reasonable doubt is simply this:

5 When you're deliberating and you're thinking about
6 an issue, and you're going over testimony and a fact, if
7 there's a point in that deliberation in your mind where
8 it causes you to pause, to think about it, to guess,
9 that's reasonable doubt.

10 And the judge will tell you the law in this state
11 and the United States requires that, if that reasonable
12 doubt exists in your mind, you must return a verdict of
13 not guilty to the defendant, for Lauri Hollis. And you
14 must return the verdict of not guilty.

15 And I think that, after you carefully deliberate
16 this, you recall and weigh Molly Bogan's testimony, you
17 look at everything else that does not link her to this
18 crime, that you will find the state failed to meet its
19 burden of proof and that Lauri Hollis is innocent of
20 these charges.

21 And respectfully, upon behalf of Ms. Hollis, we
22 request that you return a verdict of not guilty. Thank
23 you.

24 THE COURT: Mr. Gray, for the State?

25 MR. GRAY: Thank you, Your Honor.

CLOSING ARGUMENT - MR. GRAY

Page 189

1 (Mr. Gray's closing began at 9:29 a.m.)

2 MR. GRAY: Good morning, ladies and gentlemen. I
3 appreciate your attention throughout this long trial.

4 Mr. Thompson, Mr. McCarty are excellent attorneys.
5 They give you speeches about common sense, but in this
6 case, everything doesn't make sense. Everything doesn't
7 make sense.

8 There's a different set of rules. Like one rule,
9 "snitches get stitches." "Snitches get stitches." And
10 that's sad because like Mr. McCarty said, in this state,
11 and in this country, that's a prevalent theme
12 unfortunately.

13 If they had in their minds that Mr. Means was a
14 snitch, and their goal was to get him, that's the common
15 scheme or plan. It doesn't mean it was four (4) months
16 ago or two (2) days before, it was to get Mr. Means.

17 She, Miss -- Ms. Hollis, is not only guilty of this,
18 this whole situation, she started it. You -- you heard
19 about the three (3) gentlemen in the car waiting,
20 waiting.

21 There's the starter pistol right there (indicating).
22 She told Ms. Bogan, "There is that snitch." "Something
23 is about to go down." "We're going to get him."

24 I'm paraphrasing, but if I'm wrong, listen to it
25 again. She starts towards Mr. Means. Three others come

CLOSING ARGUMENT - MR. GRAY

Page 190

up, including Mr. Anderson.

They circle around Mr. Means, cut off any lanes of escape. Mr. Means gets shot.

You heard from Dr. Wren how he was shot; once with three injuries; back here (indicating) and it comes out of his left chest and winds up in his arms.

What was Mr. Means trying to do? He was trying to run and get away. But he couldn't because they're surrounding him.

The armed robbery portion is not common sense. It doesn't make sense. Dr. Wren told you he had maybe ten (10) minutes of life.

They took the time to get trophies. A grille, who takes a grille? For that matter, who takes just the top part of the grille out of someone's mouth during a robbery?

They took his phone and they took his necklace. And that necklace is what Mr. Kelly saw a couple of days later at a party. Trophies.

The judge is going to tell you what armed robbery is, by force or by violence while armed with a deadly weapon, a gun that Mr. Anderson had. What's more violent than a gunshot?

They took his necklace. They took his phone. They didn't take his money. They took his grille, half of his

CLOSING ARGUMENT - MR. GRAY

Page 191

1 grille. They took these things as trophies because
2 snitches get stitches.

3 That's what they thought. That's what Ms. Bogan
4 thought. She sat up here and told you, "I was scared."
5 "I was scared what happened to him was going to happen to
6 me."

7 But she got up on the stand and told you, "I saw
8 that man face first for the first time today. That's the
9 shooter." That's the starter pistol (indicating), the --
10 the beginning of this entire act. She saw an opportunity
11 and she took it.

12 The other three (3) were there. They saw her move
13 and they moved. That common scheme or plan through
14 actions or deeds.

15 Ms. Carroll, God bless her, she couldn't see
16 anything and couldn't remember allegedly. Mr. Crain got
17 up here and before I could finish questioning him, he was
18 so scared, "Can I go?"

19 No, they don't have a dog in this fight, but they
20 were scared clearly of this situation. But the neutral
21 witnesses in this case that they alluded to, SLED.

22 SLED, they truly have no dog in this fight. They
23 don't know what happened. They analyze the evidence, the
24 evidence that Detective Stokes kept gathering, kept
25 sending down to SLED.

CLOSING ARGUMENT - MR. GRAY

Page 192

1 They found the gun that belongs to the Defendant.
2 Could've, should've, would've, no; science tells you that
3 gun belonged to Mr. Anderson.

4 The bullet that came out of the body of Stephen
5 Means and the spent shell casing came from that 9
6 millimeter Ruger that was found between the mattresses.

7 Not on top of the mattresses, not somewhere else,
8 between the mattresses.

9 That's his room. He could put the gun anywhere he
10 wanted to, but he put it between the mattresses. So,
11 when he signed this consent form, I know what he was
12 thinking. And you do too: "██████████ Road,
13 Spartanburg, SC, the room of Charles Anderson, Jr., the
14 last room on the right."

15 Even this consent to search shows the deception.
16 His aunt got on the stand and said, "Doo Doo's room is
17 the last on the left."

18 Had an officer, who had been sequestered who said,
19 "His -- his was the last room on the left." "How do you
20 know?" "That's where Mr. Anderson's mother took us."

21 She had no idea he was trying to mis -- mislead the
22 police even then with a simple consent to search. "My
23 room is the last room on the right." No, it's on the
24 left.

25 And, when they went in there, they found the gun

CLOSING ARGUMENT - MR. GRAY

Page 193

1 between the mattresses. He could have put that gun
2 anywhere, but he tried. But the officers did their job
3 and they found that gun.

4 They send it to SLED, along with the ballistics,
5 along with the touch DNA. That's his gun. That's the
6 gun that killed Mr. Means. And that's the man who fired
7 the shot (indicating) from the neutral witnesses in this
8 case.

9 Now they talk about Ms. Hollis and the purple shirt.
10 No, nobody described her in a purple shirt. Ms. Bogan,
11 who knew Ms. Hollis, described that she saw Mr. Stephen
12 Means and that Ms. Bogan -- excuse me, Ms. Hollis said,
13 "There's the snitch. Let's go get him." And everything
14 went into motion.

15 They went to her mother's house trying to do a
16 search, continuing the investigation. When they got
17 there, nothing was in the house. The mother pulled up
18 and told the officers, "No, here's Lauri's clothes."

19 They didn't search the vehicle. They didn't go
20 through it saying, "We want this, we want that." The
21 mother volunteered, "These are Lauri's clothes."

22 And lo and behold, what's on Lauri's clothes?
23 Gunshot residue. When a gun is fired, like Mr. McCarty
24 said -- said on his cross examination, there's a cloud.
25 The expert sat -- sat here and told you four (4) to five

CLOSING ARGUMENT - MR. GRAY

Page 194

1 (5) feet away.

2 They surrounded Mr. Means. She was no more than
3 four (4) to five (5) feet away unless she's -- she's a
4 welder. And there's been no discussion of that, that
5 she's a welder.

6 Either she's the unluckiest person in the world and
7 has been running around for five (5) days with GSR on her
8 shirt from a magic cloud of whatever or she was there
9 that day when Mr. Means was shot.

10 Not only was she there, she started it. Walked up
11 to him, helped surround him. When he got shot, GSR got
12 on her and she took a trophy, the Stewie necklace.

13 Not just any necklace, the Stewie necklace. Armed
14 robbery, common scheme or plan, the hand of one is the
15 hand of all.

16 Now we're going to talk about Ms. Latrica Martin.
17 That's a "look over here not over there" type of
18 situation.

19 Myself, Mr. Cude, Mr. Thompson, Mr. McCarty, we all
20 have the same ability to subpoena anybody we want for
21 this case. Why is Latrica Martin not here? I don't
22 know. They could have subpoenaed her.

23 MR. MCCARTY: Your Honor, if I may object at that
24 point.

25 THE COURT: Ladies and gentlemen of the jury, at

CLOSING ARGUMENT - MR. GRAY

Page 195

1 this point in time, I'll ask you to step back to the jury
2 room. Don't begin any discussions until such time as
3 I've advised you to do so. We'll take a short break. Go
4 back to the jury room.

5 (The jury exited the courtroom at 9:43 a.m.)

6 THE COURT: Thank you, Mr. Ruth. Mr. McCarty?

7 MR. MCCARTY: Thank you, Your Honor. I apologize
8 for interrupting during closing, but I think what he was
9 arguing there by saying the Defense had the ability to
10 subpoena any witness is almost akin to burden shifting;
11 saying that we had the ability to put up a defense when
12 it's the State's burden to put forth the case against
13 anybody charged.

14 THE COURT: Mr. Gray?

15 MR. GRAY: No, sir, Your Honor. I didn't comment
16 on burden shifting or putting up a defense. My -- I'm
17 rebutting Mr. Thompson saying, "why is she not here?"

18 I'm merely -- in a reasonable doubt situation, all
19 I'm trying to say is that why is Ms. Latrica Martin not
20 here? I don't know why she's not here.

21 I'm not burden shifting to them to say they had a
22 duty to bring her here. They have a duty to put on a
23 defense, anything of that nature. But Mr. Thompson did
24 say, "why is she not here?"

25 And I'm saying, "I don't know. They could have

CLOSING ARGUMENT - MR. GRAY

Page 196

1 subpoenaed her to be here if they wanted her to be here."

2 MR. MCCARTY: Your Honor, if I may on that, it's -
3 - an argument. We're commenting on the State's
4 presentation in the case as to what was not here that
5 the jury can consider as far as testing the credibility
6 of other witnesses, which is to comment on the evidence
7 that they have put forward.

8 By just indicating to the jury that Mr. Thompson and
9 I, as attorneys, have the same ability to subpoena
10 something is, at least in my objection akin to shifting
11 the burden to us to bringing Ms. Martin in. It was
12 incumbent upon us to do that.

13 THE COURT: Mr. Thompson?

14 MR. THOMPSON: I'll agree. I believe -- you know,
15 I think when he made the comment about the ability to
16 subpoena on that, that basically shifted the burden.

17 It's almost like we have the burden of proof of not
18 guilty by that statement as opposed to the burden is on
19 the State to prove guilt.

20 THE COURT: Well, I didn't -- I didn't hear him go
21 so far as that you had some obligation to bring that
22 person forward. I did hear him say that the -- that all
23 attorneys have the ability to subpoena witnesses.

24 I am going to sustain the objection. I'm not going
25 to allow you to go further into that argument.

CLOSING ARGUMENT - MR. GRAY

Page 197

1 MR. GRAY: Yes, sir.

2 THE COURT: I will strike that -- that argument
3 from the record and will instruct the jury that they
4 should disregard that in full.

5 MR. MCCARTY: That's all I would request, Your
6 Honor.

7 THE COURT: All right.

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

9 MR. THOMPSON: Thank you, Your Honor.

10 THE COURT: Bring the jury back.

11 (The jury is summoned and entered the Courtroom at
12 9:47 a.m.)

13 THE COURT: Thank you. The record will reflect the
14 jury has returned to the courtroom.

15 Ladies and gentlemen, a little later on, when I
16 charge you concerning the law, part of that charge will
17 indicate that the State has the burden of proof in this
18 case. And the only burden of proof in this case. And
19 I'll go over that with you in more detail when I charge
20 you concerning the law.

21 I have sustained an objection by the Defense to the
22 -- to the State's closing argument to the extent that
23 there can be no argument shifting the burden of proof
24 from the State in this matter.

25 So I'm going to strike the argument that the State

CLOSING ARGUMENT - MR. GRAY

Page 198

1 made concerning subpoenaing witnesses. I will instruct
2 you to disregard that argument in its entirety during
3 your deliberations.

4 And I'll talk to you in more detail about that later
5 on. But I have sustained the objection. I have stricken
6 that argument and given instructions to the State's
7 attorney concerning his further argument. You may
8 proceed, Mr. Gray.

9 MR. GRAY: Thank you, Your Honor. Just briefly,
10 ladies and gentlemen. I want to talk about the elements.

11 Once again, armed robbery; a violence, items taken
12 away from a victim for the permanent usage or denial of
13 that property.

14 That's -- that's what happened, ladies and
15 gentlemen.

16 Ms. Hollis went so far as to change her appearance.
17 She had dreads. When Mr. Kelly saw her, she had shaved
18 her head, but she still had on that trophy.

19 Mr. Anderson, he shot and killed Mr. Stephen Means
20 because they thought he was a snitch. That's pretty
21 simple, ladies and gentlemen.

22 Look at the neutral witnesses, the science, the SLED
23 evidence, and you'll see there was a common scheme or
24 plan.

25 It's -- it's not like some movie where every detail

CLOSING ARGUMENT - MR. GRAY

Page 199

1 was written out. "There's a snitch, we're going to get
2 him." They saw an opportunity and they did.
3

4 Common sense, I don't know. But I know common sense
5 beyond a reasonable doubt, especially in this situation.
6 I don't have to prove my case -- we don't have to prove
7 our case beyond any doubt; beyond a reasonable doubt.

8 This is a closed courtroom. If somebody walks in
9 that door dripping wet with an umbrella shaking it out,
10 and you've heard a lot of sounds outside, common sense
11 says it's raining outside.

12 Could it be a movie crew out there simulating rain?
13 It could. But beyond a reasonable doubt you know, from
14 the circumstances from what you see there, it's raining
15 outside. Not probably, it is.

16 In this situation the bullet, the gun, the DNA, the
17 trophy taken from Mr. Means, you add them up. Armed
18 robbery, murder; common scheme or plan.

19 The hand of one hand is the hand of all in this
20 case. They're both guilty of murder. They're both
21 guilty of armed robbery. Thank you.
22
23
24
25

JURY CHARGE

Page 200

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

JURY CHARGE

9:51 A.M.

THE COURT: Ladies and gentlemen, that completes the closing arguments made by the attorneys. And I told you that, when we reached this stage of the proceedings, it would be my responsibility to charge you concerning the law to be applied in this case.

When we began this case earlier in the week, I went over with you the indictments in this case. I'm going to go over with you again these indictments.

Those are the documents that bring the case before the Court. It informs this Court of the charges that are to be tried in this trial. It informs the Defendant of the charges that have been lodged against the Defendants in this case.

The first indictments that I will go over with you are those involving Mr. Anderson. The indictment numbers are 11-GS-42-5097 and 5098. 5097 is for the offense of armed robbery.

That indictment states that, "Charles L Anderson did, in Spartanburg County on or about April 7, 2011, commit a robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon

JURY CHARGE

Page 201

1 or while alleging, either by action or words that he was
2 armed while using a representation of a deadly weapon or
3 any object which a person present during the commission
4 of the robbery reasonably believed to be a deadly weapon;

5 "And did feloniously take from the person or
6 presence of Stephen Means by force, violence, and/or
7 intimidation, goods or monies of Stephen Means, to wit:
8 jewelry, cell phone, and dental gold, all with the intent
9 to deprive the owner permanently of such property in
10 violation of code section 16-11-330(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. The second indictment
15 -- and this case number 5098 -- is for the offense of
16 murder.

17 That indictment states that, "Charles L. Anderson,
18 Jr., did in Spartanburg County, on or about April 7,
19 2011, feloniously, willfully, and with malice
20 aforethought caused the death of Stephen Means by
21 shooting the victim with a handgun.

22 "And that the victim died as an proximate result
23 thereof, all in violation of Section 16-3-310 and 20 of
24 the Code of Laws of South Carolina, 1976 as amended,
25 against the peace and dignity of the State and contrary

JURY CHARGE

Page 202

1 to the statute in such case made and provided."

2 Those are the two indictments that are before the
3 Court as it relates to Mr. Anderson. The two indictments
4 that relate to Ms. Hollis are for the same two offenses.

5 They are indictments number 11-GS-42-5110 and 5111.
6 5110 is for the offense of armed robbery.

7 It alleges that she did, "...in Spartanburg County,
8 on or about April 7, commit a armed robbery while armed
9 with a deadly weapon."

10 I'm not going to read it to you in particular. It
11 reads exactly in the particulars as did Mr. Anderson's.

12 The other indictment is for the offense of murder.
13 It's case number 2011-GS-5111. And, again, it alleges
14 that, "Lauri Danielle Hollis did in Spartanburg County,
15 on or about April 7, 2011, willfully, feloniously and
16 with malice aforethought, caused the death of Stephen
17 Means by shooting the victim with a hand gun."

18 Now those indictments will be given to you. And you
19 will have them back in the jury room during your
20 deliberations. You'll have the right to study them at
21 that point in time and go over them in the particulars.

22 Now I'm going to remind you the fact that a
23 defendant has been arrested, has been charged, and even
24 indicted in this case, those facts don't constitute
25 evidence in this case and cannot be considered by you as

JURY CHARGE

Page 203

1 evidence of guilt in this matter.

2 Nor does the fact that an indictment has been issued
3 create any presumption or inference of guilt.

4 These are simply the documents that bring the case
5 before the Court. Again, it informs us of the charges to
6 be tried. It informs the Defendant of the charges that
7 have been lodged against the Defendants in this case.

8 Now in a case where you have multiple charges, more
9 than one indictment charging a particular defendant with
10 more than one crime, each indictment constitutes a
11 separate and distinct offense.

12 That means you, the jury, must decide each
13 indictment separately on the evidence and the law that
14 applies to that particular indictment.

15 A defendant can be convicted or acquitted on any or
16 all of the offenses that have been charged. And you'll
17 be asked to write a separate verdict of either guilty or
18 not guilty as to each of the indictments and as to each
19 defendant in the case.

20 And I'm going to instruct you that, when you reach a
21 verdict in this case, your verdict must be based upon the
22 law and the evidence presented during the trial.

23 It cannot be based on any passion, vindictiveness,
24 sympathy, or other emotion.

25 Now I'm going to charge you that where two defendants

JURY CHARGE

Page 204

1 have been charged with the commission of crimes, the case
2 of each defendant and the evidence and the law concerning
3 that defendant should be considered by you separately and
4 individually.

5 Your verdict does not have to be the same for both
6 defendants. In fact, you may find one defendant guilty
7 or not guilty and whether or not you do that, it should
8 not control your verdict as to the other defendant or the
9 other charges against that defendant.

10 If the evidence warrants it, you may convict one and
11 acquit the other, or you may convict both or you may
12 acquit both.

13 Again, you must consider each defendant and each
14 charge separately on the evidence and the law that
15 applies to that particular charge and to that particular
16 defendant. And, again, you'll write a separate verdict
17 of guilty or not guilty as to each defendant on each
18 charge.

19 Now I told you, at the beginning of the trial, the
20 Defendants have pled not guilty to the indictments that
21 are before the Court.

22 That plea, under the law and the Constitution of
23 this State and of the United States, places the burden of
24 proof upon the State in this matter.

25 A person charged with the commission of a criminal

JURY CHARGE

Page 205

1 offense in South Carolina is never required to prove
2 himself or herself innocent of that charge.

3 I charge you it's an important rule of law that a
4 defendant in a criminal case, no matter what the
5 seriousness of the crime might be, will always be
6 presumed to be innocent of the crime for which an
7 indictment has been issued unless and until guilt has
8 been proven to you, the jury, by evidence that satisfies
9 you of that guilt beyond a reasonable doubt.

10 The presumption of innocence doesn't end when you
11 began your deliberations. It accompanies the defendant
12 throughout the trial and into your deliberations until
13 such time as you reach a verdict based upon the law and
14 the evidence in this case and you find that the defendant
15 is guilty of the crime beyond a reasonable doubt.

16 Now the presumption of innocence has been described
17 sometimes like the robe that I wear into the courtroom.
18 It remains about the defendant's shoulder as the trial
19 begins. And it accompanies the defendant throughout the
20 trial.

21 It remains about the defendant's shoulders into your
22 deliberations. It stays about the defendant's shoulders
23 until such time as it has been stripped from him by
24 evidence that satisfies you of the defendant's guilt
25 beyond a reasonable doubt.

JURY CHARGE

Page 206

1 Now the presumption of innocence is not just a legal
2 theory. I hope you realize that; it's not just a legal
3 phrase. It's a substantial right that every defendant is
4 entitled to until you, the jury, are satisfied of the
5 defendant's guilt beyond a reasonable doubt.

6 Now you've heard me already talk about proof beyond
7 a reasonable doubt about three (3) times, maybe four (4)
8 times in what I've told you thus far. You might be asking
9 yourself, "Well just what -- what is meant or what is the
10 meaning of a reasonable doubt?

11 What -- what is a reasonable doubt? The law has
12 defined a reasonable doubt as that kind of doubt which
13 would cause a reasonable person to hesitate to act.

14 And the State has the burden of proving the
15 defendant's guilt of the charges or the indictments
16 before the Court beyond a reasonable doubt.

17 Now I'm going to caution you, and I don't want you
18 to be confused by this. There are two types of cases
19 generally that are tried in the courts of this country.

20 There are cases criminal in nature where someone is
21 charged with the commission of a crime.

22 And then there are cases civil in nature. That's
23 where someone is seeking monetary damages. And that can
24 be for a -- a breach of a contract or failure to pay a
25 debt or someone injured someone by their actions and have

JURY CHARGE

Page 207

1 to pay for the damages they caused. That is what is
2 meant by a civil case.

3 And there's two different standards of proof
4 depending on the type of case that is before the Court.
5 In a civil case, the standard of proof is by the greater
6 weight or the preponderance of the evidence.

7 What that means is, you've all seen the scales of
8 justice, it means those scales tilting ever so slightly
9 in favor of a plaintiff or the person complaining or ever
10 so slightly in favor of the defendant.

11 And, when they tilt ever so slightly one way or the
12 other in a civil case, that side is entitled to a
13 verdict.

14 Criminal cases are different. The standard of proof
15 in this case is by the -- beyond a reasonable doubt.
16 It's a more powerful standard of proof than that in a
17 civil case.

18 Proof beyond a reasonable doubt is that kind of
19 proof that would leave you firmly convinced of the
20 defendant's guilt.

21 And I'm going to tell you there's few things that go
22 on in people's lives that can be proven beyond any doubt
23 whatsoever. And that's not the standard of proof that
24 the State is -- is held to in this case. They do not
25 have to offer proof that overcomes every possible doubt.

JURY CHARGE

Page 208

1 I will tell you that, if after your consideration of
2 the evidence, if you are firmly convinced of the
3 defendant's guilt beyond a reasonable doubt, you must
4 find the defendant guilty.

5 However, on the other hand, if you think there's a
6 real possibility that the defendant is not guilty, you
7 must give the defendant the benefit of that doubt and
8 find the defendant not guilty.

9 Now, at the beginning of the trial, I tried to point
10 out to you that you and I have certain duties to perform
11 in the trial. And they are separate and distinct from
12 each other.

13 As the trial judge, it's been my responsibility to
14 preside over the trial of this case. I've had the duty
15 of ruling on certain questions concerning the
16 admissibility of evidence or the appropriateness of
17 questions that have been asked or -- or things that might
18 have been said.

19 And I will tell you that you can only consider the
20 competent evidence and information allowed into the
21 record before you.

22 And, if there was any matter that I ordered stricken
23 from the record in this case, you must disregard that
24 matter in its entirety.

25 Those matters that I ordered to be stricken from the

JURY CHARGE

Page 209

1 record of this case should not even be discussed by you
2 in reaching a verdict in this case.

3 You are to decide the case based upon the evidence
4 that's been admitted into the record, including the sworn
5 testimony and whatever evidence came into the record
6 that's been admitted into that record through that
7 testimony.

8 Now I have the additional duty now of charging you
9 concerning the law in this case. And I told you, at the
10 beginning of the trial, you're the sole judges of the
11 facts; I'm the sole judge of the law in this case.

12 It's your responsibility, under the oath that you've
13 taken as jurors, to take the law as I give it to you and
14 accept it. And, then, apply it to the facts as you find
15 them to be during your deliberations.

16 And, again, if you came into the courtroom with any
17 idea or notion as to what the law is or somehow what the
18 law ought to be, you should leave those notions outside
19 of the jury room because it's your responsibility to take
20 the law as it is and as I give it to you and apply it to
21 the facts as you find them to be in this case.

22 Now I told you also that, in every case tried before
23 this Court in which a jury is participating, the jury is
24 the sole and exclusive judge of the facts in this case.
25 As a trial judge, I can't indicate or state or comment or

JURY CHARGE

Page 210

1 make any statement that -- concerning the facts in this
2 case.

3 And I will tell you, you should not take from
4 anything that I say or do during -- in the execution of
5 my duties in this case, to somehow indicate to you that I
6 have a preference one way or the other as to how you
7 determine the facts in this case.

8 The law doesn't allow me an opinion concerning the
9 facts. And I can assure you I have no opinion as to how
10 you determine the facts in this case. You are the sole
11 judges of the facts in this matter.

12 So, if there's anything that I say or do even during
13 my -- my charge concerning the law, that you somehow
14 think indicates a preference on my part, disregard that
15 notion in its entirety.

16 Because it's your duty as jurors to determine the
17 effect, the value, the weight, and the truth of the
18 evidence that's been presented to you during this trial.

19 Now in doing that I'm going to tell you that you
20 have the right to consider two types of evidence.

21 And you may ask yourself, "Well, what do you mean by
22 types of evidence?" And let me see if I can explain it
23 to you.

24 The law classifies evidence into two types of
25 evidence. One is referred to as direct evidence. The

JURY CHARGE

Page 211

1 other type of evidence is what is referred to as
2 circumstantial evidence.

3 Now direct evidence is testimony of a person who
4 claims to have actual knowledge of a fact, such as
5 someone who claims to have been an eyewitness or actually
6 experienced or heard or saw or smelled or somehow
7 directly experienced the facts about which they are
8 testifying.

9 And that's what we mean by direct evidence, someone
10 directly -- testifying directly on the fact that's sought
11 to be proven.

12 The other type of evidence that a jury has the right
13 to consider is what we refer to as circumstantial
14 evidence.

15 Now circumstantial evidence has been described as
16 proof of a -- of a chain of facts or circumstances that
17 indicate the existence of another fact.

18 It's been described as proof of collateral facts
19 from which a main fact could be reasonably inferred.

20 Now that's a lot of fancy language. And I'm going
21 to see if I can't make it a little more commonsensical.

22 I use a very simple example. Let's say last night,
23 when you decided to go to bed, you looked outside your
24 bedroom window and the stars were shining and it was a
25 beautiful night. And you went to bed and slept well all

JURY CHARGE

Page 212

1 night.

2 And got up the next morning and walked over to that
3 same window and looked out and, while the sun might have
4 been shining when you looked outside, there was water
5 dripping from all the trees. The driveway or the road in
6 front of your house was wet or had puddles in it.
7 There's water on the grass.

8 Now during the night you were asleep so you didn't
9 hear it rain. You didn't see it rain, but from the facts
10 that you know to be true, collateral facts, you can
11 reasonably infer that at sometime that main fact, that it
12 rained during the night, is true.

13 So that's what we mean of proof of collateral facts
14 from which you could reasonably infer the existence of
15 some other fact.

16 Circumstantial evidence therefore is based on
17 inference. It's not based on personal knowledge or
18 observation.

19 The law makes absolutely no distinction between the
20 weight or the value that you, the jury, can give to
21 either direct or circumstantial evidence.

22 You're the sole judges of the facts and you're the
23 sole judges of the weight you choose to give to the facts
24 as you find them to be, that includes both direct and
25 circumstantial evidence.

JURY CHARGE

Page 213

1 Nor is there a greater degree of certainty required
2 of circumstantial evidence than that of direct evidence.
3 I'm going to tell you as jurors you should weigh all of
4 the evidence in the case, both direct and circumstantial.

5 And I'll tell you if, after weighing all of the
6 evidence in the case, if you're not convinced of the
7 defendants guilt beyond a reasonable doubt, you must find
8 the defendant not guilty.

9 On the other hand, if -- if you're firmly convinced
10 of the defendant's guilt beyond a reasonable doubt, you
11 must find the defendants guilty.

12 Now, in doing your job as jurors, I told you, at
13 beginning of the trial, and I want to reemphasize that
14 it's your duty and responsibility to determine the
15 credibility or the believability of the testimony that
16 you've heard during this case.

17 It's your duty as jurors to analyze and evaluate the
18 evidence, determine which evidence convinces you of its
19 truth.

20 In determining the believability of witnesses who
21 testified in this case, as the sole judges of the facts,
22 you can believe one witness against all the others that
23 testified. You can believe all the others against one.

24 You have the right to believe all, part of, or none
25 of what a witness has told you.

JURY CHARGE

Page 214

1 In determining believability or credibility, I'll
2 tell you again to use your own good common sense in doing
3 so.

4 You have the right to consider factors as to whether
5 or not you believe that the witness exhibited to you
6 some type of interest or bias or prejudice or other
7 motive in the case.

8 You can consider the appearance, the manner of a
9 witness while on the witness stand. Again, use your own
10 good common sense and make a determination of what
11 evidence has convinced you of its believability.

12 So make a determination as to the credibility or the
13 believability of the testimony you've heard in this case.

14 Now there has been some evidence presented that
15 witnesses -- some of the witnesses may have made prior
16 statements which are not consistent with their testimony
17 given during the trial.

18 You may use this evidence to decide whether or not
19 to believe the witness. You may also use that evidence
20 of early -- earlier contradictory statements to determine
21 the truth of those statements or the statements made in
22 court.

23 It's up to you as jurors to decide whether to
24 believe the earlier statements or the testimony given at
25 the time of the trial.

JURY CHARGE

Page 215

1 If a witness is shown to have knowingly testified
2 untruthfully concerning any material matter, you have the
3 right to consider this in determining whether to trust
4 the defendant's [sic] testimony as to other matters.

5 You have the right, as I've told you, to believe all
6 of, part of, or none of what a witness has told you.

7 You can reject all of the testimony of that witness
8 or give all or part of the testimony the weight that you
9 think it deserves. Again, you're the sole judges of the
10 facts and the credibility of the testimony that you've
11 heard.

12 Also during this trial there was a wit -- a person's
13 past criminal record has been brought up concerning their
14 testimony.

15 A past criminal record does not affect the ability
16 of a person to testify during the trial. The past
17 record, if any, can only be considered by you, if at all,
18 in determining credibility or believability. Another
19 factor that you have the right to consider, if you choose
20 to do that.

21 Now one of the theories in this case has been
22 described. It's commonly referred to as the hand of one
23 being the hand of all.

24 And if a crime is committed by two -- by more -- two
25 or more people, who are acting together in committing a

JURY CHARGE

Page 216

1 crime; the act of one becomes or is the act of all.

2 A person who joins with another to commit an
3 unlawful act is criminally responsible -- responsible for
4 everything done by the other person which happens as a
5 probable or natural consequence of the act in carrying out
6 the common plan and/or purpose.

7 For example, I will tell you two people can be found
8 guilty of killing another person when only one of the two
9 had a gun. And when there was only one bullet and only
10 one of the two fired the shot that caused the death if
11 two or more people are together, acting together,
12 assisting each other in the commission of the offense.

13 Then the act of one is the act of all or as
14 sometimes has been said, the hand of one is the hand of
15 all.

16 Now prior knowledge that a crime is going to
17 committed -- be committed without more is not sufficient
18 to make a person guilty of the crime.

19 Mere knowledge that another person is going to
20 commit a crime, even if the defendant is present when the
21 crime is committed, is not sufficient to convict the
22 defendant as a principal.

23 Guilt as a principal, that means someone who is
24 actually acting in the case, is shown by actual or
25 constructive presence at the scene as a result of a prior

JURY CHARGE

Page 217

1 arrangement.

2 Therefore, a finding of a prior arrangement, plan,
3 or common scheme is necessary for a finding of guilt as a
4 principal. The State must prove, beyond a reasonable
5 doubt by competent evidence, the theory of the hand of
6 one is the hand of all.

7 Now a principal in a crime is one who actually
8 commits the crime or who is present, aiding, abetting, or
9 assisting in the commission of the crime.

10 When a person does an act in the presence of, and
11 with the assistance of another, the act is done by both.

12 Where two or more are acting with a common plan or
13 intent are present at -- at the commission of a crime, it
14 does not matter who actually commits the crime; all are
15 guilty. The hand of one then becomes the hand of all.

16 Presence -- presence at the commission of a crime
17 needs to be sufficiently near it as to aid, abet, and
18 assist in the commission of the crime.

19 However, mere presence at the scene of the crime is
20 not sufficient to convict one as a principal of the
21 theory of aiding and abetting.

22 Intent is also a necessary element or there must
23 have been a common design or intent to commit the crime.

24 The crime must have been committed pursuant thereto
25 with the person aiding and abetting by some overt act.

JURY CHARGE

Page 218

1 Intent means intending the result which actually occurs,
2 not by accident or involuntarily.

3 Intent may be shown by acts and conduct of the
4 defendant and other circumstances from which you may
5 naturally and reasonably infer intent.

6 The State must prove the elements of the hand of one
7 is the hand of all beyond a reasonable doubt. And,
8 again, I've told you that mere presence at the scene of a
9 crime is not sufficient to prove someone guilty of a
10 crime.

11 A defendant's presence at a crime where a crime is
12 being committed or mere association with a person who
13 commits a crime does not make the defendant an accomplice
14 or an aider or an abetter of the person committing the
15 crime.

16 Now, as we go through this, I'm just -- I'm going to
17 go over some things that I want to be sure you -- they
18 have been defined to you, as -- as best I can define them
19 before I talk about the specific charges in this case;

20 Because when I talk about the specific charges,
21 you'll hear these phrases used. And they may be actually
22 elements or -- or things that have to be proven before
23 the crime can be shown.

24 One of the things I want to be sure you understand
25 is what is meant under the law by a deadly weapon because

JURY CHARGE

Page 219

1 both of these offenses, for both defendants, involve an
2 allegation that they used a deadly weapon in the
3 commission of a crime.

4 For the charges of murder and armed robbery, it's
5 important that you understand the legal meaning of the
6 phrase, "deadly weapon." A deadly weapon is an article
7 or instrument or substance which is likely to cause death
8 or great bodily harm.

9 Whether an instrument has been used in a particular
10 event as a deadly weapon depends on how you determine the
11 facts and circumstances of the case.

12 The following are examples of instruments which have
13 been found in other cases to be a deadly weapon depending
14 on the circumstances as you determine them in each case.

15 Such things as a pistol, a shotgun, a rifle, a dirk,
16 a dagger, a knife, a slingshot, metal knuckles, a razor,
17 gasoline, fire bombs, even lighter fluid have been
18 determined in cases to constitute deadly weapons.

19 Again, it depends on how the item is used and the
20 facts and circumstances of the case as you determine
21 those facts and circumstances to be.

22 Now I want to go over with you the charge of armed
23 robbery. Both defendants, each defendant, is charged
24 with armed robbery.

25 And, in order to prove this offense, the State must

JURY CHARGE

Page 220

1 first prove, beyond a reasonable doubt, that the
2 defendant took personal property from the presence or
3 person of another person.

4 Property in the presence of a person is within that
5 person's reach or observation or control so that the
6 person could, if not overcome by violence or prevented by
7 fear -- or fear, keep possession of their property.

8 The State must also prove, beyond a reasonable
9 doubt, that a defendant charged with this crime carried
10 the property away intending to permanently deprive the
11 owner of the property and to keep the property for the
12 defendant's own use.

13 The slightest removal of property or the complete
14 possession of the property, if even for an instant by a
15 defendant, is sufficient to show a taking and carrying
16 away.

17 Taking and carrying away of property must have been
18 done with violence or by putting the owner in fear of
19 violence.

20 Finally the State must prove, beyond a reasonable
21 doubt, that the defendant was armed with a deadly weapon
22 during the robbery.

23 And I've already defined to you what is meant by a
24 deadly weapon. It depends upon the facts and
25 circumstances of each case as I stated to you earlier.

JURY CHARGE

Page 221

1 I will charge you that a defendant, if a defendant
2 is found in possession of recently stolen goods, that
3 fact can be used as evidence that the defendant stole the
4 goods.

5 This would simply be an evidentiary fact. It should
6 be taken into consideration by you and considered along
7 with all the other evidence in the case.

8 You give it the weight you think it should have and
9 decide, as I've charged you, in weighing any evidence in
10 the case.

11 The next charge I want to talk to you about is
12 murder. The State must prove, beyond a reasonable doubt,
13 that the defendants killed another person with malice
14 aforethought.

15 Now "malice aforethought" is a legal phrase again.
16 And I'm going to try to define that so you'll
17 understand what is meant by malice aforethought.

18 Malice is hatred or ill will or hostility toward
19 another person. It's the intentional doing of a wrongful
20 act without just cause or excuse, with an intent to
21 inflict an injury, or under circumstances where the law
22 might infer an evil intent.

23 Malice aforethought does not require that this
24 malice exist for any particular length of time before the
25 act is committed.

JURY CHARGE

Page 222

1 But malice must exist in the mind of the defendant
2 just before and at the time the act was committed.
3 Therefore, there must be a combination of the previous
4 evil intent and the act.

5 Malice aforethought can either be expressed or
6 inferred; in other words, proved by circumstantial
7 evidence.

8 These terms "expressed" and "inferred" malice do not
9 mean different kinds of malice. It, however, refers to
10 -- to the manner in which malice might be shown to have
11 existed.

12 That is either by direct evidence or by inference
13 from the facts and circumstances which have been proven.

14 Express malice is shown when a person speaks words
15 which express hatred or ill will for another person. Or
16 when the person prepares beforehand to do the act which
17 was later accomplished.

18 For example, lying in wait for a person or any other
19 act done in preparation to show that the deed was within
20 the defendant's mind, would be an expression of expressed
21 malice.

22 Malice can be inferred from conduct showing a total
23 disregard for human life. Inferred malice may also arise
24 when a deed was done with a deadly weapon. And I've
25 defined to you what is meant by a -- a deadly weapon

JURY CHARGE

Page 223

1 under the law.

2 Now, ladies and gentlemen, in this case your
3 verdicts must be unanimous. That means each and every
4 one of you must agree upon the verdict in the case as to
5 each indictment and as to each defendant unanimously.

6 And the verdict does not -- you have not reached a
7 verdict until such time as you been able to reach
8 unanimity as to each indictment in the case.

9 Ms. McCurry, if you would, raise your hand, please?

10 (The juror raised her hand.)

11 THE COURT: You're going to be the foreperson of
12 the jury. That means that you will be the person who is
13 responsible to preside over the deliberations of the jury
14 as they go forward.

15 You'll conduct the discussions. Now, if during the
16 discussions, the jury has a question concerning any matter
17 in the case, I'm going to ask you to write the question
18 down, knock on the door, submit it to the bailiff.

19 The bailiff will bring the question to me. And I'll
20 determine the appropriate answer.

21 I'm going to tell you now that I can't answer each
22 and every question you may have during your
23 deliberations.

24 I've already told you, I can't become involved in
25 your decisions concerning the facts in this case. Those

JURY CHARGE

Page 224

1 are your decisions and yours alone.

2 I can answer questions concerning my charge on the
3 law, the procedure that we followed, certain questions
4 about the evidence that had been -- that has been put
5 into the case.

6 However, Ms. McCurry, I'm not going to ask you to
7 edit any question the jury may have. What I would ask
8 you to do is get the jury to agree on the question itself
9 so that you submit either one or several questions, but
10 they agree on the form of the question.

11 Submit it to me and I'll determine the appropriate
12 answer that I should give -- should be giving to that
13 particular question.

14 Also, ma'am, it will be your responsibility to
15 record the verdicts once the verdicts have been reached.
16 And I'm going to give you a form in just a few minutes
17 and go over the form with you so that -- and that's as to
18 each defendant -- and go over the form so I'm sure that
19 you understand it.

20 You should only record the verdict once an unanimous
21 verdict has been reached on the questions presented to
22 you.

23 Now once you've completed your work and all verdicts
24 have been reached, you would knock on the door and inform
25 the bailiff that the verdicts have been reached. And the

JURY CHARGE

Page 225

1 jury would be then returned to the courtroom to receive
2 the verdicts.

3 Now, as I've told you, your verdict must be
4 unanimous. That means each and every one of you has an
5 equal say in the outcome of the case. And, again, a
6 verdict cannot be reached until unanimity has been
7 reached.

8 Now, I've gone over a lot of things with you. I
9 want to be sure I haven't misspoken during my charge
10 concerning the law.

11 Also there's a great deal of evidence in the case
12 and that evidence will be allowed to go back into the
13 jury room with you. So I want to be sure only the
14 evidence that went into the record goes back there and
15 not anything else.

16 So we've got some housekeeping matters that I have
17 to do with the attorneys before I ask you to begin your
18 discussions.

19 So, Madam Forelady, I'm going to ask you to take the
20 jury back to the jury room. Don't begin any discussions
21 about this case at this time.

22 I'll bring you back into the courtroom shortly and
23 give you your final instructions. And at that time the
24 case will be turned over to you for deliberations.

25 So if you'll retire to the jury room. Thank you

JURY CHARGE

Page 226

1 very much.

2 (The jury exited the Courtroom at 10:25 a.m.)

3 THE COURT: Any objection to the charge from the
4 State?

5 MR. GRAY: None, Your Honor.

6 THE COURT: Any Mr. Thompson for Mr. Anderson?

7 MR. THOMPSON: None, Your Honor.

8 THE COURT: Any Mr. McCarty?

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

10 THE COURT: All right. I'm going to ask that the
11 attorneys come forward and segregate if you would, move
12 over to one side, the evidence so that we're sure what's
13 going back to the jury, please.

14 MR. GRAY: Yes, sir.

15 THE COURT: And reach an agreement as to what is
16 going back, please.

17 (Pause while the attorneys checked the exhibits.)

18 (Off-the-Record Comments)

19 THE COURT: If you'll step up, gentlemen, and take
20 a look at the verdict form. I've put them on the bench
21 here.

22 (Brief pause while the attorneys check the verdict
23 forms.)

24 THE COURT: All right. On the record, Mr. Gray, do
25 we have an agreement as to the exhibits that are going

JURY CHARGE

Page 227

1 back?

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

3 THE COURT: Mr. Thompson?

4 MR. THOMPSON: Yes, Your Honor.

5 THE COURT: And Mr. McCarty?

6 MR. MCCARTY: We are, Your Honor.

7 THE COURT: Any objection to the verdict form, Mr.
8 Gray?

9 MR. GRAY: No, sir.

10 THE COURT: Mr. Thompson?

11 MR. THOMPSON: No, Your Honor.

12 THE COURT: Mr. McCarty?

13 MR. MCCARTY: No, Your Honor.

14 THE COURT: All right. Bring the jury in.

15 (The jury was summoned and entered the Courtroom at
16 10:32 a.m.)17 THE COURT: Ladies and gentlemen, and Madam
18 Forelady, the first thing I'm going to do is I'm going to
19 hand them to you, if you will take care of that for me,
20 Mr. Ruth.

21 BAILIFF: Yes, sir.

22 THE COURT: Those are the indictments in this case.
23 And I told you those would be submitted back to you for
24 your consideration. And, Mr. Ruth, if you'll hand these
25 documents to Ms. McCurry.

JURY CHARGE

Page 228

1 (Bailiff complied with the Court's request.)

2 THE COURT: These are the verdict forms. And let's
3 just go over them briefly so you'll understand. I think
4 they are fairly self-explanatory, but let's be sure.

5 At the top it will have the state and county that
6 we're in, the court that we're in, and also indicate the
7 State against either Mr. Anderson or Ms. Hollis.

8 As to each Defendant it identifies the indictment
9 numbers against them. There are two charges against each
10 Defendant, one for armed robbery and one for murder.

11 So there's two different questions on the verdict
12 form. And -- and it'll identify the charge, the
13 indictment number, and, then, it'll have a choice of
14 either not guilty or guilty.

15 I would ask that you either put an "X" or a check in
16 the blank line adjacent to the appropriate verdict once
17 the verdict has been reached.

18 And, ladies and gentlemen, let me caution you: The
19 order in which I have put those choices on that form,
20 don't think that somehow indicates a preference on my
21 part.

22 I want to be sure that you understand that I've been
23 doing this for several years and every verdict form I've
24 ever done the choices are the same on each one.

25 So there's no preference. It's just the way I do

JURY CHARGE

Page 229

1 it. And so don't think that I'm trying to indicate
2 somehow a preference as to the verdict by the way I have
3 prepared the forms. The forms are prepared the same in
4 every case.

5 So, if you would, check the appropriate verdict once
6 a verdict has been reached on the charges. Once the form
7 has been completed, I'd ask that sign it.

8 And that's when you would knock on the door, inform
9 the bailiff that the verdict has been reached. Then
10 we'll ask you to come back once all verdicts have been
11 reached.

12 Now the evidence in this case has -- has been
13 placed. There's -- that big box was used for a piece of
14 evidence, and we put all the evidence in that box. It's
15 in evidence as well, the box.

16 There is a computer that's going to be given to you.
17 It is a clean computer. It has nothing on it other than
18 the ability to play the DVD that's in there that was
19 shown at the beginning of the trial.

20 If you feel the need to see that, you should be able
21 to operate it. If you have any difficulty, again, knock
22 on the door, let the bailiff know, and we'll give you
23 some technical help to -- to play it.

24 It's -- it's fairly self explanatory. I'm sure
25 somebody on the -- on the jury will be able to get that

JURY CHARGE

Page 230

1 played for you on that computer. It's -- it's a fairly
2 simple way to do that.

3 So, that's available. You can watch it if you need
4 to do it. That computer is there for that purpose.

5 All right. At this point in time, I'm going to ask
6 that the two alternates to remain seated. I'm going to
7 ask that the jury itself retire to the jury room to begin
8 deliberations.

9 Let me caution you about just a couple of things
10 that can happen during deliberations.

11 I -- I can and will allow smokers to leave the room
12 while you are deliberating, but while they're gone, Madam
13 Forelady, deliberations must cease. Don't discuss the
14 case at all until they have returned.

15 In other words, all jurors must be present for any
16 deliberations that go on, on any subject in the case.

17 So, if that were to happen -- we won't let those
18 breaks happen very often, but we will allow that to
19 occur.

20 When we get to noon or a little after, if you are
21 still in deliberation, then, we'll inquire of the
22 foreperson as to whether or not you feel that lunch
23 should be ordered.

24 I will tell you it takes about an hour to an hour
25 and 15 minutes to order it, pick it up, and bring it back

JURY CHARGE

Page 231

1 to the courthouse.

2 So be aware of that. And, at any time you feel you
3 need that, let us know. But, when the person from the
4 clerk's office comes in to take a -- a meal order, again,
5 don't do any deliberating or discussion of the case while
6 that person is present.

7 Place your order, get that business finished, let
8 them leave, and then resume your deliberations. In other
9 words, discussions about the jury are among the jury;
10 other people may not be present while that's occurring.
11 So don't allow that to happen when we're were doing that.

12 Later on, if we get -- and I don't know that we'll
13 go that far -- but if we were to get to around 5:00 to
14 5:30, we'll have some discussions with you as to how you
15 wish to proceed at that point in time. So we'll talk
16 about that later if it comes up.

17 So, at this point in time, I'm going to ask the two
18 alternates to remain seated. I'm going to ask the jury
19 to retire and begin your deliberations in the case.
20 Thank you very much.

21 (The jury exited and began their deliberations at
22 10:35 a.m.)

23 (Off-The-Record Comments)

24 (Whereupon, the two alternates were excused.)

25 THE COURT: Any objection to my final instructions

JURY QUESTIONS

Page 232

1 from the State?

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

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

4 MR. THOMPSON: No, Your Honor.

5 THE COURT: Mr. McCarty?

6 MR. MCCARTY: No, sir.

7 THE COURT: All right. We will be in recess until
8 such time as a verdict is reached in this matter.

9 (Off-The-Record Comments)

10 THE COURT: All right. At this point in time, the
11 Court is in recess until such time as a verdict might be
12 reached. Thank you very much.

13 MR. GRAY: Thank you, Your Honor.

14 (Recess in the case began at 10:40 p.m.)

15 (Off-The-Record Comments)

16 (Another trial was begun while the jury was
17 deliberating.)

18 (The jury had a question at 11:36 a.m.)

19 THE COURT: I'll ask the attorneys to approach
20 briefly.

21 (Whereupon, a bench conference was had with all
22 attorneys present.)

23 (Off-the-Record Comments)

24 (Brief pause while the Defendants were brought back
25 into the Courtroom.)

JURY QUESTIONS

Page 233

1 THE COURT: All right. I have received an inquiry
2 from the jury. And at this time I'm going to ask the
3 bailiff to return the jury to the Courtroom.

4 (The jury was summoned and returned to the
5 courtroom at 11:42)

6 THE COURT: All right. Madam Forelady, I have
7 received an inquiry from you and it says, "Can we get a
8 copy of the testimonies of," and it names Molly Bogan,
9 Mr. Means' cousin, the -- the detectives that found the
10 shirt of Ms. Hollis, Mr. Crain, and Mr. Means' sister.

11 Let me explain to you how court reporting is done.
12 We keep -- the -- the court reporters take down an audio
13 recording. And she also repeats everything that's said
14 on an audio recording.

15 But there are no printed transcripts at this point
16 in time. That would be done after the trial has been
17 completed at a later date. So there is no written form
18 for that -- that testimony that we can provide to you.

19 We can play the recordings, however, if we replay
20 all of these, this is a good bit of the trial. And I'm
21 not sure -- and I don't want to know what you're looking
22 for in particular from that testimony.

23 If there are particular things that you'd like to
24 hear from the testimony, we can make arrangements to get
25 that ready, but that would take some time as well.

JURY QUESTIONS

Page 234

1 So I'm not discouraging you from making the request,
2 I am encouraging you, if at all possible, to narrow the
3 request because otherwise we'll start playing the entire
4 transcript over again it looks like, or pretty much all
5 of it.

6 And I don't know if that's what you need or not. So
7 I'm going to ask you to go back and discuss it with your
8 fellow jurors.

9 Of course, you have -- if you can use your
10 recollection and come to a consensus, that would help as
11 well. But, if you feel that you need to listen to either
12 all of the testimony or portions of the testimony, let us
13 know and we'll need to try to make arrangements to play
14 it.

15 But the recordings that are made are not made as --
16 as audio recordings to be played back. They're made to
17 be played for her to type from. So sometimes it's
18 difficult to get it where it will broadcast so everybody
19 can hear it. But we'll see what we can do about that.

20 So I'm going to ask you to step back, see if you can
21 narrow the request.

22 Also was there a request concerning lunch?

23 MADAM FORELADY: I think we're probably going to
24 need lunch.

25 THE COURT: Okay. So what I'm going to do is I'll

JURY QUESTIONS

Page 235

1 send the clerk in shortly to take a lunch order.

2 MADAM FORELADY: Thank you.

3 THE COURT: Okay? You may return to your
4 deliberations.

5 (The jury exited the courtroom at 11:44 a.m.)

6 THE COURT: Any objection to my response from the
7 State?

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

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

10 MR. THOMPSON: None, Your Honor.

11 THE COURT: Mr. McCarty?

12 MR. MCCARTY: No, Your Honor.

13 THE COURT: All right. The request will be made an
14 exhibit, a Court's Exhibit. And we will remain in recess
15 until such time as we either get a new inquiry or receive
16 a verdict. Thank you very much.

17 (Whereupon, Court's Exhibit Number 1 was marked for
18 identification.)

19 (The jury requested testimony to be played back.)

20 THE COURT: Thank you very much. You can be
21 seated.

22 All right. I've received a request from the jury.
23 It says they would like to hear Molly Bogan's, the
24 prosecutor's questioning, Mr. Crain's testimony, and Mr.
25 Kelly's testimony. And they say, "This is as much as we

JURY QUESTIONS

Page 236

1 could agree to narrow our list."

2 So I'm going to bring the jury in and we'll go over
3 -- play the requested testimony. Yes, sir?

4 MR. MCCARTY: Your Honor, just briefly. I know the
5 request of the jury is that they only play just the
6 prosecution's questioning, but in fairness, and to place
7 the whole testimony in context, if we consider playing
8 the entire testimony.

9 It was not very lengthy. She definitely was not on
10 the stand a long period of time.

11 THE COURT: Mr. Cude, any objection?

12 MR. CUDE: No objection, Your Honor.

13 THE COURT: And, in the interest of completeness, I
14 will direct that we play all of Ms. Bogan's testimony.

15 MR. MCCARTY: Thank you, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (Off-the-Record Comments)

18 (The jury entered the courtroom at 12:25 p.m.)

19 THE COURT: All right. Madam Forelady, we have
20 gotten your request and we've made arrangements to play
21 the testimony that you requested.

22 We're going to do in alphabetical order of these
23 people because that's how it comes up on the computer.
24 So we're going to do it in that fashion.

25 Also, you requested from Molly Bogan, the

JURY QUESTIONS

Page 237

1 prosecutor's questioning. When we play a witness's
2 testimony, generally we replay all of it.

3 MADAM FORELADY: Okay.

4 THE COURT: And so, if you would like to hear Ms.
5 Bogan's, we will play the whole thing.

6 MADAM FORELADY: Okay. Thank you.

7 THE COURT: All right. I'll ask the Court reporter
8 to proceed with playing the tape of the testimony of Mr.
9 Crain, Mr. Kelly, and Ms. Bogan.

10 COURT REPORTER: Ms. Bogan will be first.

11 THE COURT: Mr. Crain will be first?

12 COURT REPORTER: Bogan.

13 THE COURT: Bogan will be first? Okay.

14 (Whereupon, the testimony of Ms. Molly Bogan was
15 played in its entirety for the jury.)

16 THE COURT: Ladies and gentlemen, I'm -- I'm told
17 that your lunch has arrived, so, we'll take a break right
18 now, for about thirty (30) minutes to give you a chance
19 to have your lunch. Then we'll come back and play the
20 other testimony that you requested.

21 You may retire to the jury room.

22 (Off-the-Record Comments)

23 THE COURT: Okay. So everything should be in order
24 for you in the jury room for you to have your lunch. And
25 in about thirty (30) minutes we'll be calling you back to

JURY QUESTIONS

Page 238

1 hear the other testimony. Thank you very much.

2 (The jury exited the Courtroom at 1:06 p.m.)

3 THE COURT: All right. Everyone remained seated
4 while the Defendants leave the Courtroom.

5 (Brief Pause)

6 THE COURT: All right. Court is in recess for
7 about thirty (30) minutes. Thank you very much.

8 (Whereupon, a lunch recess was taken from 1:06 p.m.
9 until 1:33 p.m.)

10 THE COURT: Is the State ready to proceed?

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

12 THE COURT: The Defense, Mr. Thompson?

13 MR. THOMPSON: Yes, Your Honor.

14 THE COURT: And Mr. McCarty?

15 MR. MCCARTY: Yes, sir, Your Honor.

16 THE COURT: All right. Bring the jury in.

17 (Off-the-Record Comments)

18 THE COURT: Okay. Bring the jury in.

19 (The jury entered the courtroom at 1:46 p.m.)

20 THE COURT: All right. The record will reflect
21 the jury has returned to the Courtroom. I hope everyone
22 had a good lunch.

23 At this time we're going to go over the testimony
24 that you requested of Mr. Crain. You may proceed.

25 COURT REPORTER: Thank you.

JURY QUESTIONS

Page 239

1 (The testimony of Mr. Perry Crain was played in its
2 entirety for the jury.)

3 THE COURT: The next testimony will be Mr. Kelly's?

4 COURT REPORTER: Yes, sir.

5 THE COURT: All right.

6 (The testimony of Mr. Anthony Kelly was played in
7 its entirety for the jury.)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, that completes the playing of the testimony that
10 you had requested.

11 At this time, I do want to go back and emphasize
12 just a couple of things for you. I asked you to -- to
13 reduce the list that you had.

14 Of course, if during your deliberations, you feel
15 that you need to hear additional testimony, let us know,
16 and we'll make arrangements to -- to make that available
17 to you.

18 I'm not trying to limit your access to it, but I did
19 want to make you aware of the difficulty it is in doing
20 that and the time that it may take.

21 Also I'd like to -- to go back and talk to you just
22 briefly. During my instructions to you on the law, I had
23 gone over the burden of proof in this case and explained
24 to you that the only burden of proof in this case is upon
25 the State.

JURY QUESTIONS

Page 240

1 And that is to prove the allegations beyond a
2 reasonable doubt. And, in that regard, I also want to be
3 sure that -- that I've instructed to you and emphasized
4 to you the fact that the defendants did not testify in a
5 case is not a factor to be considered by you in any way
6 in your deliberations and in your consideration of the
7 question of the guilt or innocence of a defendant.

8 That fact should not be considered by you in any
9 manner whatsoever. A defendant has a Constitutional
10 Right to remain silent. And the assertion of the right
11 must not be considered by you in -- in your
12 deliberations.

13 And, under your oath as jurors, as I've told you,
14 the burden of proof is solely upon the State. The
15 defendant is never required to prove himself or herself
16 innocent in a case.

17 So you're to draw no conclusion whatsoever from the
18 fact that the Defendants did not testify in this case.
19 Those factors should not even be discussed by you in your
20 deliberations as to whether or not they testified.

21 As I've said, the burden of proof is upon the State.
22 A defendant is not required to prove himself or herself
23 innocent. And the burden of proof remains upon the State
24 to prove guilt, again, beyond a reasonable doubt. So I
25 want to make sure that's clear.

JURY QUESTIONS

Page 241

1 I touched on it during the arguments of counsel.

2 And I think I covered it in my charge, but I wanted to be
3 sure that I emphasized that to you again. Those factors
4 should not be considered by you at all in reaching a
5 verdict in this matter.

6 All right, Madam Forelady, I'm going to ask you to
7 return to your deliberations. And, if you have any other
8 questions, please submit those when they come -- become
9 necessary. Thank you, Ma'am.

10 (The jury exited the courtroom at 2:06 p.m.)

11 THE COURT: Any objections to the response to the
12 question or my charge?

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

14 THE COURT: Any objection, Mr. Thompson?

15 MR. THOMPSON: None, Your Honor.

16 THE COURT: Any, Mr. McCarty?

17 MR. MCCARTY: No, Your Honor.

18 THE COURT: All right. We'll remain in recess in
19 this case then until a verdict is reached. Thank you
20 very much.

21 (Off-the-Record Comments)

22 (The jury had another question at 4:08 p.m.)

23 THE COURT: Thank you very much. You may be
24 seated. I'd ask the attorneys to approach briefly.

25 (Whereupon, a bench conference was had with all

JURY QUESTIONS

Page 242

1 attorneys present.)

2 THE COURT: All right. Bring the jury in, please.

3 (The jury was summoned and entered the courtroom
4 at 4:12 p.m.)

5 THE COURT: All right. The record will reflect
6 that the jury has returned to the courtroom. And you
7 asked, Madam Forelady, to -- for me to please explain
8 again the hand of one is the hand of all.

9 I explained to you earlier during the charge that
10 South Carolina does subscribe to that legal theory or
11 uses that legal theory; that is, that the hand of one is
12 that hand of all.

13 And, if a crime is committed by two more people who
14 were acting together in committing the crime, the act of
15 one is the act of all.

16 A person who joins with another to commit an
17 unlawful act is criminally responsible for everything
18 done by the other person which happens as a probable or
19 natural consequence of the acts done in carrying out the
20 common plan, scheme, or purpose.

21 In other words, two people can be guilty of a crime
22 when only one of them had the means for carrying it out
23 when they both acted together in carrying out the
24 particular crime.

25 So, if two or more people are acting together and

JURY QUESTIONS

Page 243

1 assisting each other in the commission of an offense, the
2 act done by one is the act of all, or it's sometimes
3 said, the hand of one is the hand of all.

4 Prior knowledge that a crime is going to be
5 committed without more is not sufficient to make someone
6 guilty of that crime.

7 Mere knowledge that another person is going to
8 commit a crime, even if the defendant is present when the
9 crime is committed, is not sufficient to convict the
10 defendant as a principal.

11 Guilt as a principal in a crime is shown by actual
12 or constructive presence at the scene of a crime as a
13 result of a prior arrangement.

14 Therefore, a finding of a prior arrangement or plan
15 or a common scheme, is necessary to find someone guilty
16 as a principal.

17 The State must prove, beyond a reasonable doubt, by
18 competent evidence, the theory of the hand of one is the
19 hand of all.

20 Now, a principal in a crime is one who either
21 actually commits the crime or is present aiding,
22 abetting, or assisting in the commission of the crime.

23 When a person does an act, in the presence of and
24 with the assistance of another, the act is done by both.

25 Where two or more, acting with a common plan or

JURY QUESTIONS

Page 244

1 intent are present at the commission of a crime, it does
2 not matter who actually commits the crime; all are
3 guilty. The hand of one is the hand of all.

4 To be present at -- at the commission of a crime
5 means to be sufficiently near so as to aid, abet, and
6 assist in the commission of the crime.

7 However, the mere presence at the scene of a crime
8 is not sufficient to convict one as a principal on the
9 theories of aiding and abetting.

10 Intent is also a necessary element for there must
11 have been a common design or intent to commit a crime.
12 And a crime must have been committed pursuant thereto
13 with the person aiding and abetting by some overt act.

14 Now intent means intending the result which actually
15 occurs. In other words, not accidentally or involuntary.

16 Intent may be shown by acts and conduct of the
17 defendant and other circumstances from which you might
18 naturally or reasonably infer intent. And the State must
19 prove these elements that I've gone over with you beyond
20 a reasonable doubt.

21 Again, the mere presence at the scene of a crime is
22 not sufficient to prove one guilty of a crime. A
23 defendant's presence where a crime is being committed, or
24 mere association with a person who does commit a crime,
25 does not make the defendant an accomplice or an aider or

JURY QUESTIONS

Page 245

1 an abetter of the person committing the crime.

2 The burden on the State is to prove every element of
3 the crime charged in this case.

4 Now that's the charge that I gave you concerning the
5 hand of one is the hand of all. Does that respond to the
6 question, Madam Forelady?

7 MADAM FORELADY: Yes, sir.

8 THE COURT: All right. Then I'll ask you to return
9 to the jury room to continue your deliberations. Thank
10 you very much.

11 (The jury exited the courtroom at 4:16 p.m.)

12 THE COURT: Any objections to my response from the
13 State?

14 MR. GRAY: No, sir.

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

16 MR. THOMPSON: No, sir.

17 THE COURT: Mr. McCarty?

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: All right. The question will be made
20 an exhibit with the Court. I'd ask everyone to remain
21 seated while the Defendants leave the Courtroom.

22 (Whereupon, Court's Exhibit Numbers 3 & 4 were
23 marked for identification.)

24 (Off-the-Record Comments)

25 THE COURT: The Court is in recess until a verdict

VERDICT

Page 246

1 is reached or additional questions are asked. Thank you.

2 (The verdict was reached at 4:55 p.m.)

3 THE COURT: Thank you very much. You can be
4 seated.

5 All right. I've been informed by the bailiff that a
6 verdict has been reached in the case. Is the State ready
7 to receive the verdict?

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

9 THE COURT: Is the Defense ready?

10 MR. THOMPSON: Yes, Your Honor.

11 THE COURT: Mr. McCarty?

12 MR. MCCARTY: Yes, Your Honor.

13 THE COURT: All right. Before the jury comes in, I
14 would like to caution those in the gallery. I know this
15 is been a rather lengthy and emotional trial.

16 We've had some difficulty with people expressing
17 emotions in the Courtroom. I can appreciate that this
18 has been a stressful situation for you.

19 However, I want to caution you: Any type of
20 demonstration, shouting out, any type of noise making by
21 someone in the gallery will be treated by this Court as
22 contempt of court.

23 If you have a difficulty in controlling your
24 emotions in a situation like this, I would urge you to
25 leave the courtroom at this time.

VERDICT

Page 247

1 otherwise, you'll be expected to sit quietly as
2 court proceeds with the reading of the verdict and with
3 whatever business we have to cover after that time.

4 So, if anyone has any difficulty in controlling your
5 emotions in a situation such as this, I would urge you to
6 now leave the courtroom.

7 (Spectators leave the courtroom.)

8 THE COURT: Bring the jury in.

9 (The jury entered the Courtroom at 5:02 p.m.)

10 THE COURT: Madam Forelady, I have been informed by
11 the bailiffs that a verdict has been reached. Is that
12 true?

13 MADAM FORELADY: Yes, sir.

14 THE COURT: Pass the forms to the bailiff, please.

15 (Forelady complied with the Court's request.)

16 THE COURT: Thank you.

17 (Documents handed up.)

18 THE COURT: Madam Clerk, you may publish the
19 verdict, please.

20 MADAM CLERK: Yes, sir. "The State of South
21 Carolina versus Charles L. Anderson, Jr., we, the jury,
22 unanimously find the Defendant, Charles L. Anderson, Jr.,
23 concerning the offense of armed robbery, indictment
24 number 2011-GS-42-5097, guilty.

25 "We, the jury, unanimously find the Defendant,

VERDICT

Page 248

1 Charles L Anderson, Jr., concerning the offense of
2 murder, indictment number 2011-GS-42-5098, guilty."
3 Signed by the foreperson and dated October the 4th, 2011.

4 "We, the jury, unanimously find the Defendant, Lauri
5 Danielle Hollis, concerning the the offense of armed
6 robbery, indictment number 2011-GS-42-5110, guilty."

7 "We, the jury, unanimously find the Defendant, Lauri
8 Danielle Hollis, concerning the offense of murder,
9 indictment number 2011-GS-42-5111, guilty." Signed by
10 the foreperson and dated October the 4th of 2012.

11 Ladies and gentlemen of the jury, is this your
12 verdict and still your verdict? If so, please, raise
13 your right hand.

14 (All jurors raised their right hand.)

15 MADAM CLERK: So say you all.

16 THE COURT: Thank you, Madam Clerk.

17 MADAM CLERK: Yes, sir.

18 THE COURT: Anything further from the State before
19 I release the jury?

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

21 THE COURT: Mr. Thompson, anything from the
22 Defense?

23 MR. THOMPSON: None, Your Honor.

24 THE COURT: Mister ---

25 MR. ANDERSON: Excuse me. This is fucking

VERDICT

Page 249

1 bullshit, nigger.

2 MR. THOMPSON: Shhhh...

3 MR. ANDERSON: Man, fuck that shit, man. I didn't
4 did do fucking murder. I didn't fuck that nigger there.
5 Fuck this shit.

6 THE COURT: Remove him from courtroom. Remove him
7 from the Courtroom.

8 THE DEFENDANT: I ain't no fucking murderer, man.
9 Man, fuck that shit, you and pussy-ass Abel Grabel
10 (phonetic). Fuck-ass nigger. You'll see me when I
11 (inaudible) get me out, nigger.

12 (Mr. Anderson was taken out of the courtroom, but
13 could still be heard making inaudible comments in the
14 hallway.)

15 MR. THOMPSON: I apologize, Your Honor.

16 THE COURT: That's quite all right. Mr. McCarty,
17 anything further from the Defendant, Ms. Hollis?

18 MR. MCCARTY: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, first of all, I want to thank you very much for
21 your service in connection with this case.

22 It's been a long case. And I appreciate your
23 attention to the details that have gone on.

24 I will tell you at this time this ends your service
25 for this week and the bailiffs will be checking you out.

SENTENCING

Page 256

1 THE COURT: Ms. Hollis, I am very familiar with the
2 facts that have been alleged and the verdict of the jury
3 in this matter. It is my sentence in both cases, and the
4 sentences have been run concurrently, that you be
5 confined to the State Department of Corrections for a
6 period of thirty (30) years.

7 I've given you credit for five hundred and forty-
8 three (543) days. Good luck to you, ma'am.

9 MS. HOLLIS: Thank you, sir.

10 (Off-The-Record Comments)

11 MR. MCCARTY: Thank you, Your Honor.

12 THE COURT: Yes, sir. Mr. Thompson?

13 MR. THOMPSON: Your Honor, I've -- I've talked to
14 Officer Zane (phonetic). He informed me they've already
15 transported my client when I got down there.

16 THE COURT: All right. So -

17 MR. THOMPSON: I'd just ask the Court what I need
18 to do next?

19 THE COURT: Well, I want to go ahead and pass
20 sentence at this point in time. I'll ---

21 MR. MCCARTY: Your Honor, may Mr. and Mrs. Moore
22 leave?

23 THE COURT: Yes, they may. They're free to go.
24 Thank you.

25 (Ms. Hollis's family exits the courtroom.)

SENTENCING**Page 261**

1 robbery the sentence of Mr. Anderson is that he be
2 confined to the State Department of Corrections for the
3 period of thirty (30) years.

4 I've run that concurrent with the sentence for
5 murder. And the sentence for murder is life. Give him
6 credit for any time he may have served. Thank you very
7 much.

8 Court is adjourned until tomorrow morning.

9 (whereupon, the proceeding concluded at 5:30 p.m.)

10 END OF VOLUME II
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case Nos. 2011-GS-42-5110 & 2011-GS-42-5111

The State Respondent,

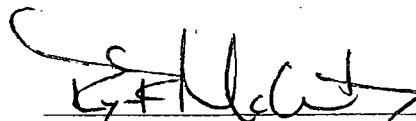
v.

Lauri Danielle Hollis, ... Appellant.

PROOF OF SERVICE

I certify that I served the Notice of Intent to Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on October 08, 2012, addressed to its attorney of record, Abel O. Gray, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

October 8, 2012



RYAN F. McCARTY (#74198)

Burts Turner & Rhodes

P.O. Box 3408

Spartanburg, SC 29304

Ph: (864) 585-8166; Fax (864) 583-6927

Attorney for Appellant

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2012 OCT -8 PM 2:01
M. HOPE BLACKLEY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case Nos. 2011-GS-42-5110 & 2011-GS-42-5111

The State Respondent,

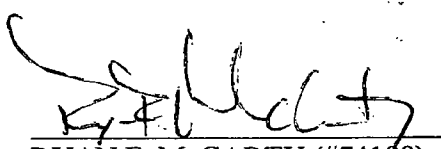
v.

Lauri Danielle Hollis, ... Appellant.

NOTICE OF APPEAL

Lauri Danielle Hollis appeals her conviction and sentence in these cases. The sentence was imposed by the Honorable Roger L. Couch, on October 04, 2012. This appeal is taken from this conviction and sentence and the order of the Honorable Roger L. Couch of October 04, 2012, which denied appellant's motion for a new trial.

October 8, 2012


RYAN F. McCARTY (#74198)

Burts Turner & Rhodes

P.O. Box 3408

Spartanburg, SC 29304

Ph: (864) 585-8166; Fax (864) 583-6927

Attorney for Appellant

Other Counsel of Record:

Abel O. Gray, Esquire
Assistant Circuit Solicitor
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, S.C. 29306
(864) 596-2575
Attorney for Respondent

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2012 OCT -8 PM 2:01
M. HOPE BLACKLEY

WITNESSES

D.B. Stokes

Spartanburg Public Safety Dept

1. SENTENCE MADE

2. REPORT ENTERED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT NUMBER

7. ASSESSMENT
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

M753352

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date:

10/4/12

DOCKET NO.

11-GS-42-5110

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2011

TERM

THE STATE

vs.

Lauri Danielle Hollis

Indictment for

ARMED ROBBERY

SC Code: 16-11-330 (A)

CDR Code: 139

Class FEL/A

2011 AUG 24 PM 1:37

M. HOPE BLACKLEY

A CERTIFIED COPY

M. Hope Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY: [Signature]
DATED 10.8.12

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18 2011

At a Court of General Sessions, convened on _____ the Grand

Jurors of Spartanburg County present upon their oath:

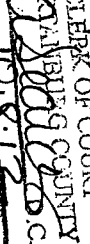
ARMED ROBBERY

That Lauri Danielle Hollis did in Spartanburg County on or about, April 7, 2011, commit a robbery while armed with a pistol, dirk, slingshot, metal knuckies, razor, or other deadly weapon, or while alleging, either by action or words, she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, and did feloniously take from the person or presence of Steven Means by means of force, violence, and/or intimidation, goods or monies of Steven Means to wit: jewelry, cell phone and dental gold, with the intent to deprive the owner permanently of such property in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case

made and provided.


ASSISTANT SOLICITOR

A CERTIFIED COPY
M. Hope Blackwell
CLERK OF COURT
SPARTANBURG COUNTY
BY 
DATED 10.8.12

WITNESSES

Spartanburg City Police Department

1. SENTENCE MADE

2. REPORT ENTERED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

ARREST WARRANT NUMBER

6. CHECKED SIGNATURE

M753355

7. ASSESSMENT
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Foreperson of Petit Jury
Date:

10/4/12

DOCKET NO.

11-GS-42-5111

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 22 2011

TERM

THE STATE

v

Lauri Danielle Hollis

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

2011 AUG 24 PM 1:38

M. HOPE BLACKLEY

A CERTIFIED COPY

M. Hope Blackley

CLERK OF COURT
SPARTANBURG COUNTY
BY: [Signature]
DATED 10.8.12

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18 2011

At a Court of General Sessions, convened on _____, the

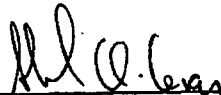
Grand Jurors of Spartanburg County present upon their oath:

MURDER

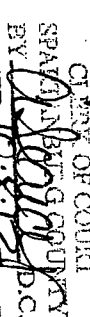
That Lauri Danielle Hollis, did in Spartanburg County on or about April 7, 2011, feloniously, willfully, and with malice aforethought, cause the death of Steven Means by shooting the victim with a handgun, and that the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, *The South Carolina Code of Laws*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such

case made and provided.



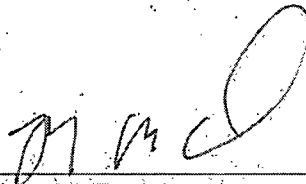
ASSISTANT SOLICITOR

A CERTIFIED COPY
OF THE COURT
CLERK OF COURT
SPARTANBURG COUNTY
BY 
D.C.
DATED 10-8-11

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled, "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 20th, 2014



Robert M. Dudek
Chief Appellate Defender

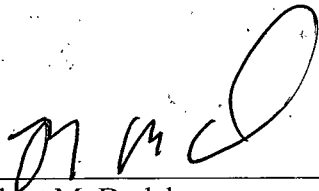
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 20th, 2014



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

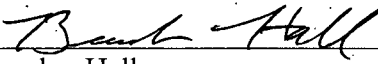
LAURI DANIELLE HOLLIS,

APPELLANT

APPELLATE CASE NO. 2012-213139

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 20th day of February, 2014.

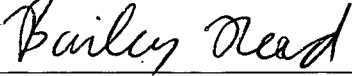

Brandon Hall
Administrative Specialist

RECEIVED

FEB 20 2014

SC Court of Appeals

SUBSCRIBED AND SWORN TO before me
this 20th day of February, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021